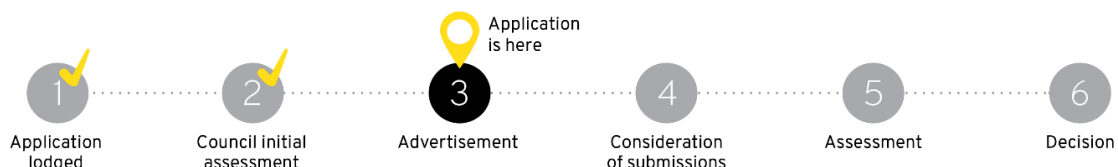


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NOTICE OF AN APPLICATION FOR PLANNING PERMIT



The land affected by this application is located at:	610 & 1/616 Hopkins Point Rd ALLANSFORD VIC 3277
The application is for a permit to:	Two (2) lot re-subdivision
A permit is required under the following clauses of the planning scheme:	
Planning scheme clause	Matter for which a permit is required
Clause:	Clause 35.07-3 (FZ) & 42.01-2(ESO1) - Re-subdivision of two lots
The applicant for the permit is:	DP Planning Pty Ltd
The application reference number is:	PP2026-0107
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:	26 August 2026



The Warrnambool City Council is committed to protecting personal information in accordance with the principles of the Victorian privacy laws. The information provided will be used for the following purposes:

- correspond about the permit application
- if necessary, notify affected parties who may wish to inspect your application so that they can respond
- if necessary, forward your application to a referral authority who must also keep a register available for inspection by any person

The information you provide will be made available to:

- any person who may wish to inspect the application until the application process is concluded, including any review in VCAT
- relevant officers at Council, anyone a party to the application process and other Government agencies or Ministers directly involved in the planning process
- persons accessing information in accordance with the Public Records Act 1973 or the Freedom of Information Act 1982
- Other external parties if required by law

This information is being collected in accordance with the Planning and Environment Act 1987. If all requested information is not received, Council may not be able to process your application or objection.

Do you agree? ☐ Yes ☐ No

The Land

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

Street Address

Unit No.: _____ St. No.: _____ Street name _____

Suburb/locality _____ postcode _____

Formal Land Description

Complete either A or B.

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

or

B Crown Allotment No.: _____ Section No.: _____

Parish/Township Name: _____

The Proposal

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

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

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: \$ _____ 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

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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.

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: _____ Surname _____
Organisation (if applicable): _____
Unit No.: _____ St. No.: _____ Street name _____
Suburb/locality _____ State _____ postcode _____

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 _____ Email _____
Mobile Phone _____ Fax _____

Owner (The person or organisation who owns the land)

Declaration

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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

D&F

Date

Need help with the Application?

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?:

Date:

Application Type

Is this a VicSmart application? ☐ Yes ☐ No

If yes, please specify which VicSmart class or classes.

*Classes of VicSmart application are listed in Zones, overlays, particular provisions and the schedule to Clause 59.15

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.

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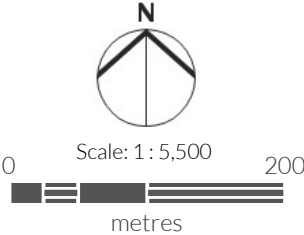
Drawing Key

Existing conditions

- Existing parcel boundaries
- Subject site
- Bore ID (derived from VVG approx. only)
- 10m contours
- Existing access easement
- Irrigation areas

Proposed

- Proposed parcel boundaries
- Driveway to be de-commissioned / returned to pasture
- Proposed crossover (SD 255)



Date: 28-04-2026
Author: DP Planning Pty Ltd
Project / Ref: 26-115 REV01
Data: VICMAP LITE // Custom Boundaries
Projection: MGA2020 // Zone 54



TOWN PLANNING CONCEPT - 1/616 & 610 HOPKINS POINT ROAD, WARRNAMBOOL

PLAN OF SUBDIVISION

EDITION 1

PS 938721G

Location of Land

Parish: MEPUNGA

Township: -

Section: -

Crown Allotment: (PART)

Crown Portion: (PART)

Title References

C/T VOL 11556 FOL 118

VOL 11643 FOL 093

Last Plan Reference: LOT 1 ON PS 731208X

LOT 1 ON PS 736635A

Postal Address: 610 & 1/616 HOPKINS POINT ROAD

(at time of subdivision) ALLANSFORD 3277

MGA Co-ordinates: E: 636 930 Zone 54

(of approx centre of land in plan) N: 5 746 290 GDA 2020

Vesting of Roads and/or Reserves

Notations

Identifier

Council/Body/Person

NIL

NIL

Notations

Depth Limitations: DOES NOT APPLY

Planning Permit No. -

Survey: This plan is not based on survey.

Staging: This is not a staged subdivision.

This survey has been connected to permanent marks No(s). -

in Proclaimed Survey Area no. -

Additional Purpose of Plan:

Removal of carriageway easement E-3, created in PS 731208X, in favour of lot 2.

Ground for Removal:

Planning Permit No. -

Creation of carriageway easement E-1.

Ground for Creation:

Planning Permit No. -

Easement Information

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	CARRIAGEWAY	10	AE807580F	VOL 10982 FOL 914, VOL 10982 FOL 915,
E-1	CARRIAGEWAY	10	PS 604945W	LOT 2 ON PS 546568
E-1	DISTRIBUTION OF ELECTRICITY	10	AE898905H	POWERCOR AUSTRALIA LTD
E-1	CARRIAGEWAY	10	THIS PLAN	LOT 2 ON THIS PLAN
E-1	CARRIAGEWAY	10	THIS PLAN	LOT 2 ON PS736635A
E-2	DISTRIBUTION OF ELECTRICITY	10	AE898905H	POWERCOR AUSTRALIA LTD
E-3	CARRIAGEWAY	10	AE807580F	VOL 10982 FOL 914, VOL 10982 FOL 915,
E-3	CARRIAGEWAY	10	PS 604945W	LOT 2 ON PS 546568
E-3	DISTRIBUTION OF ELECTRICITY	10	AE898905H	POWERCOR AUSTRALIA LTD
E-4	DISTRIBUTION OF ELECTRICITY	20	AE898905H	POWERCOR AUSTRALIA LTD

Smith

LAND CONSULTING

smithlandconsulting.com.au • (03) 5222 1234 • survey@smithls.com.au

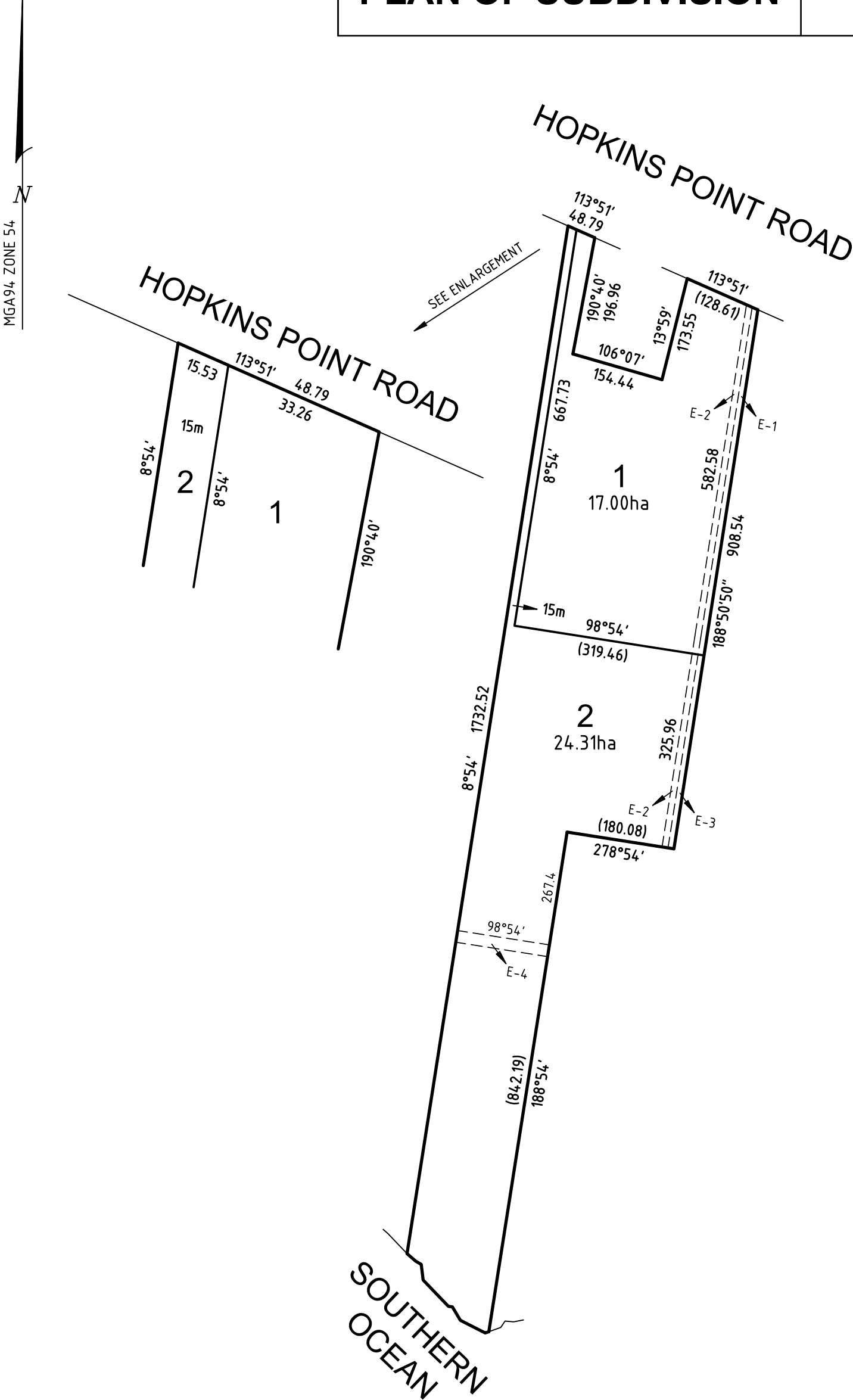
SURVEYORS FILE REF: 2026-0230POS

LICENSED SURVEYOR Glenn Graham Smith

VERSION: 3

SHEET 1 OF 2

PLAN OF SUBDIVISION



PRELIMINARY

THIS IS A PRELIMINARY PLAN PREPARED FOR PLANNING PURPOSES.
DIMENSIONS AND BOUNDARY POSITIONS ARE SUBJECT TO FINAL SURVEY.



DP Planning Pty Ltd
ABN 68 188 206 903
PO Box 579
Warrnambool VIC 3280
www.dpplanning.com.au

4 May 2026

Nick Legoe
Coordinator City Development

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

Dear Nick,

Application for a Planning Permit – 610 Hopkins Point Road & 1/616 Hopkins Point Road, Warrnambool

Please find enclosed an application for a planning permit for the above address.

Enclosed are the following documents for your assessment:

1. Completed application form
2. Certificate of title
3. Town Planning Report;
4. Planning Context Map; and
5. Plan of Subdivision.

Please email Council's invoice to admin@dpplanning.com.au.

If you have any questions, please don't hesitate to contact me by telephone (03) 9969 or by email at admin@dpplanning.com.au.

Kind regards,

Dan Pech

Director (MPIA)

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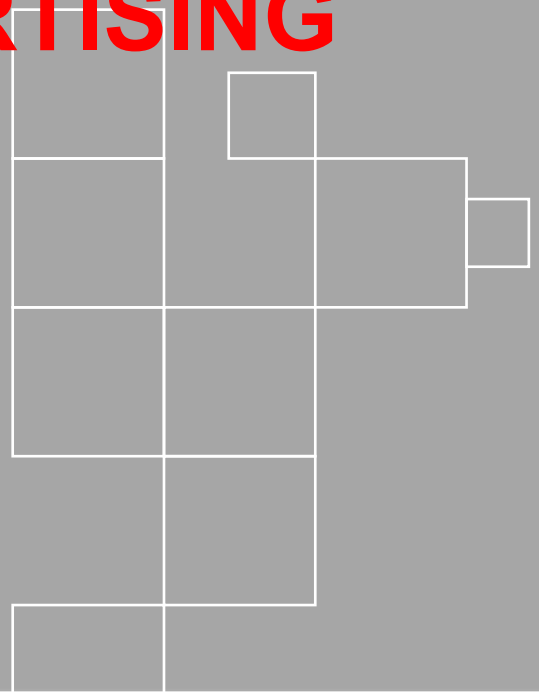
Town Planning Report

Two (2) lot re-subdivision

610 & 1/616 Hopkins Point Road, Allansford

[REDACTED]

[REDACTED]



Quality and Care

Project No.	Revision	Author	Date	Issue
26-115	01	Daniel Pech	4 May 2026	FINAL issued to Council

Disclaimer

DP Planning Pty Ltd has taken all professional care to ensure this document is current at the time of writing. DP Planning accepts no liability for any loss or damages incurred because of reliance placed upon its content.

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Care for our Country

We care, acknowledge and uphold the Traditional Owners of the Country upon which this application resides and recognise their connection to the land, water, sky and culture. We pay our respects to their Elders past, present and emerging.

Care for our people

We care about our people and community and donate a fixed percentage of our income each year to local organisations that work towards improving the world around us. We also advise to a select group of clients on a reduced-cost or pro bono basis.

Care for our environment

We care for our environment and for current and future generations by partnering with Greenfleet© to offset our business emissions. For more information, please visit www.greenfleet.com.au.



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1. Introduction

1.1. Summary

DP Planning has been engaged to prepare a planning permit application for land known as 610 & 1/616 Hopkins Point Road, Allansford (the 'Site').

Approval is sought for a two (2) lot re-subdivision at the Site and associated access works.

This report provides details of the subject site and surrounding area; a detailed description of the proposal; and an assessment and justification of the proposal against the applicable provisions of the Warrnambool Planning Scheme.

Having considered the proposal with respect to the Warrnambool Planning Scheme, it is submitted that the proposal is appropriate and warrants a planning permit for the following reasons:

- The proposal is supported by the Municipal Planning Strategy and the Planning Policy Framework, with respect to the prevailing agricultural and landscape policies relevant to the Site;
- The proposal is an appropriate response to the relevant planning controls affecting the Site, comprising a two-lot re-subdivision and minor access works that are responsive to the Site's physical context, agricultural function, landscape character and environmental values;
- The proposed re-subdivision is an anticipated outcome of the prevailing zone and supports an agricultural purpose compatible with the surrounding rural and agricultural context;
- The proposal avoids canopy vegetation removal (planted or other) and limits disturbance to an existing informal access location;
- The proposal does not increase the number of lots and will not result in the fragmentation of productive agricultural land, consistent with the intent of the Farming Zone and the existing Section 173 Agreements registered on title;
- The proposal provides appropriate and independent access arrangements for each lot, with area suitable for a compliant rural crossover suitable for agricultural and emergency vehicles;
- The associated access works are at-grade and comprise rural materials compatible with the coastal hinterland landscape character.

The following documents should be read in tandem with this report and are provided as part of the application:

- Certificate of Title
- Site Photos
- Planning Property & Nature Kit Report
- Town Planning Drawings (prepared by DP Planning and Smith Land Consulting)

For the reasons detailed within this report (and associated Appendices), we respectfully request Council support the proposal and grant a planning permit.

1.2. Limits and exclusions

This report has considered the following documents:

- Warrnambool Planning Scheme (as of 28 April 2026)
- Certificates of Title (dated 27 April 2026)

2. Site, environs and context

2.1. Site

Site address	610 & 1/616 Hopkins Point Road, Warrnambool
Title details	Lot 1 on Plan of Subdivision 731208X (Vol 11556 Fol 118) & Lot 1 on Plan of Subdivision 736635A (Vol 11643 Folio 093)
Site description	The Site comprises two parcels with an area of 41.31 hectares and comprises an irregular polygon shape. The parcels comprise two separate holdings of 26.32 hectares and 15 hectares. This Site interfaces with agricultural land in common ownership with Lot 1 on PS731208X (east), developed rural lifestyle lots in separate holdings (east), the Southern Ocean (south), Tooram Memorial Park (west), agricultural land in separate ownership (west) and the Hopkins Point Road road reserve (north).
Permit history	PP2002-298 – subdivision of parent parcel into two (2) lots (creating 600 & 610 Hopkins Point Road). PP2007-041 – subdivision of parent parcel into two (2) lots (creating 616 Hopkins Point Road, Warrnambool)
Easements, restrictions or covenants	The Site is encumbered by carriageway easements and electricity distribution easements, and two (2) agreements pursuant to Section 173 of the <i>Planning and Environment Act 1987</i> (the 'Act') and the <i>Subdivision Act 1988</i>. The agreements under Section 173 of the 'Act' relate to subdivision outcomes associated with earlier permits (Instrument AE730752W & Instrument AF342914B). Refer to Appendix A - Certificate of Title for further details.

2.2. Environs

The Site comprises two parcels of approximately 26.32 hectares and 15 hectares. The Site is situated on the southern side of the Hopkins Point Road road reserve, which connects the Site to the wider transport network. The Site has an irregular shape, with its boundaries formed by a dwelling excision lot in the centre of 610 Hopkins Point Road, agricultural land in common ownership with Lot 1 on PS731208X (east), developed rural lifestyle lots in separate holdings (east), the Southern Ocean (south), Tooram Memorial Park (west), agricultural land in separate ownership (west) and the Hopkins Point Road road reserve (north).

610 Hopkins Point Road comprises part of a larger agricultural unit of approximately ~136 hectares which is used for extensive agriculture (grazing and fodder production) and contains perimeter plantings,

agricultural buildings, irrigation pivots, irrigated areas of fodder production (lucerne), groundwater bores (bore ID: 78717, 79081, 78965 & WRK039131), internal yard roads and paddocks. The address contains one dwelling and is accessed via Hopkins Point Road via a shared access/carriageway located at the eastern boundary.

1/616 Hopkins Point Road comprises a parcel of 15 hectares which is used for extensive agricultural (grazing) and contains internal yard roads, agricultural buildings and paddocks. The address contains one dwelling and is accessed via Hopkins Point Road via the shared access/carriageway located at the eastern boundary. Of note, the owners of the land currently lease land beyond the Site for grazing herds.

The Site is dominated by exotic pasture grasses and has been historically used for livestock grazing and fodder production. Beyond the above, the Site comprises perimeter plantings (west) and established garden areas around the existing dwelling.

A desktop review of DEECA's NatureKit mapping service confirms there are small areas of modelled native vegetation on the southern part of the Site, including vegetation from the Coastal Headland Scrub/Coastal Tussock Grassland Mosaic (EVC 162). See **Appendix B** for details.

Dwellings in separate ownership within 100 metres of the Site are located to the west, east and north of the Site.

The Site is connected to power infrastructure as illustrated by the existing easements on title (eastern boundary) and contains one (1) constructed rural crossover at the north-eastern boundary via the Hopkins Point Road road reserve.

Refer to **Figure 1 – Aerial Plan** for further details on the Site conditions and the plans contained at **Appendix D**.



Figure 1: Aerial map & holdings (compiled by DP Planning)

2.3. Context

The Site is located in the Farming Zone (**FZ1**) and adjoins land contained in the Principal Transport Zone 3 (**TRZ3**) (north), the Public Use Zone – 5 (**PUZ5**) (west) and land within the **FZ1** to the east and west. Beyond these lands to the north, east and west is Farming Zone (**FZ1**) land predominantly associated with agricultural production and rural lifestyle uses, and the Southern Ocean (south).

Refer to **Figures 2** and **Appendix B** (Planning Property Report) for further details.

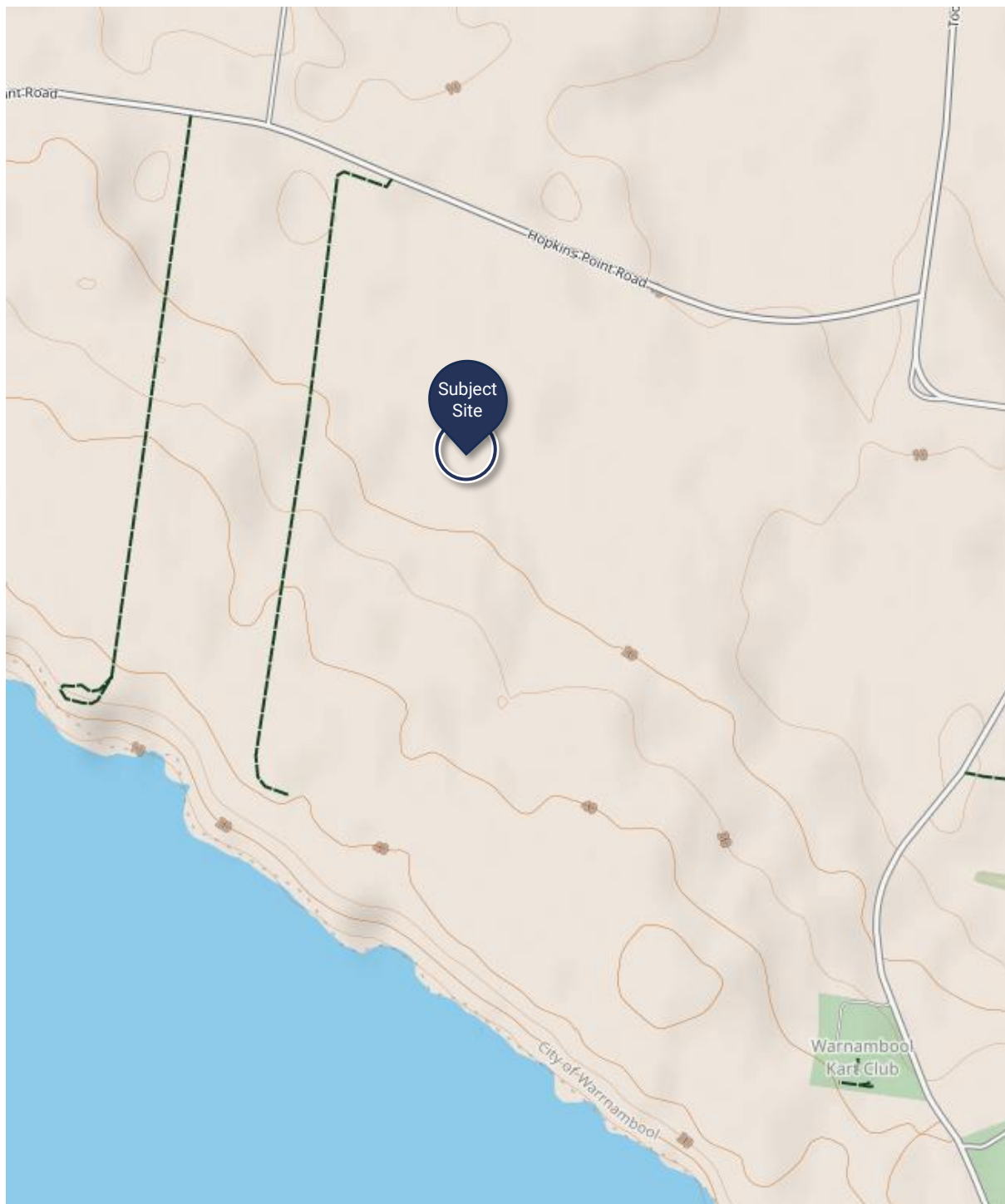


Figure 2: Context Map (source: OpenStreetMap© accessed 27 April 2026)

3. Proposal synopsis

3.1. Planning permit description

A planning permit is sought for a two (2) lot re-subdivision.

The following Clauses of the Warrnambool Planning Scheme trigger a planning permit for the proposal:

- Clause 35.07-3 Farming Zone (**FZ**) – Subdivision.
- Clause 32.03-2 Significant Landscape Overlay (**SLO**) – Permit requirement

The following sections of this report describe in detail what the proposal is for.

3.2. Proposal description

Subdivision

The proposal includes a two (2) lot re-subdivision with the following lot geometry:

- **Lot 1:** 17 hectares comprising an irregular polygon shape.

The boundaries of the proposed 'lot 1' adopt the existing boundary of the existing Lot 1 on PS731208X, with the exception of the southern boundary and western boundary formed by the proposed 'lot 2'.

The proposed 'Lot 1' will incorporate the existing dwelling curtilage and land application area, existing accessway, electricity distribution assets, agricultural buildings, internal yard roads, and agricultural balance of the land including irrigation pivots and groundwater bores.

- **Lot 2:** 24.31 hectares comprising an irregular polygon shape.

The boundaries of the proposed 'lot 2' adopt the existing boundary of the existing Lot 1 PS736635A, with the exception of the northern and western boundaries.

The lot dimensions incorporate:

- o a 15-metre wide road frontage to Hopkins Point Road, with a 'pan-handle' shape extending 583 metres to the south of Hopkins Point Road comprising an area of approximately 0.87 hectares; and
- o an area of 6.4 hectares comprising land currently used for fodder production with dimensions of approximately 319m (l) x 248m (w) extending north of the existing northern boundary.

The boundaries of the proposed 'lot 2' adopt a geometry which incorporates areas of planted native vegetation and an existing track along the western boundary / fenceline, existing agricultural buildings, irrigation pivot, the existing dwelling (under construction), existing paddocks, internal yard roads and a proposed altered access to Hopkins Point Road.

The overarching purpose and design response for the proposed re-subdivision is to enable the orderly transfer of agricultural land between separate holdings for orderly agricultural land use, land management and farm enterprise planning.

The land within the existing Lot 1 on PS 736635A (containing the proposed 'lot 2') is restricted from securing more meaningful on-farm fodder production due to the current land holding size and elevation of the land which is prohibitive to groundwater access for irrigation. It is well-known that groundwater access is limited above 10m AHD within the local landscape, evidenced by the location of existing groundwater bores on the Site and testing undertaken by the owners of the proposed 'lot 2'.

A viable location for groundwater has not been secured within the existing lot boundary of Lot 1 on PS 736635A and a suitable area has been identified within the proposed northern addition (to 'lot 2'). Farm access for livestock vehicles is required and preference has been made for an access along the western boundary away from rural-residential development located east and west of the existing access track on the eastern boundary.

The lands comprising the northern and western additions do not comprise farming assets which are significant to the sustainable and ongoing use of the existing Lot 1 on PS731208X, which comprises part of a larger agricultural land holding (see **Section 1**).

Beyond the above, the proposed subdivision has been designed with the following outcomes in mind:

- The area affected by the proposed transfer to the proposed 'lot 2' comprises land that is not required for the viability or ongoing sustainability of the existing agricultural enterprise on the proposed 'lot 1' and adjoining farm holdings.
- The proposed additions to the proposed 'lot 2' will substantially increase the viability of agricultural production on the proposed lot by providing access to arable land capable of being irrigated for fodder production and securing feed stocks to better sustain the existing animal husbandry use.
- The proposed lots are above the minimum lot size (15 hectares) and comprise a supported lot typology evident from past decisions of Council within the vicinity of the Site and policy within the Farming Zone and the Planning Policy Framework.
- The proposed geometry is compliant with the restrictions and agreements registered on title, which:
 - o prohibit further subdivisions which create lots smaller than the minimum subdivision area specified in Schedule 1 to the Farming Zone; and
 - o the creation of additional lots.

Works

The proposal comprises a proposed accessway to Hopkins Point Road.

The existing informal access is located approximately 10-15 metres from the existing western boundary. A formal vehicle crossing within the Hopkins Point Road road reserve is proposed to be constructed to the standard of SD255 of the Infrastructure Design Manual to provide exclusive access to the proposed 'lot 2'.

The proposed access standard comprises the following key works:

- formation of a tapered vehicle crossing with a minimum length of 7.2 metres at the road edge and 3.5 metres at the property boundary. Where the crossover interfaces with the sealed road pavement, the surface will be a sealed bituminous treatment, with the remainder comprising a 100mm compacted Class 3 Fine Crushed Rock or equivalent;
- installation of a culvert through the existing roadside table drain, comprising a minimum 375mm diameter reinforced concrete pipe (RCP) (or approved equivalent), 75mm bedding and minimum 150 mm cover over the culvert.
- minor shaping of batters and drainage, and reinstatement of any bare earth/exposed/disturbed roadside areas.
- existing splayed gate will be altered to comply with standard drawing setback dimensions. The proposed fencing/gate will not exceed a height of 1.5 metres.

All works are to be undertaken in accordance with SD255 and to Council's satisfaction.

See below for a depiction of the location of works (**Figure 3**).



Figure 3: Indicative crossover location

Incidental works are also proposed to de-commission the existing internal access track in order to return this area to fodder production as described on the drawings (see **Appendix D**).

4. Planning context

Clause 65 of the Victorian Planning Provisions identifies the relevant decision guidelines that a Responsible Authority (Council) must consider in assessing an application or plan to subdivide land. The following are relevant to the proposed development:

- The matters set out in Section 60 of the Act.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay and other provisions.
- Any matter required to be considered in the zone or other provisions.

These matters, where relevant, form the framework of the following sections of this report.

4.1. Municipal Planning Strategy (MPS)

- Clause 02.01 **Context:** Warrnambool has a steadily growing population of about 35,406 in 2021 (ABS) that is expected to increase to 43,000 people by 2031. The majority of the population is in Warrnambool, Dennington, Allansford, Bushfield and Woodford. Much of the rural area (approximately 60 per cent of the land area) is used for agriculture, particularly dairy farming. Warrnambool supports 16,653 jobs and has an annual economic output of \$4.8 billion per annum.
- Clause 02.02 **Vision:** The Council Plan (2017-2021) sets out the following vision for Warrnambool:

A cosmopolitan city by the sea.

The Council Plan identifies the following objectives relevant to the application:

Sustain, enhance and protect the natural environment.

Maintain and improve the physical places and visual appeal of the city.

Develop a smarter economy with diverse and sustainable employment.

- Clause 02.03-3 **Environmental and landscape values:** Warrnambool is situated on one of the most spectacular sections of the southwest Victorian coastline. The coast has significant cultural values for both Aboriginal and European heritage and is also valued highly for its environmental, recreational and tourism aspects.

The natural landscape is an important asset of the municipality that requires protection from inappropriate use and development. The city's landscape character is framed by the ocean, the Merri River, the Hopkins River, inland hilltops, ridgelines and surrounding rural areas.

Relevant strategic directions include:

- o Protecting coastal areas, waterways and sensitive ecosystems from the detrimental impacts of urban and rural development.
- o Protecting significant landscapes and landforms from inappropriate development.

- Clause 02.03-4 **Natural resource management:** The Warrnambool region has opportunities for growth of viticulture, horticulture and alternative agricultural production. The preservation of the maximum amount of the limited supply of agricultural land is necessary to sustain the agricultural economy and to support those industries that rely on agricultural products for processing
Relevant strategic directions include:
 - o Protecting rural areas to ensure agricultural uses remain viable.
 - o Limiting use or development that will be incompatible with the agricultural use of the land.
- Clause 02.03-7 **Economic development:** Agriculture is an important element of the regional economy especially the dairy industry. Sixteen per cent of the work force is employed within the agriculture, fishing and forestry sector.
Relevant strategic directions include:
 - o Protecting the significance of agriculture in the local economy.
 - o Preserving agricultural land in large areas to support those industries that rely on agricultural products for processing.
 - o Avoiding development that may compromise the dairy industry and its processing facilities.
 - o Facilitating opportunities for agricultural diversity.

An assessment of the proposal against the policies of the MPS is contained within **Section 5.2.1** of this report.

4.2. Planning Policy Framework (PPF)

To ensure the overarching objectives of planning in Victoria are met, policies contained within the Planning Policy Framework (PPF) must be considered. The PPF clauses of most relevance to the Site and the proposal are set out below.

Clause 12 Environmental and Landscape Values

- Clause 12.01-1S **Protection of biodiversity:** To protect and enhance Victoria's biodiversity.
- Clause 12.02-1L **Coastal landscapes:**
Relevant strategies include:
 - o Minimise the visual impact of development including accessways.
- Clause 12.05-2S **Landscapes:** To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Clause 14 Natural Resource Management

- Clause 14.01-1S **Protection of agricultural land:** To protect the state's agricultural base by preserving productive farmland.
- Clause 14.01-2S **Sustainable agricultural land use:** To encourage sustainable agricultural land use.

Clause 18 Transport

- Clause 18.02-4S **Roads**: To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.

An assessment of the proposal against the policies of the PPF is contained within **Section 5.2.1** of this report.

4.3. Zoning

The Site is located within the Farming Zone (Clause 35.07). The relevant purposes of the Farming Zone are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

Pursuant to Clause 35.07-3 **Subdivision**, a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone.

Schedule 1 to the Farming Zone specifies the minimum lot size for subdivision is 15 hectares.

A detailed assessment under the Farming Zone is contained within **Section 5.2.2** of this report.

4.4. Overlays

4.4.1. Significant Landscape Overlay

The Site is located within Schedule 1 to the Significant Landscape Overlay (**SLO1**) (Clause 42.03).

The relevant purpose of the Significant Landscape Overlay includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

The relevant landscape objectives of **SLO1** include:

- To protect and enhance the scenic qualities of coastal hinterland areas, particularly the views from inland towards the coast.
- To maintain and enhance views from major roads and residential areas towards the coast.

- To prevent the interruption of views towards the coast by inappropriate or poorly designed development or development that is sited in prominent locations.
- To encourage development that does not intrude upon views of the coast.
- To recognise hedgerows and established exotic vegetation as an important element of the coastal landscape.

Clause 42.03-2 states that a permit is required to construct a building or construct or carry out works.

Pursuant to Clause 44.01-5 **Subdivision** a permit is required to subdivide land. It follows, that a planning permit is required.

This planning report and the attached Town Planning Drawings (see Appendix D) in conjunction with the submitted town planning drawings adequately responds to the planning application requirements under sub-Clause 4.0 **Application requirements** of **SLO1**. See the table below for further details.

Application requirement	Response
Site Analysis Plan	
The topography of the site and location of any existing native vegetation, sand dunes and drainage lines.	A Town Planning Concept Plan (see Appendix D) and supporting mapping (including NatureKit mapping) have been provided, from which the site layout, parcel configuration, agricultural areas, residential areas, contours and canopy vegetation can be observed. The Site is located on a former dunal landscape and formed coastal hinterland terrain. The Site slopes from 10m AHD to 40m AHD over the Site from north (low point) to south (high point) with no prominent ridgelines or escarpments within the area subject to access works. Appropriate contour data has been provided as part of this application. Detailed levels have not been provided as the proposal relates to minor access works and subdivision only, with no buildings proposed. The submitted plans sufficiently demonstrate that the works are located within a cleared and modified road reserve. Should Council require further detail, a condition is invited on any permit to be granted requiring the submission of a detailed crossover drawing (to Council's satisfaction).

Application requirement	Response
The location of any existing and proposed buildings and works, including fences of a height of more than 1.5 metres.	The Town Planning Concept Plan (Appendix D) depicts imagery and data which clearly identifies: - Existing dwellings and farm infrastructure. - Existing and proposed lot boundaries. - Approximate location of the altered access to Hopkins Point Road. No new buildings are proposed as part of this application. The only works comprise minor access reconfiguration, which is shown on the submitted plans. No fencing exceeding 1.5 metres is proposed as part of this application.
Elevations of any proposed buildings or works including exterior surface treatments. The elevations must illustrate the existing and proposed ground level in relation to the proposal.	The intent of this requirement is to assess the visual prominence of built form and works protruding into/above the landscape. No elevations of works are provided. This is considered appropriate as no buildings or vertical structures are proposed; and the proposed works are limited to 'at-grade' access construction. It follows, that elevations are not required in this case. This report contains a detailed description of the proposed access treatment, including exterior surface materials.
A Landscaping Plan that shows all existing vegetation, any vegetation to be removed, areas to be planted with indigenous species, and type of species to be planted. Plants recognised locally as environmental weeds should not be included.	A detailed landscaping plan has not been provided. This is considered appropriate as the existing Site context comprises adequate landscape treatment, the Site and surrounding land is dominated by exotic pastures, no native vegetation removal is proposed and the proposal does not introduce built form requiring visual screening. The concept plan (see Appendix D) demonstrates that the proposed access alignment utilises existing disturbed areas and farm tracks, minimising additional disturbance within the landscape.

Application requirement	Response
Photographs of the site of the proposal, as viewed from any nearby residential areas, roads, or other public activity areas towards the coast. A photographic montage or wide-angle photographs should be submitted with an accompanying plan that shows the location from which the photographs were taken.	See Appendix C .

Relevant decision guidelines are contained within Clause 42.03-2 **Decision guidelines** and sub-Clause 5.0 **Decision guidelines**.

See **Section 5.2.2** for a detailed assessment of the proposal against the relevant provisions and decision guidelines of **SLO1**.

4.4.2. Environmental Significance Overlay

The Site is partially located within Schedule 1 to the Environmental Significance Overlay (**ESO1**) (Clause 42.01).

The relevant purpose of the Environmental Significance Overlay includes:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

The **ESO1** is mapped within 200m of the southern boundary of 1/616 Hopkins Point Road. No proposed works are located within the mapped extent of **ESO1**.

It follows, that no planning permit is required under Clause 42.01 and no further assessment of the **ESO1** is required.

4.5. Particular Provisions

The site is not affected by any particular provisions.

4.6. General Provisions

The General Provisions relate to a range of specific prerequisites for particular uses and development, and apply consistently across the state.

Clause 65 Decision Guidelines

Clause 65.02 sets out matters that must be considered by the responsible authority prior to deciding on a planning permit application. These matters have been considered as part of **Section 4** and **Section 5** of this report.

4.7. Other planning considerations

4.7.1. Aboriginal Cultural Heritage Sensitivity

The Site is identified within an 'area of cultural heritage sensitivity' pursuant to the *Aboriginal Heritage Regulations 2018*. The proposal is not for a 'high impact activity', as defined within the Regulations. See the Planning Property Report at **Appendix B** for a copy of a plan verifying the area is mapped within a cultural heritage sensitivity area and a Cultural Heritage Process Checklist confirming a mandatory CHMP is not required.

5. Planning Policy Assessment

5.1. Key planning issues

Based on the provisions of the Warrnambool Planning Scheme and the decision guidelines of Clause 65, the following are submitted to be the key planning issues relevant to the proposed development of the Site.

- Is there strategic policy support for the proposal and is the proposal consistent with the Municipal Planning Strategy and the Planning Policy Framework?
- Does the proposal respond appropriately to the purpose and decision guidelines of Clause 35.07?
- Does the proposal respond appropriately to the purpose and decision guidelines of Clause 42.03 and objectives of **SLO1**?

5.2. Policy assessment

5.2.1. Is the proposal consistent with the Municipal Planning Strategy and the Planning Policy Framework?

The proposal requires assessment under the Planning Policy Framework (PPF) and Municipal Planning Strategy (MPS) of the Warrnambool Planning Scheme.

The proposal is considered to be consistent with the current context and vision for the Warrnambool City Council as stated in Clause 02.01 and Clause 02.02.

The proposal chiefly achieves the desired vision for the municipality through the measures and strategies employed in the decisions for designing the geometry of the proposed lots as previously ventilated, which ensures the existing farms can be successively managed and operated as an agricultural enterprise for current and future generations.

See the Town Planning Drawings illustrated in the attached plans and reports and the description of the proposal for further details.

The application supports the objectives and strategies that relate to biodiversity and environmental risks and finds a direct synthesis between these objectives and advancing and enhancing the productive purpose of the land, which is for agriculture.

In doing so, the proposal effectively employs an integrated land management approach to the design of the subdivision which supports agricultural production and appropriate stewardship of environmental assets and environmental risks (Clauses 02.03-3 **Environmental risks and amenity**, 02.03-4 **Natural resource management**, 02.03-7 **Agriculture**, 12.01-1S **Protection of biodiversity**, 14.01-1S **Protection of agricultural land**, 14.01-1L **Agricultural production**, 14.01-2S **Sustainable agricultural land use**).

See below for a more narrow ventilation of matters for interrogation under the abovementioned clauses.

The proposed subdivision will create lot typologies generally in keeping with the policies contained in the Farming Zone, the MPS & PPF. The re-subdivision will not result in the creation of any additional lots, or any vacant additional lots where a dwelling is permitted as a Section 1 use.

The proposed subdivision geometry protects the agricultural output and land on both lots, by ensuring both retain agricultural assets (water, roads, pastures and buildings) adequate to sustain meaningful agricultural production as ventilated by the minimum lot size for subdivision (15 hectares).

Re-subdivision of land and transfer of agricultural land between farm enterprises is common throughout rural areas. An orderly function of the planning scheme is to enable the transfer of agricultural land and assets to enhance agricultural operations via subdivision. The proposed subdivision is for this purpose, and mimics similar features and lot design typologies that are typically followed to ensure safe and exclusive access to agricultural land via direct road frontage while minimising the impact of roads on viable agricultural land (i.e. pan handle geometry).

The proposed subdivision does not propose any change in agricultural land cover, but will result in the transfer of assets which will increase the viability of the existing farming enterprise at the proposed 'lot 2'. The subdivision does not result in a concentration of dwellings and does not change the general use or character of the rural area. The Site will continue to be managed for its quality fodder and livestock grazing/animal husbandary activities as well as other land management duties (water management, vegetation and plantation management, pest and weed control etc.). The subdivision will result in the continued management of land for agricultural purposes, albeit, with the benefits of land with more viable access to groundwater and direct access to Hopkins Point Road being transferred to the proposed 'lot 2'. This will result in the betterment of the natural and physical resources which the farming enterprise relies on for the proposed 'lot 2' without compromising the ability for the farming enterprise at the proposed 'lot 1' to continue, which already has sufficient access to groundwater, pivot and areas used for fodder production (lucerne). The proposed subdivision will not diminish the long-term productive capacity of the land.

The proposed subdivision does not introduce any non-agricultural or sensitive land uses to the Site. The proposed re-subdivision will not result in the creation of lots smaller than the minimum lot size for subdivision.

The PPF is clear that productive farmland should be preserved and should be protected from incompatible uses. This proposal is necessary for a bonafide agricultural enterprise which requires careful planning for the ongoing running of the farm and stewardship of agricultural land.

The proposal is for a re-subdivision, and the relevant matters from Clause 14.01-1S have been considered. Specifically, through design choices which ensure that the proposed lot geometry minimises the loss of productive agricultural land and does not prejudice activities associated with agricultural production.

The proposed subdivision geometry contains adequate distance from existing planted canopy vegetation to ensure that boundaries, proposed crossovers and internal access roads do not compromise these assets through consequential or actual removal. The proposed location of the new crossover comprises adequate frontage and interface length with the Hopkins Point Road reserve to avoid native vegetation removal for

sight line or ground disturbance purposes. (02.03-3 **Environmental and landscape values**, 12.01-1S **Protection of biodiversity**, 12.02-1L **Coastal landscapes** & 12.05-2S **Landscapes**).

The proposed location and design standard (SD255) for the crossover will be safe for road users and will not result in any likely detrimental impacts to the transport network (18.02-4 **Roads**).

In light of the above, the proposal is considered to appropriately respond to the relevant policies of the PPF and MPS of the Warrnambool Planning Scheme.

5.2.2. Does the proposal respond appropriately to the purpose and decision guidelines of Clause 35.07?

Pursuant to Clause 35.07-3 (Subdivision), a permit is required subdivide land. An assessment of the relevant decision guidelines contained in the Farming Zone is outlined in the table overleaf.

Decision guidelines	Assessment
General issues	
The Municipal Planning Strategy and the Planning Policy Framework.	The Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF) have been considered thoroughly within this report. Please see Section 5.2.1 for details of the assessment.
Any Regional Catchment Strategy and associated plan applying to the land.	The Glenelg Regional Catchment Strategy (RCS) applies to the application site. The strategy does not contain any objectives specifically related to subdivision or the subject site but contains general objectives and management measures with regard to the role of landowners in caring for and managing the environmental qualities of their land. The Strategy broadly states that inappropriate planning and development, and pest plants and animals are key threats to rural and coastal environments. The proposed geometry of the lots employs design decisions which avoid actual and consequential vegetation loss and ensure an appropriate interface between productive agricultural areas and areas containing biodiversity assets.

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Decision guidelines	Assessment
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	No use or development beyond alterations to access are proposed. Existing dwellings and associated wastewater infrastructure will remain within their respective lots, with no material change to effluent disposal arrangements.
How the use or development relates to sustainable land management.	The proposal improves sustainable land management by creating a more practical agricultural lot configuration. Proposed Lot 2 will gain additional arable land capable of supporting fodder production and improved access to agricultural resources, while proposed Lot 1 will retain sufficient land, infrastructure, irrigation areas and agricultural assets to continue as part of a larger farming enterprise.
Whether use or development protects and enhances the environmental, agricultural and landscape qualities of the site and its surrounds.	The proposal geometry of the subdivision avoids vegetation removal, retains established shelterbelt/perimeter vegetation, maintains open agricultural land, and limits physical works to access construction. The re-subdivision does not introduce urban-style development or alter the rural/coastal hinterland character of the land.
Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining land uses.	The Site is suitable for the proposed re-subdivision and accessway. The surrounding land is predominantly agricultural, with some rural lifestyle lots nearby and the Tooram Memorial park to the west. The proposal maintains agricultural use, does not create additional lots or vacant lots and is compatible with adjoining rural and farming uses.
How the use and development makes use of existing infrastructure and services.	The proposal makes efficient use of existing rural infrastructure, including Hopkins Point Road access, existing farm buildings, internal access tracks, power infrastructure, groundwater assets and irrigation infrastructure. The new crossover will assist in separating / diluting agricultural movements within the existing access arrangement used by rural lifestyle users and farming operators.

Decision guidelines	Assessment
Agricultural issues and the impacts from non-agricultural uses	
Whether the use or development will support and enhance agricultural production.	The proposal will support agricultural production by enlarging proposed Lot 2 from its existing 15 hectare holding to approximately 24.31 hectares, including additional arable land suitable for fodder production and a more functional access arrangement. Proposed Lot 1 will remain a viable agricultural lot of approximately 17 hectares, supported by its relationship with the broader farming enterprise as well as its ability to act as a 'stand alone' enterprise.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	The proposal will not materially remove productive land from agriculture. Access works are limited in extent to areas previously used for traffic and necessary to service the agricultural lot. The balance of the land will remain available for grazing, fodder production and associated rural land management
The capacity of the site to sustain the agricultural use.	The Site comprises established agricultural uses and contains agricultural infrastructure, pasture, irrigation areas, groundwater assets and farm access arrangements for fodder production and livestock grazing. The proposed configuration improves the capacity of proposed 'lot 2' to sustain agricultural use by adding land better suited to fodder production and water access.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure	The land has demonstrated its agricultural capability through its past use (and limits) for grazing and fodder production and location of groundwater assets. The proposed 'lot 1' retains established irrigation and farming infrastructure, while proposed 'lot 2' gains land with improved agricultural utility, including potential access to more viable groundwater and fodder production areas.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The proposal will not limit adjoining or nearby agricultural operations. No new sensitive use is introduced, no additional dwelling is proposed, and no additional lot is created. The re-subdivision maintains rural lot sizes above the 15 hectare minimum and preserves the agricultural function of the locality.

Decision guidelines	Assessment
Any integrated land management plan prepared for the site.	There is no integrated land management plan relevant to the Site. The subdivision design reflects integrated land management principles by aligning lot boundaries with operational needs, retaining productive agricultural land, protecting vegetation, maintaining infrastructure, and improving access for agricultural management.
Whether Rural worker accommodation is necessary having regard to: - The nature and scale of the agricultural use - The accessibility to residential areas and existing accommodation, and the remoteness of the location. The duration of the use of the land for Rural worker accommodation.	Not applicable.
Accommodation issues	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land. Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	Not applicable.

Decision guidelines	Assessment
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	The proposed lot geometry is demonstrably linked to the land's agricultural production, and no concentration or proliferation of dwellings will arise from the proposed subdivision. The location and lot geometry aligns with the broader purposes of the Farming Zone and relevant agricultural policies within the PPF & MPS (as previously ventilated). The proposed lot geometry and location will not lead to any concentration or proliferation of dwellings in the area. It follows, that no detrimental impacts are likely on the use of the land for agriculture arising from the proposed subdivision.
The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to: - A permit for a wind energy facility; or - An application for a permit for a wind energy facility; or - An incorporated document approving a wind energy facility; or - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.	Not applicable.

Decision guidelines	Assessment
The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	Not applicable.
Environmental issues	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. The impact of the use or development on the flora and fauna on the site and surrounds.	The natural features of the Site are described in Section 2 of this report and accompanying Appendices. No vegetation removal is proposed beyond exotic ground cover disturbed by the proposed access works. It follows, that the proposal is unlikely to result in any impact on flora or fauna.
The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitats and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge areas. The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The boundaries of the proposed lots adopt a geometry which incorporate areas of planted native vegetation and existing perimeter fencelines. The proposal avoids native vegetation removal and retains existing perimeter and shelterbelt vegetation. It does not prejudice future revegetation or land management opportunities along property boundaries, drainage lines or coastal hinterland areas. It follows, that the proposal will support and enhance agricultural production without harm to environmental values. Not applicable.

Decision guidelines	Assessment
Design and siting issues	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	Not applicable.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts. The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	Not applicable.
The location and design of existing and proposed infrastructure which minimises the visual impact on the landscape.	The proposed access is located at an existing gated opening/splayed fence area and will be constructed as a rural crossover with compacted crushed rock surfacing and culvert drainage treatment. Its low-profile, at-grade form minimises visual prominence.
Whether the use and development will require traffic management measures.	No traffic management measures are expected beyond standard construction requirements as part of a Works Within Road Reserve consent following a decision on the permit. The proposal will result in a minor intensification of traffic entering and exiting at the proposed crossover location, compared to the volumes experienced on the surrounding transport network.

Decision guidelines	Assessment
The need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to: - A permit for a wind energy facility; or - An application for a permit for a wind energy facility; or - An incorporated document approving a wind energy facility; or - A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the Environment Effects Act 1978.	Not applicable.
The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	Not applicable.

Based on the aforementioned assessment, the proposal has been assessed as compatible with the purpose and decision guidelines of the **FZ1** and the requirements for a dwelling.

5.2.3. Is the proposal consistent with the purpose and decision guidelines of Clause 42.01 Significant Landscape Overlay and objectives of SLO1?

In response to the relevant decision guidelines of **SLO1**, the following assessment is provided in the table below. Based on the assessment, the proposal has been assessed as compatible with the purpose of the **SLO**, the statement of the nature and key elements of the landscape, relevant landscape character objectives and decision guidelines of the **SLO1** contained at sub-clause 5.0. See below for a ventilation of key matters against the relevant decision guidelines at sub-clause 5.0.

SLO1 Decision guidelines	Response
The extent of intrusion of the development upon views towards the coast, particularly from existing residential areas, major roads and other public locations.	The proposal will result in no material intrusion upon views towards the coast. No buildings or vertical structures are proposed, and the works are limited to low-profile, at-grade access infrastructure. From Hopkins Point Road and other public locations, the crossover and access track will be perceived as typical rural infrastructure and will not interrupt or compete with coastal views. The separation distance, intervening landform and existing vegetation ensure that the proposal does not impact views from coastal vantage points or surrounding residential areas.
The desirability of site responsive structures in locations of high visual prominence.	The proposal does not introduce any structures of visual prominence. The access works have been designed at an existing gated/splayed access point. The design follows existing ground levels, avoids unnecessary regrading, and responds to the established rural landscape context. As such, the proposal achieves the intent of this guideline by avoiding visually prominent development altogether.
The desirability of using exterior finishes/colours and landscape screens to reduce the impact of a development.	The proposal incorporates visually recessive materials, including pervious stone/crushed rock for the crossover. These materials are consistent with the surrounding rural environment and will visually blend with existing farm tracks and pasture. No buildings or external finishes requiring colour treatment are proposed. Given the minor and at-grade nature of the works, additional landscape screening is not necessary; however, existing vegetation along boundaries will be retained and will continue to provide screening.

SLO1 Decision guidelines	Response
The desirability of relocating the proposal to a less prominent location on the site to reduce the impact on views towards the coast.	The location of the crossover has been deliberately selected at an existing informal access point, where fencing is already splayed and the land has been previously disturbed. This represents the least visually prominent and most appropriate location for access, avoiding the need to introduce new disturbance elsewhere along the frontage. Relocating the access would result in greater landscape impact by requiring comparatively greater extents of clearing and earthworks. It follows, that the proposal appropriately responds to this guideline by selecting the most suitable and least intrusive location.
The need to retain and replant indigenous coastal species.	The proposal does not involve the removal of any indigenous coastal vegetation. Existing vegetation within and surrounding the site, including shelterbelts and boundary planting, will be retained. The works are confined to area dominated by exotic ground cover and do not encroach upon remnant or planted native vegetation.
The desirability of maintaining existing hedgerows as part of the coastal landscape and to screen existing and proposed development.	Existing hedgerows and vegetation along boundaries will be retained as part of the proposal. The crossover is located at an existing break in vegetation, thereby avoiding removal of established hedgerows (west). The retention of these features ensures that the coastal landscape character is maintained and that existing vegetation continues to provide screening of development and infrastructure. The proposal is consistent with this guideline by minimising disturbance to established vegetation plantings.

6. Conclusion

This town planning report details the proposal and has made an assessment against the relevant policy and planning controls of the Warrnambool Planning Scheme.

The proposal is considered appropriate for the following reasons:

- The proposal is supported by the Municipal Planning Strategy and the Planning Policy Framework, with respect to the prevailing agricultural and landscape policies relevant to the Site;
- The proposal is an appropriate response to the relevant planning controls affecting the Site, comprising a two-lot re-subdivision and minor access works that are responsive to the Site's physical context, agricultural function, landscape character and environmental values;
- The proposed re-subdivision is an anticipated outcome of the prevailing zone and supports an agricultural purpose compatible with the surrounding rural and agricultural context;
- The proposal avoids canopy vegetation removal (planted or other) and limits disturbance to an existing informal access location;
- The proposal does not increase the number of lots and will not result in the fragmentation of productive agricultural land, consistent with the intent of the Farming Zone and the existing Section 173 Agreements registered on title;
- The proposal provides appropriate and independent access arrangements for each lot, with area suitable for a compliant rural crossover suitable for agricultural and emergency vehicles;
- The associated access works are at-grade and comprise rural materials compatible with the coastal hinterland landscape character.

It is the conclusion of this report that the application is consistent with the purposes and intent of the planning controls and policy framework of the Warrnambool Planning Scheme.

It follows as the recommendation and request of this report that Council issue a planning permit for the proposal.

We highly commend the application to Council, and look forward to working with Council during the assessment of the application.

May 2026

Appendices

Appendix A	Certificate of Title
Appendix B	Planning Property Report & NatureKit Report
Appendix C	Site Photos
Appendix D	Town Planning Drawings

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Appendix C – Site Photo Montage

610 & 1/616 Hopkins Point Road, Allansford

Photos taken 13 February 2026



Image 1: View of existing dwelling at 610 Hopkins Point Road (looking south).



Image 2: View of existing access to 610, 612, 1/616, 2/616, 618 & 620 Hopkins Point Road (looking south-east).

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Image 3: View of dwelling curtilage (foreground) and irrigated paddocks (background) at 610 Hopkins Point Road (looking south).



Image 4: View of dwelling curtilage (foreground), irrigated paddocks and adjoining land (background) at 610 & 670 Hopkins Point Road (looking south-east).

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Image 5: View of dwelling curtilage (foreground), irrigated paddocks and adjoining land (background) at 610 & 582 Hopkins Point Road (looking south-west).



Image 6: View of 610 Hopkins Point Road (left) and 670 Hopkins Point Road (right) (looking north).

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Image 7: View of road surface, existing fence splay, planted native trees, and grassed road reserve at 610 Hopkins Point Road (looking south).



Image 8: View of existing fence splay and grassed road reserve at 610 Hopkins Point Road (looking north).

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

Page 1 of 2

VOLUME 11643 FOLIO 093

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LAND DESCRIPTION

Lot 1 on Plan of Subdivision 736635A.
PARENT TITLE Volume 11556 Folio 119
Created by instrument PS736635A 29/03/2016

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

3277
AW364855T 12/12/2022

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AW364856R 12/12/2022
NATIONAL AUSTRALIA BANK LTD

COVENANT AR757984K 13/12/2018

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

AGREEMENT Section 173 Planning and Environment Act 1987
AE730752W 16/11/2006

AGREEMENT Section 173 Planning and Environment Act 1987
AF342914B 17/09/2007

DIAGRAM LOCATION

SEE PS736635A 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: UNIT 1 616 HOPKINS POINT ROAD ALLANSFORD VIC 3277

ADMINISTRATIVE NOTICES

NIL

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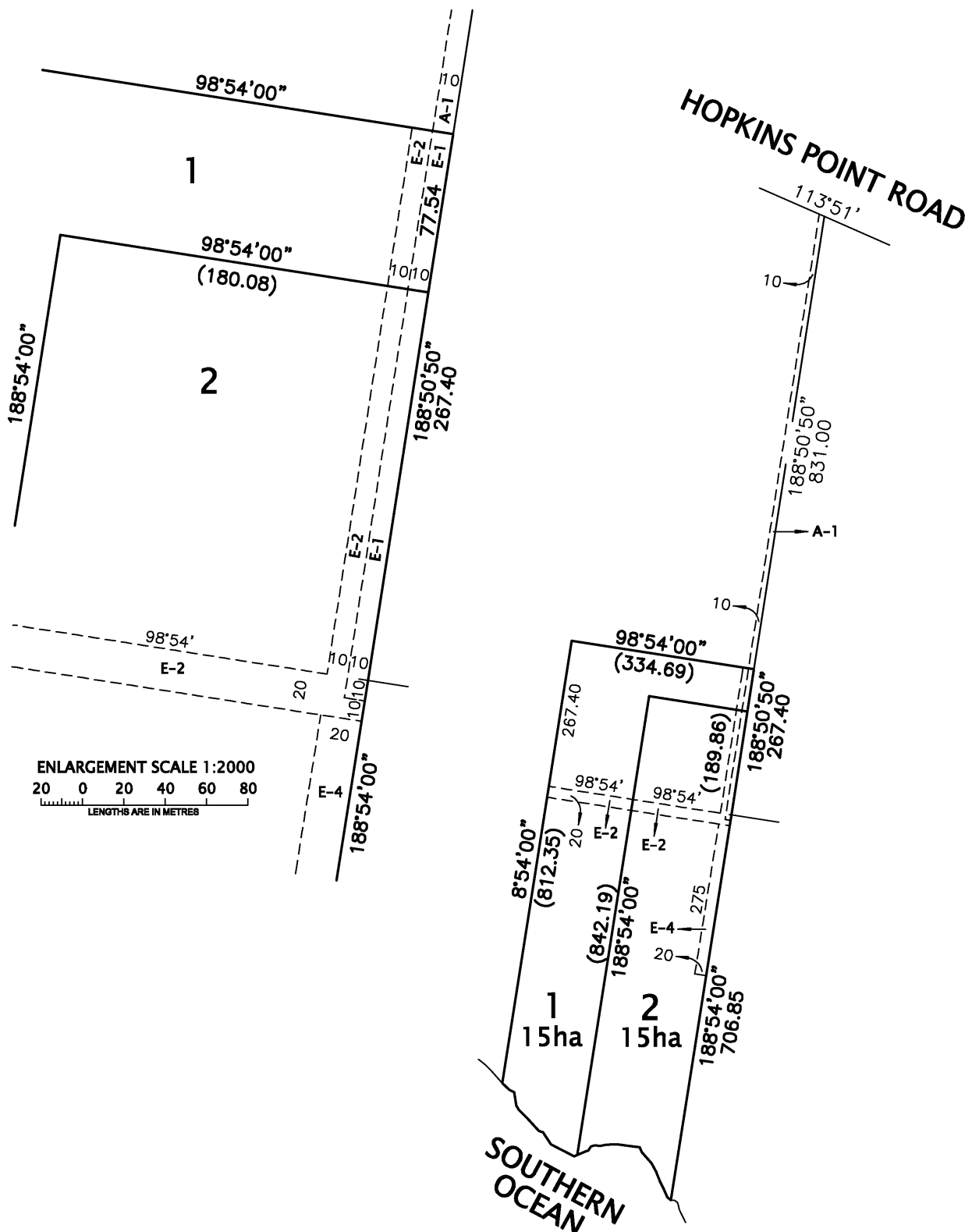
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PLAN OF SUBDIVISION			EDITION 1	PS 736635A	
LOCATION OF LAND PARISH: MEPUNGA TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: _____ CROWN PORTION: 15 A¹ (PART) TITLE REFERENCE: Vol 11556 Fol 119 LAST PLAN REFERENCE: PS 731208X POSTAL ADDRESS: 616 HOPKINS POINT ROAD (at time of subdivision) ALLANSFORD, 3277 MGA CO-ORDINATES: E: 637 000 ZONE: 54 N: 5 746 000 GDA 94			Council Name: Warrnambool City Council Council Reference Number: Sub2015-033 Planning Permit Reference: PP2014-0136 SPEAR Reference Number: S072174E Certification This plan is certified under section 6 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 Has not been made at Certification Digitally signed by: Julie Michele Perry for Warrnambool City Council on 23/12/2015		
VESTING OF ROADS AND/OR RESERVES			NOTATIONS		
Identifier	Council/Body/Person				
Nil	Nil				
NOTATIONS					
DEPTH LIMITATION: Does not apply SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision Planning Permit No. PP2014-0136 This survey has been connected to permanent marks No(s). 51. In proclaimed Survey Area No. _____					
EASEMENT INFORMATION					
LEGEND: A – Appurtenant Easement E – Encumbering Easement R – Encumbering Easement (Road)					
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	CARRIAGEWAY	10	AE807580F	VOL 10982 FOL 914 & VOL 10982 FOL 915	
E-1	CARRIAGEWAY	10	PS 604945W	LOT 2 ON PS 546568	
E-1	DISTRIBUTION OF ELECTRICITY	10	AE898905H	POWERCOR AUSTRALIA LTD	
E-2	DISTRIBUTION OF ELECTRICITY	SEE DIAG.	AE898905H	POWERCOR AUSTRALIA LTD	
E-4	POWERLINE	20	PS 731208X – SEC. 88 ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LTD	
A-1	CARRIAGEWAY	10	AE807580F	VOL 10982 FOL 914 & VOL 10982 FOL 915	
A-1	CARRIAGEWAY	10	PS 604945W	LOT 2 ON PS 546568	
A-1	CARRIAGEWAY	10	PS 731208X	LOT 2 ON PS 731208X	
A-1	DISTRIBUTION OF ELECTRICITY	10	AE898905H	POWERCOR AUSTRALIA LTD	
JOSEPH LAND SURVEYING PTY LTD ABN 27 744 943 042 P.O.BOX 5113, WARRNAMBOOL 3280 PHONE (03) 5562 2066		SURVEYORS REF: 479 479_PS_V1.DWG VERSION 1 479_MGA.SEE Digitally signed by: Clint Geoffrey Joseph (Joseph Land Surveying), Surveyor's Plan Version (1), 10/08/2015 Amended: 16/03/2016			ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2
PLAN REGISTERED TIME: 11:05 AM DATE: 29/03/2016 D. Popec Assistant Registrar of Titles					

ADVERTISING

PS 736635A

MCA94 ZONE 54



JOSEPH LAND SURVEYING PTY LTD
 ABN 27 744 943 042
 P.O.BOX 5113, WARRNAMBOOL 3280
 PHONE (03) 5562 2066

SCALE
1:7500

75 0 75 150 225 300
 LENGTHS ARE IN METRES

Digitally signed by: Clint Geoffrey Joseph (Joseph Land Surveying),
 Surveyor's Plan Version (1),
 10/08/2015 Amended: 16/03/2016

Original sheet size
A3

SHEET 2

Digitally signed by:
 Warrnambool City Council,
 23/12/2015,
 SPEAR Ref: S072174E

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

Page 1 of 2

VOLUME 11556 FOLIO 118

Security no : 124134106884C
Produced 27/04/2026 12:22 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 731208X.
PARENT TITLES :
Volume 11053 Folio 861 to Volume 11053 Folio 862
Created by instrument PS731208X 06/03/2015

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 1 of a total of 2 equal undivided shares
Sole Proprietor

As to 1 of a total of 2 equal undivided shares
Sole Proprietor

PS731208X 06/03/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AT201554X 30/04/2020
WESTPAC BANKING CORPORATION

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

AGREEMENT Section 173 Planning and Environment Act 1987
AE730752W 16/11/2006

AGREEMENT Section 173 Planning and Environment Act 1987
AF342914B 17/09/2007

DIAGRAM LOCATION

SEE PS731208X 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: 610 HOPKINS POINT ROAD ALLANSFORD VIC 3277

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION

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

Page 2 of 2

Effective from 30/04/2020

DOCUMENT END



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Document Type	Plan
Document Identification	PS731208X
Number of Pages (excluding this cover sheet)	3
Document Assembled	27/04/2026 12:22

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EDITION 1

PS 731208X

Nil

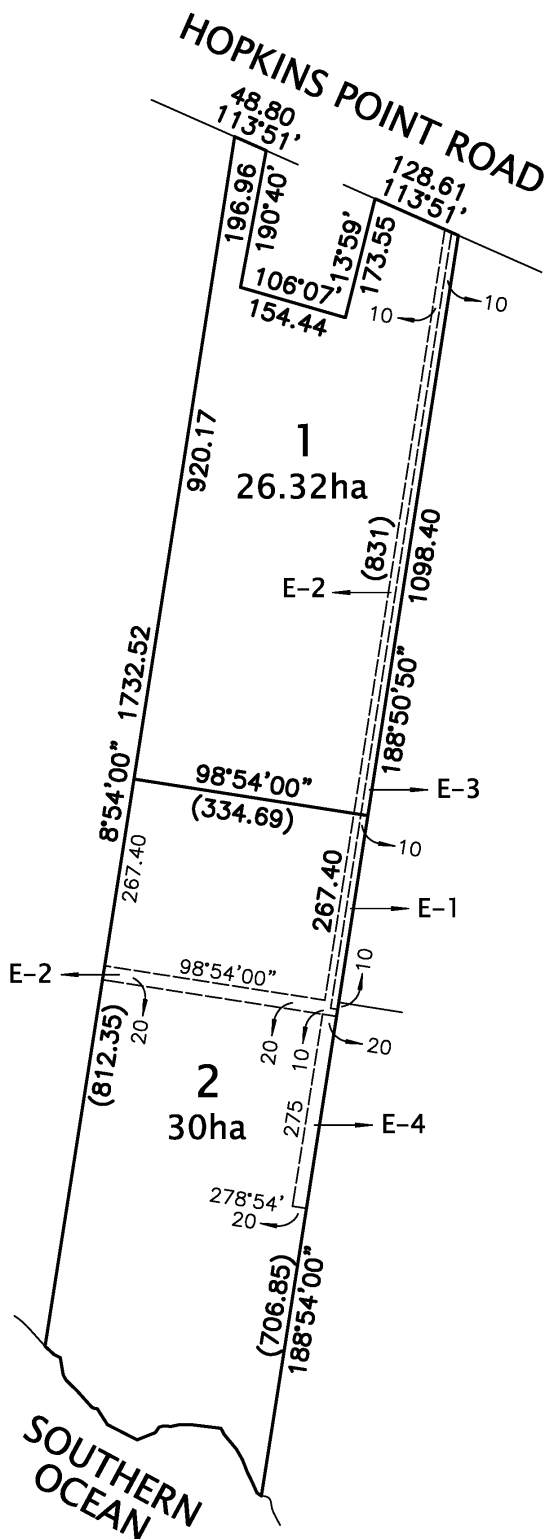
A = Appurtenant Easement B = Encumbering Easement (Road)

SURVEYORS REF **479A** 479A_PS_V2.DWG
479_MGA.SEE VERSION **2**

ADVERTISING

PS 731208X

MGA94 ZONE 54



JOSEPH LAND SURVEYING PTY LTD
 ABN 27 744 943 042
 P.O.BOX 5113, WARRNAMBOOL 3280
 PHONE (03) 5562 2066

SCALE
 75 0 75 150 225 300
 LENGTHS ARE IN METRES

ORIGINAL
 SCALE
 1:7500

Sheet 2 of 2 sheets

Original sheet size A3

DIGITALLY SIGNED BY LICENSED SURVEYOR: TREVOR WAYNE MCDOWELL
 SURVEYORS REF **479A** 479A_PS_V2.DWG VERSION **2**
 479_MGA.SEE

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Plan of Subdivision PS731208X Certification of plan by Council (Form 2)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S058782M
Plan Number: PS731208X
Responsible Authority Name: Warrnambool City Council
Responsible Authority Certification Ref. No.: Sub2014-045
Surveyor's Plan Version: 2

Certification

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

Public Open Space

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

☐ Has not been made at Certification

Digitally signed by Council Delegate: Julie Perry
Organisation: Warrnambool City Council
Date: 27/11/2014

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Document Type	Instrument
Document Identification	AF342914B
Number of Pages (excluding this cover sheet)	6
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AP 342914B



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: Tait Leishman Taylor
Phone: (03) 5560 2100
Address: 121 Kepler Street, Warrnambool 3280
Ref: Tom Lindsey
Customer Code: 1638Q



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

Land:

The whole of the land described in Certificate of Title Volume 10983 Folio 567 and being the land at 616 Hopkins Point Road, Warrnambool 3280.

Authority or council

WARRNAMBOOL CITY COUNCIL

Section and Act under which agreement made:

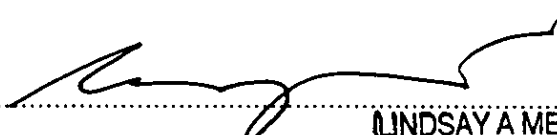
Section 173

A copy of the agreement is attached to this application

Dated: 31st AUGUST 2007

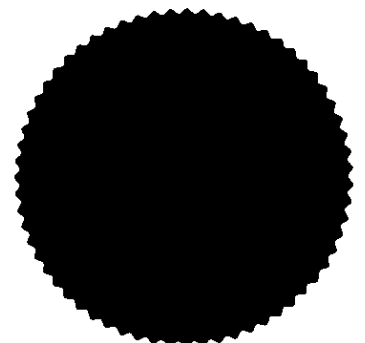
Signed:

THE COMMON SEAL of WARRNAMBOOL)
CITY COUNCIL was hereunto affixed in the)
presence of:)

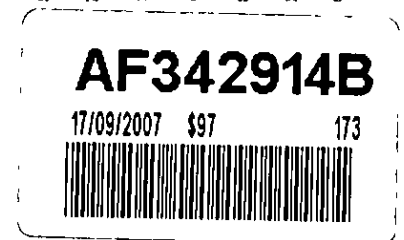

LINDSAY A MERRITT
CHIEF EXECUTIVE
Its duly authorised delegate WARRNAMBOOL CITY COUNCIL

In the presence of:

Witness: Wendy Clark.



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RESPONSIBLE AUTHORITY **WARRNAMBOOL CITY COUNCIL**

THE OWNER



LAND AFFECTED

**616 HOPKINS POINT ROAD
ALLANSFORD**

DATED

31 August **2007**

AGREEMENT PURSUANT TO SECTION 173 PLANNING & ENVIRONMENT ACT

REGISTRATION PARTICULARS

A Memorandum of this agreement was lodged in the Office of Titles pursuant to Section 181 of the Planning & Environment Act 1987 on ____/____/2007

WARRNAMBOOL

*Incorporating
West Coast Conveyancing
121 Kepler Street,
(P.O. Box 311)
Warrnambool, 3280*

*Tel: (03) 5560 2100
Fax: (03) 5561 4567*

*E-Mail: taits@taits.com.au
Internet: www.taits.com.au*

MORTLAKE

*118 Dunlop Street,
(P.O. Box 1)
Mortlake, 3272*

*Tel: (03) 5599 2504
Fax: (03) 5599 2036*

PORT FAIRY

*38 Bank Street,
(P.O. Box 114)
Port Fairy, 3284*

*Tel: (03) 5568 1402
Fax: (03) 5568 2498*

TERANG

*99 High Street,
(P.O. Box 114)
Terang, 3264*

*Tel: (03) 5592 1666
Fax: (03) 5592 1811*



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WARRNAMBOOL CITY COUNCIL

- and -

CHARLES EDWARD VICKERS AND EVELYN MAY VICKERS



PLANNING & ENVIRONMENT ACT

AGREEMENT PURSUANT TO SECTION 173

AFFECTED LAND:

616 Hopkins Point Road, Allansford

Part of Crown Allotment 15 A1 Parish of Mepunga being the land described in Certificate of Title Volume 10983 Folio 567

THIS AGREEMENT is made on the 31st day of August 2007

BETWEEN:

The Responsible Authority:

WARRNAMBOOL CITY COUNCIL ("the Council")

The Owner:

CHARLES EDWARD VICKERS AND EVELYN MAY VICKERS

of 600 Hopkins Point Road, Allansford ("the Owner")

WHEREAS

1. The Owner owns the land described in Certificate of Title Volume 10983 Folio 567, situate at 616 Hopkins Point Road, Allansford ("the land").
2. The land is affected by the provisions of the Warrnambool Planning Scheme ("the Scheme").
3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme.
4. By Application Number P2007 – 041 the Owner applied to the Council for a planning permit to subdivide the land in accordance with Plan No. PS 604945W dated 17 May 2007 submitted with the application ("the subdivision plan") a copy of which is attached hereto.
5. The Council on 12 June 2007 issued Planning Permit No. P2007 – 041 for the subdivision of the land ("the subdivision permit") in accordance with the subdivision plan. A copy of the subdivision permit is attached hereto.
6. The subdivision permit is subject to conditions including the following:
 - 6.1. Prior to the issue of a Statement of Compliance for the subdivision, the owner/s must enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide for the following:
 - 6.1.1. Lots 1 and 2 as shown on the endorsed plan will not be further subdivided where such a subdivision would create a lot of a size less than the minimum subdivision area specified in the schedule to the Farming Zone or if the Farming Zone is replaced by an equivalent of substantially similar zone then the minimum subdivision area specified in that equivalent of substantially similar zone;
 - 6.1.2. The above restriction shall not apply in the case of boundary realignments provided such boundary realignments do not create any additional lots; and
 - 6.1.3. The Section 173 Agreement shall be removed if the land is rezoned, except where the rezoning is to a zone that is equivalent of substantially similar to the current Farming Zone.
7. The parties enter this agreement in satisfaction of this condition of the subdivision permit.

BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

8. OPERATION

- 8.1. This agreement is made pursuant to Section 173 of the Act.

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8.2. This agreement shall come into force on execution by both parties.

8.3. The covenants of this agreement shall run with the land.

9. INTERPRETATION

9.1. LOT

In this agreement "lot" means any and each lot shown on the subdivision plan.

9.2. OWNER

In this agreement the word "Owner" unless the contrary intention appears shall be deemed to include **CHARLES EDWARD VICKERS** and **EVELYN MAY VICKERS** their successors assigns and transferees and the obligations imposed on and assumed by **CHARLES EDWARD VICKERS** and **EVELYN MAY VICKERS** shall be binding on the successors transferees purchasers mortgagees assigns of **CHARLES EDWARD VICKERS** and **EVELYN MAY VICKERS** and any person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement; and

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 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.

9.3. COUNCIL

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

9.4. In this agreement, unless the context otherwise requires:

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

9.4.2. Words denoting any gender shall include all genders.

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

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

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

9.4.6. Headings are for convenience only and do not affect interpretation.

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

9.4.8. 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.

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

9.4.10. References to dollars and "\$" shall be taken as referring to amounts in Australian currency.

9.4.11. 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.

10. NO FURTHER SUBDIVISION

10.1. Lots 1 and 2 as shown on the endorsed plan will not be further subdivided where such a subdivision would create a lot of a size less than the minimum subdivision area specified in the schedule to the farming zone or if the farming zone is replaced by an equivalent of substantially similar zone then the minimum subdivision area specified in that equivalent of substantially similar zone;

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173

17/09/2007 997



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10.2. The above restriction shall not apply in the case of boundary realignments provided such boundary realignments do not create any additional lots; and

10.3. The Section 173 Agreement shall be removed if the land is rezoned except where the rezoning is to a zone that is equivalent of substantially similar to the current farming zone.

11. REGISTRATION

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

12. 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 the nature of this agreement.

13. 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.

14. NOTICES

Any notice required under this agreement may be served by delivering it to the Owner 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.

15. SUCCESSORS BOUND

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

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

15.2. Execute under 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 clause shall cease for such time as there appears in the register book at the office of the Registrar of Titles a memorandum of this agreement.

16. DEFAULT

If the Owner fails to comply with this agreement the Council may serve on the Owner or on the owner of a lot in respect of which there has been 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 costs, shall be paid by the relevant owner to the Council or if there is excess, repaid by the Council to the relevant owner.

17. 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 authorizes the Council to do and will ratify whatever the Council lawfully shall do or cause to be done under this power of attorney.

18. ENFORCEMENT

18.1. The operation of this clause is suspended until and unless the Council has served a notice under the "Default" clause.

AF342914B

17/09/2007 \$97 173



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- 18.2. The Owner forthwith on demand shall pay to the Council the cost and expenses, including building costs, of and incidental to the Council exercising its powers under this agreement.
- 18.3. The Owner licenses the Council through its employees and contractors at any reasonable time by appointment to enter upon any part of the land for the purposes of giving effect to this agreement.

19. 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.

20. 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.

21. DISPUTE

If any dispute or difference arises between the parties with respect to the interpretation of this agreement, or 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.

EXECUTED AS A DEED.

THE COMMON SEAL of WARRNAMBOOL
CITY COUNCIL was hereunto affixed in
the presence of:

Chief Executive Officer
Its duly authorised delegate

LINDSAY A MERRITT
CHIEF EXECUTIVE
WARRNAMBOOL CITY COUNCIL

In the presence of:

Witness

SIGNED by CHARLES EDWARD VICKERS and)

EVELYN MAY VICKERS in the presence of:)

Witness:

AF342914B

17/09/2007 \$97

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ANNEXURE 1: Planning Permit P2007 - 041
ANNEXURE 2: Subdivision Plan PS 604945W

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Document Type	Instrument
Document Identification	AE730752W
Number of Pages (excluding this cover sheet)	13
Document Assembled	27/04/2026 12:22

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AE730752W

Application by Responsible
Authority, Relevant Authority,
Referral Authority or Council for
the making of a recording of an
agreement



Section 181(1) Planning & Environment Act 1987

Lodged by:

Name: DWYER ROBINSON PTY LTD
Phone: 03 5562 1044
Address: 95 Kepler Street, Warrnambool 3280
Ref: JMD/ATB/60107
Customer Code: 0761W

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

Land:

Certificate of Title Volume 2689 Folio 603

Authority or council:

**Warrnambool City Council
25 Liebig Street, Warrnambool 3280**

Section and Act under which agreement made:

Section 173 of the Planning and Environment Act 1987

A copy of the agreement is attached to this application

Dated: 15th November 2006.

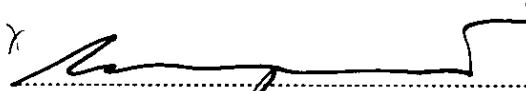
Signed:

(official of authority or council – specify office held)

Signature for the
Responsible Authority:

Name of Officer:

Office Held:

X 
X LINDSAY A MERRITT
CHIEF EXECUTIVE
WARRNAMBOOL CITY COUNCIL

non
16/11/06

ADVERTISING

16/11/2006 \$94.60

173



THIS AGREEMENT is made the 2nd day of November Two thousand and six
BETWEEN the **MAYOR, COUNCILLORS & RATEPAYERS OF THE**
WARRNAMBOOL CITY COUNCIL of 25 Liebig Street, Warrnambool in the State of Victoria
("the City") of the first part and

[REDACTED] both of 600 Hopkins Point
Road Allansford in the said State ("the Owners") of the second part

WHEREAS:-

- (a) The Owners are the Registered Proprietors of the land described in Certificate of Title Volume 2689 Folio 603 which land is situated 600 Hopkins Point Road Allansford ("the subject land").
- (b) The City is the responsible authority pursuant to the *Planning & Environment Act* 1987 ("the Act") for the Warrnambool Planning Scheme.
- (c) On 3rd September 2003, Planning Permit No. 2002-298 ("the Permit"), a copy of which is annexed hereto and marked "A", was issued by the responsible authority permitting a two (2) lots subdivision in accordance with the proposed Plan of Subdivision No. 543662W subject to the conditions required by the responsible authority.
- (d) The Permit was amended by agreement on 7th February 2006.
- (d) For the purpose of complying with the Permit which is required by the responsible authority the Owners seeks to enter into a Section 173 Agreement with the City. The Section 173 Agreement shall be registered on the Title to Lot 1 on the proposed Plan of Subdivision No. 543662W being part of the subject land.
- (e) The City and the Owners have agreed that without limiting or restricting their respective powers to enter into this Agreement in so far as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.
- (f) This Agreement shall come into force upon execution by both parties and upon Registration of the Plan of Subdivision.

The Covenant of this Agreement shall run with the subject land

ADVERTISING

AE730752W

16/11/2006 \$94.60

173



NOW THIS AGREEMENT WITNESSETH as follows:-

1. **INTERPRETATION**

In this Agreement unless inconsistent with the subject matter:

1.1 "The Owners" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as Proprietor or Proprietors of an Estate in fee simple of the subject land.

The expression "Owners" shall be deemed to include their successors, assigns and transferees and the obligations imposed on and assumed by the Owners shall also be binding on their successors, assigns, transferees, mortgagees and any person obtaining possession of the whole or part of the subject land (hereinafter called "the successors") as if each of those successors had separately executed this Agreement

1.2 "Permit" shall mean and include Planning Permit No. 2002-298 issued by the City of Warrnambool on 3rd September 2003 and amended on 7th February 2006.

1.3 "Planning Approval" shall mean and include any planning permit issued in accordance with the Act

2. **SUCCESSORS IN TITLE**

Without limiting the operation or effect which this Agreement has, the Owners shall, until such time as the memorandum of this Agreement is Registered on the Title to the subject land, ensure that their successors in Title:-

2.1 Give effect to and do all acts and sign all documents as to require them to give effect to this Agreement

2.2 Execute under seal a Deed agreeing to be bound by the terms of this Agreement and thereupon this Agreement shall continue as if executed by such successors as well as by the parties hereto as if the successors name appeared in each clause in which the names of the Owners appear and in addition to the names of the Owners

3. **GENERAL**

3.1 Any notice hereunder may be served by delivering the same to the Owners at their

ADVERTISING

AE730752W

16/11/2006 \$94.60

173



address as aforesaid or by putting same into the post in a prepaid and certified envelope addressed to the Owners at that address and any notice so posted shall be conclusively deemed to have been served at the expiration of forty-eight (48) hours from the time of posting

- 3.2 Each of the parties hereto shall respectively sign and execute all such further documents and deeds and do all acts and things as the other parties shall reasonably require for completely effecting this Agreement
- 3.3 Any time or other indulgence granted by the City to the Owners or any variation of the terms and conditions of this Agreement or any judgement or order obtained by the City against the Owners will not in any way amount to a waiver of the rights or remedies of the City in relation to the terms of the Agreement
- 3.4 If any provision of this Agreement is not valid it will not affect the validity of the other provisions of this Agreement but shall be read down or severed so as to leave the other provisions of this Agreement in effect
- 3.5 It is acknowledged and agreed that this Agreement does not affect or restrict the power or discretion of the City to make or impose requirements or conditions in connection with the granting of any planning approval or certification of any Plan of Subdivision applicable to the subject land

4. COVENANTS OF THE OWNER

- 4.1 The Owners shall forthwith pay on demand to the City the City's costs and expenses (including legal expenses) of and incidental to:-
 - 4.1.1 This Agreement or any consequent thereof relating thereto pursuant thereto or in furtherance thereof including anything done in anticipation of this Agreement and the enforcement of any obligations imposed on the Owners
 - 4.1.2 The preparation of an Application pursuant to Section 181 of the Act enabling the Registration of this Agreement at the Land Titles Office and any duties or fees payable in connection with either this Agreement, the

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Registration of this Agreement at the Land Titles Office or in connection with any default of the Owners

4.2 The Owners covenant and agree that they will consent to the City entering a memorandum of this Agreement on the Certificate of Title to the subject land in accordance with Section 181 of the Act and to do all things necessary to enable the City so to do including signing any further Agreement, acknowledgment or document to enable the said memorandum to be registered under that Section

4.3 The Owners further covenant and agree that they will comply with the requirements of the Permit as follows:-

4.3.1 Lot 1 as shown on the endorsed Plan, will not be further subdivided. This does not include boundary re-alignments providing no additional lots are created.

5. CITY POWERS

5.1 In the event of the Owners failing to comply with the provisions hereof the Chief Executive of the City may cause to be served on the Owners a notice in writing specifying the default and should such default continue for fourteen (14) days after the service of such notice the City may by its officers, employees, agents and contractors enter upon the subject land and cause remedial works to be carried out. Any notices or demands served on the Owners pursuant to this Clause may set out the costs (as estimated by the Chief Executive and stated in such notice) of carrying out such remedial works to remedy the default as aforesaid and in the event of the Owners not complying with such notice within the said period of fourteen (14) days the Chief Executive may cause to be served on the Owners a demand in writing for the amount of the cost estimated as aforesaid and the amount thereof shall be paid forthwith by the Owners to the City. As soon as may be practical after the completion of such remedial works the Group Manager of the Infrastructure Department of the City shall certify the actual costs thereof to the City and the difference between such actual costs and the estimated costs paid to the City

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pursuant to this Clause shall be paid by the Owners to the City or by the City to the Owners as the case may require

5.2 For better securing compliance with this Agreement the Owners:-

5.2.1 Hereby appoint the City as their lawful Attorney to do all things the Owners are capable of doing for the purpose of giving effect to this Agreement and **HEREBY AUTHORISE** the City to do so and will ratify whatever the City shall lawfully do or cause to be done by virtue of this Power of Attorney

5.2.2 Shall forthwith on demand made on it by the City pay the costs and expenses of and incidental to the City exercising its powers pursuant to this Agreement

5.2.3 Hereby irrevocably licences the City and its officers, employees, agents and contractors to enter upon any part of the land for the purpose of giving effect to this Agreement

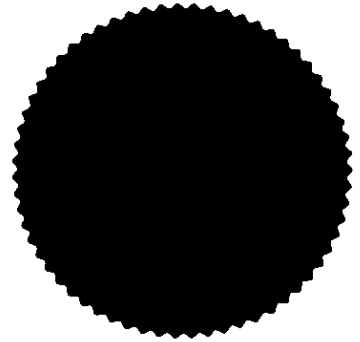
Any notice hereunder may be served by delivering same to the Owners at their address aforesaid or by putting the same into the post in a prepaid and certified envelope addressed to the Owners at their address aforesaid and any notice posted shall be conclusively deemed to have been served upon the expiration of twenty-four (24) hours from the time of posting

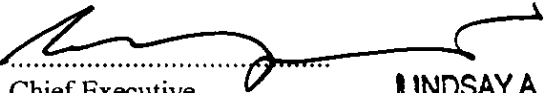
6. If any dispute or difference arises between the parties with respect to the interpretation of this Agreement or its application or the release or amount of any sum charged such dispute or difference shall be determined by a person appointed by the parties by agreement or, failing agreement, by a person qualified in the area of dispute or difference and appointed by the Secretary as defined in the Act

IN WITNESS WHEREOF the parties hereto have set their hands and seal the day and year first hereinbefore written

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THE COMMON SEAL of)
WARRNAMBOOL CITY COUNCIL)
was hereunto affixed in the presence of:)

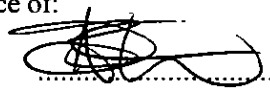



Chief Executive)
Its duly authorised delegate) **LINDSAY A MERRITT**
) **CHIEF EXECUTIVE**
) **WARRNAMBOOL CITY COUNCIL**

In the presence of:

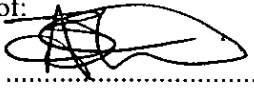
Witness: 

SIGNED SEALED AND DELIVERED by)
CHARLES EDWARD VICKERS)
in the presence of:)

Witness: 



SIGNED SEALED AND DELIVERED by)
EVELYN MAY VICKERS)
in the presence of:)

Witness: 



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ADVERTISING

Form 4

PLANNING PERMIT

Permit No:
2002-298

PLANNING SCHEME:

Warrnambool Planning Scheme

RESPONSIBLE AUTHORITY:

Warrnambool City Council

ADDRESS OF LAND:

Lot 14 PS 3184 and Part Crown Portion 15A1 Parish of Mapunga, No. 600 Hopkins Point Road, Allansford.

THIS PERMIT ALLOWS:

To subdivide the land into 2 lots, in accordance with the Plan prepared by Paul Crowe Surveyor Reference No. 1241 endorsed by Council and attached to this permit.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

Page 1 of 2

1. The subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. For any subdivision based on survey, prior to a statement of compliance being issued the surveyor must submit to the Responsible Authority digital data (AMG co-ordinates in DXF format or its equivalent) in accordance with the Guideline for submission of Digital Data (Survey Mapping - Victoria). When submitted, this data shall become the property of the Responsible Authority.
3. Separate vehicular access must be provided to lot 2, including the provision of a vehicular crossing to be constructed to Council standards. A vehicular crossing permit must be obtained from the relevant Council officer.
4. Stormwater from both dwellings must be retained on site via soakage pits, to the satisfaction of the Responsible Authority.
5. That the effluent disposal lines from the septic tank of the existing dwelling located on the eastern boundary of Lot 1 be replaced and located within the boundaries of Lot 1 in accordance with the EPA Septic Tank Code of Practice to the satisfaction of the Responsible Authority.
6. This permit will expire if one of the following circumstances applies:
 - (a) The subdivision is not started within 2 years of the date of this permit.
 - (b) The subdivision is not completed within 5 years of the date of starting.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within 3 months afterwards.

Date Issued

3 September 2003

Signature for the Responsible Authority

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WARRNAMBOOL PLANNING SCHEME
PERMIT NO. 2002-298

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7. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
8. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
9. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

Date Issued

3 September 2003

Signature for the Responsible Authority

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WARRNAMBOOL
CITY COUNCIL

Our Ref/2002-298

POSTED 22/12/2005

7 February 2006

Brendan Howard,
Urbanomics,
125A Kepler Street,
WARRNAMBOOL 3280

Dear Brendan,

Planning Permit Number: 2002-298
2 Lot Subdivision
600 Hopkins Point Road, Allansford

I refer to your letter requesting an extension of time to planning permit 2002-298 at 600 Hopkins Point Road, Allansford, which was issued on 3 September 2003.

Council would be prepared to extend the permit if a condition were to be included that required the land owner to enter into a Section 173 Agreement with Council to prevent any further subdivision of lot 1. It is considered this will prevent any further fragmentation of rural land, and meet the objectives of the Rural Zone, including the State and Local Planning Policy Frameworks.

Could you please confirm your agreement to this additional condition in writing, so that the permit can be amended and extended at the same time.

If you have any further queries, please contact Development Services administration to arrange an appointment with myself by telephoning 5559 4800.

Yours faithfully,

Julie Kearney
STATUTORY/STRATEGIC PLANNER

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V:\PM2000\Forms\Amendment to Planning Permit.doc

Civic Centre 25 Liebig Street
Warrnambool Victoria Australia
PO Box 198 Warrnambool VIC 3280

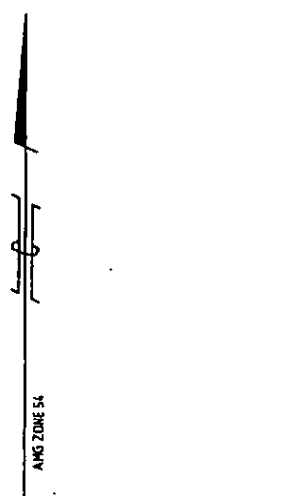
Telephone (03) 5559 4800
Facsimile (03) 5559 4900
Ausdoc DX 28005

Website www.warrnambool.vic.gov.au
ABN 44 594 164 321

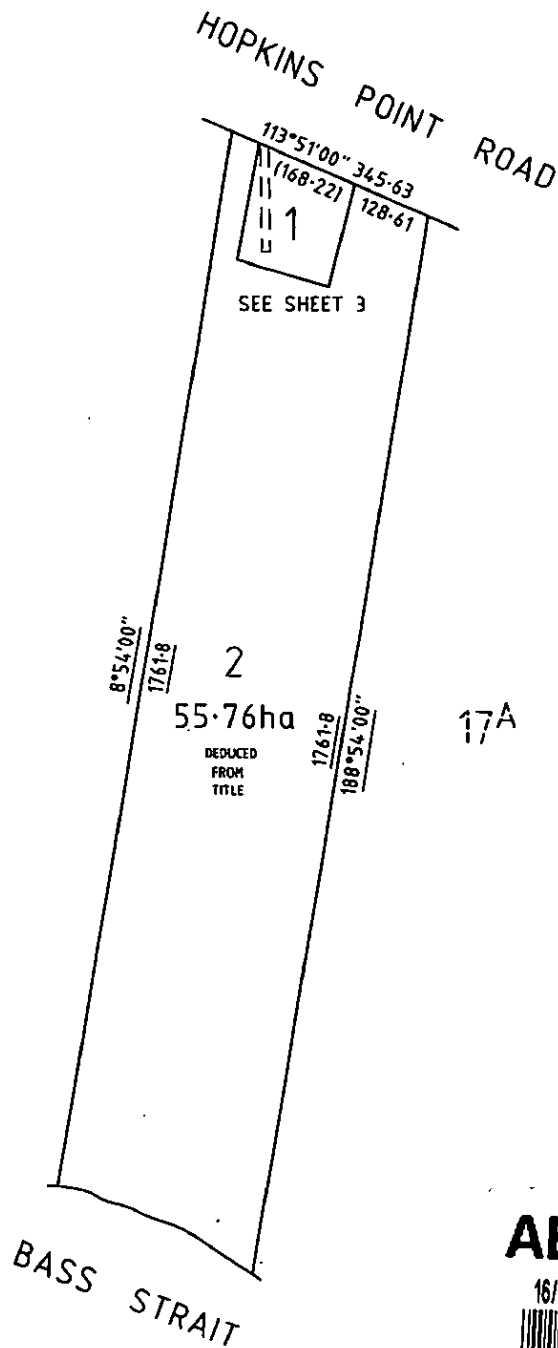
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PLAN OF SUBDIVISION		Stage No. /	Plan Number PS 543662W
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AMG ZONE 54



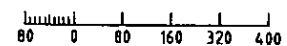
SEE SHEET 3

DEDUCED FROM TITLE

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Paul Crowe Surveyor Box 6084 (178 Wallen Rd) Hawthorn 3122 Ph/Fax 0815 2493 Mob 0419 515 422 crowe@ansonic.com.au ABN 59521601183		Sheet 2 of 3 sheets	
ORIGINAL SHEET SIZE A3	SCALE 1:8000	 LENGTHS ARE IN METRES	LICENSED SURVEYOR SIGNATURE REF 1241
		PAUL DENIS CROWE DATE 9/9/2006 VERSION 3	DATE / / COUNCIL DELEGATE SIGNATURE

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PS 543662W

16/11/2006 \$94.60

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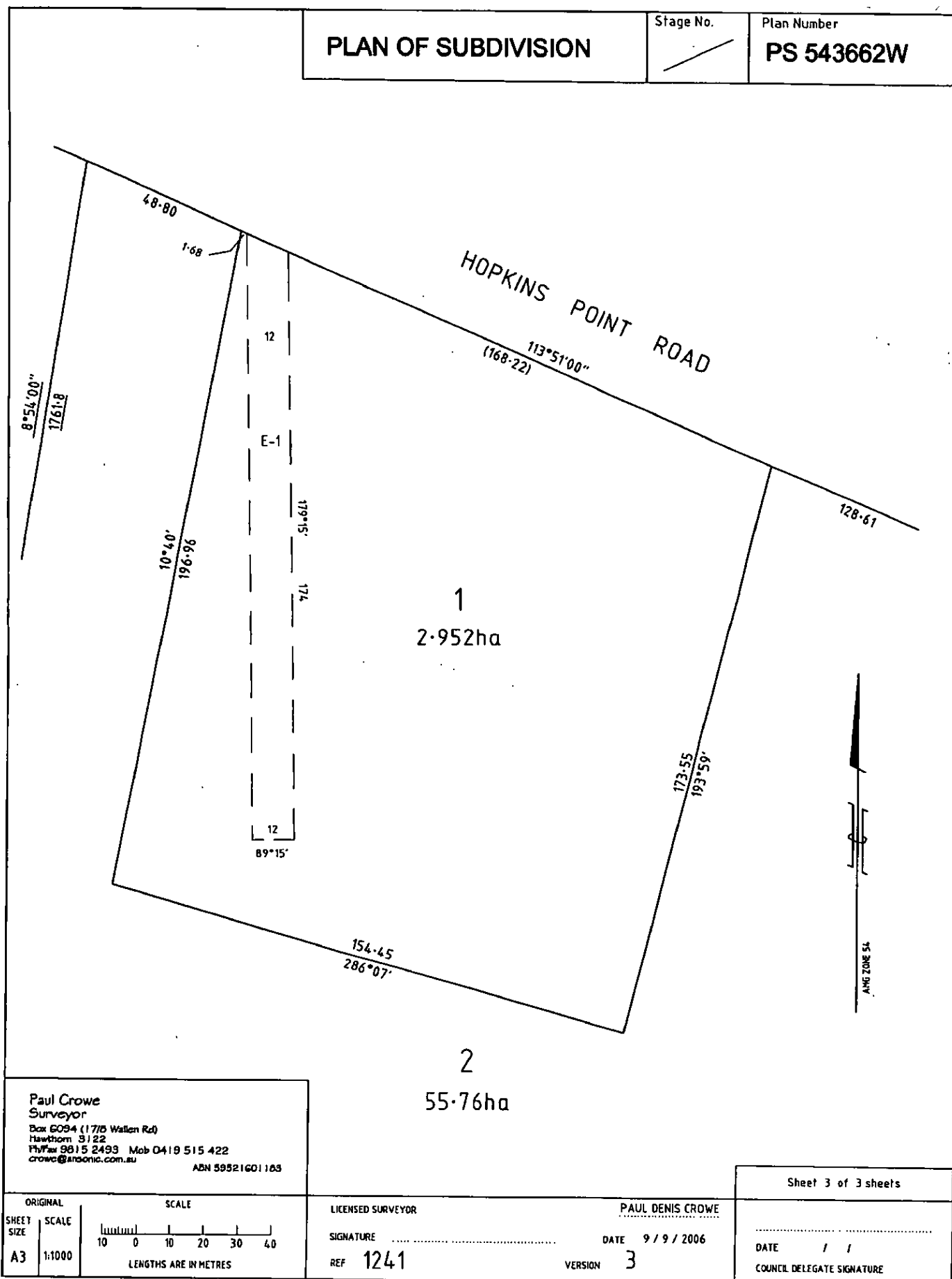


PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 543662W



Paul Crowe
Surveyor

Box 6094 (1770 Wallen Rd)
Hawthorn 3122
Ph/Fax 9815 2493 Mob 0419 515 422
crowe@ansoninc.com.au

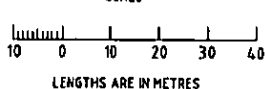
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SCALE

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SIZE
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SCALE
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LICENSED SURVEYOR

PAUL DENIS CROWE

SIGNATURE

DATE 9/9/2006

REF 1241

VERSION 3

Sheet 3 of 3 sheets

DATE / /

COUNCIL DELEGATE SIGNATURE