

ADVERTISED

NOTICE OF AN APPLICATION FOR PLANNING PERMIT



The land affected by this application is located at:	11 Cooper St WARRNAMBOOL VIC 3280
The application is for a permit to:	Use of the site for place of worship (retrospective) and building and works to extend the existing building
A permit is required under the following clauses of the planning scheme:	
Planning scheme clause	Matter for which a permit is required
Clause:	Clause 33.01-2 Use – Place of Worship (retrospective approval) Clause 33.01-4 - Building and works
The applicant for the permit is:	Designing Spaces Pty Ltd C/o No associations of Agent are linked to this application
The application reference number is:	PP2026-0124
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:	24 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.: 11 Street name Cooper Street
Suburb/locality Warrnambool postcode 3284

Formal Land Description

Complete either A or B.

A Lot No.: 14 ☐ Lodged Plan ☐ Title Plan ☒ Plan of Subdivision No.: 434682Y

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?

Use and development for Retrospective approval for a place of worship and building and works to extend the existing building

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: \$ 375,000 You may be required to verify this estimate.

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

Existing Conditions

4. Describe how the land is used and developed now

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

Warehouse

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: Mr First Name: Nathan Surname Divall

Organisation (if applicable): Designing Spaces

Unit No.: _____ St. No.: 115 Street name Fairy Street

Suburb/locality Warnambool State Vic postcode 3280

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

☒ Same as applicant (If so, go to 'contact information')

Title: _____ First Name: _____ Surname _____

Organisation (if applicable) _____

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

Suburb/locality _____ State _____ postcode _____

Contact information Please provide at least one contact phone number

Business Phone 55 625229 Email nathan@designingspaces.net.au

Declaration

ADVERTISED

7. This form must be signed by the applicant

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

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

Signature

Date 16/07/2026

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:

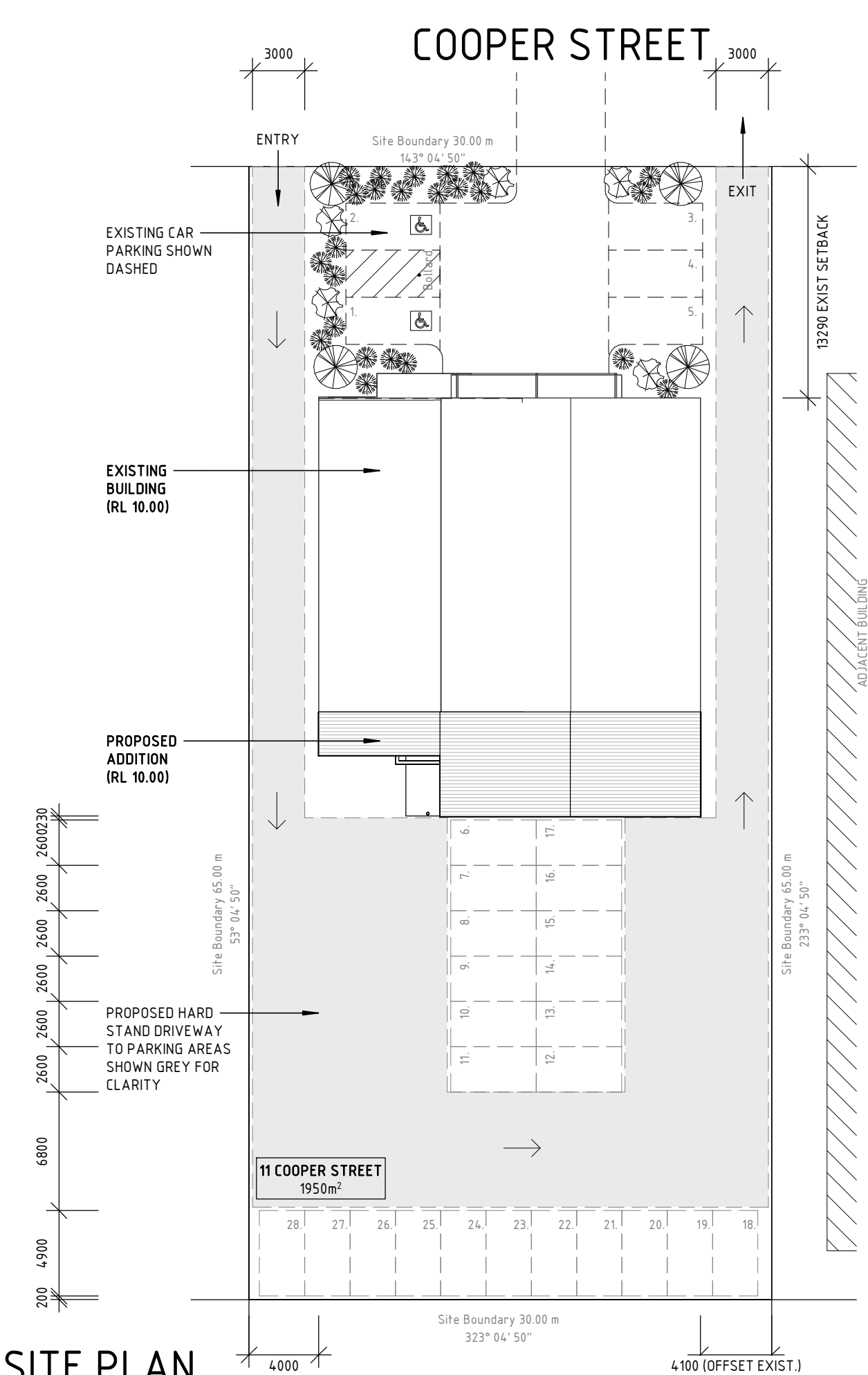
In Person: Warrnambool City Council Civic Centre, 25 Liebig Street, Warrnambool 8.30am to 5.00pm

Mail: PO Box 198, WARRNAMBOOL Victoria 3280

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

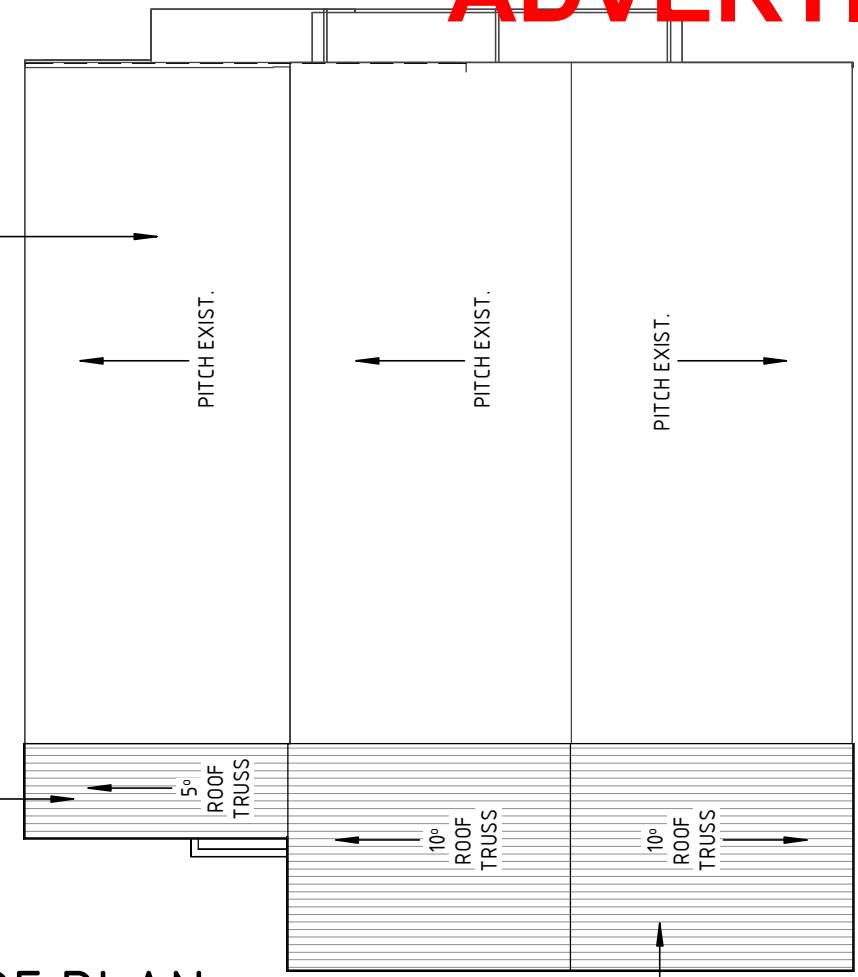
Please note once your application is received, an invoice will be forwarded to you via email.





AREA ANALYSIS		
Name	Area	SQ'S
Exist. Building	393.87 m ²	42.38
Prop. Auditorium	90.47 m ²	9.73
Prop. Amenities	15.07 m ²	1.62
TOTAL	499.41 m ²	

ROOF PLAN
1 : 200



ADVERTISED

TOWN PLANNING
JOB No: 25-119
1.
A3 SHEET

NATHAN DIVALL
DECEMBER 2025
REVISION: B (JULY 2026)

SALIBA
11 COOPER STREET, WARRNAMBOOL
115 FAIRY STREET, WARRNAMBOOL - T:0355625229 - E:nathan@designingspaces.net.au - REGISTRATION No. DP-AD32963

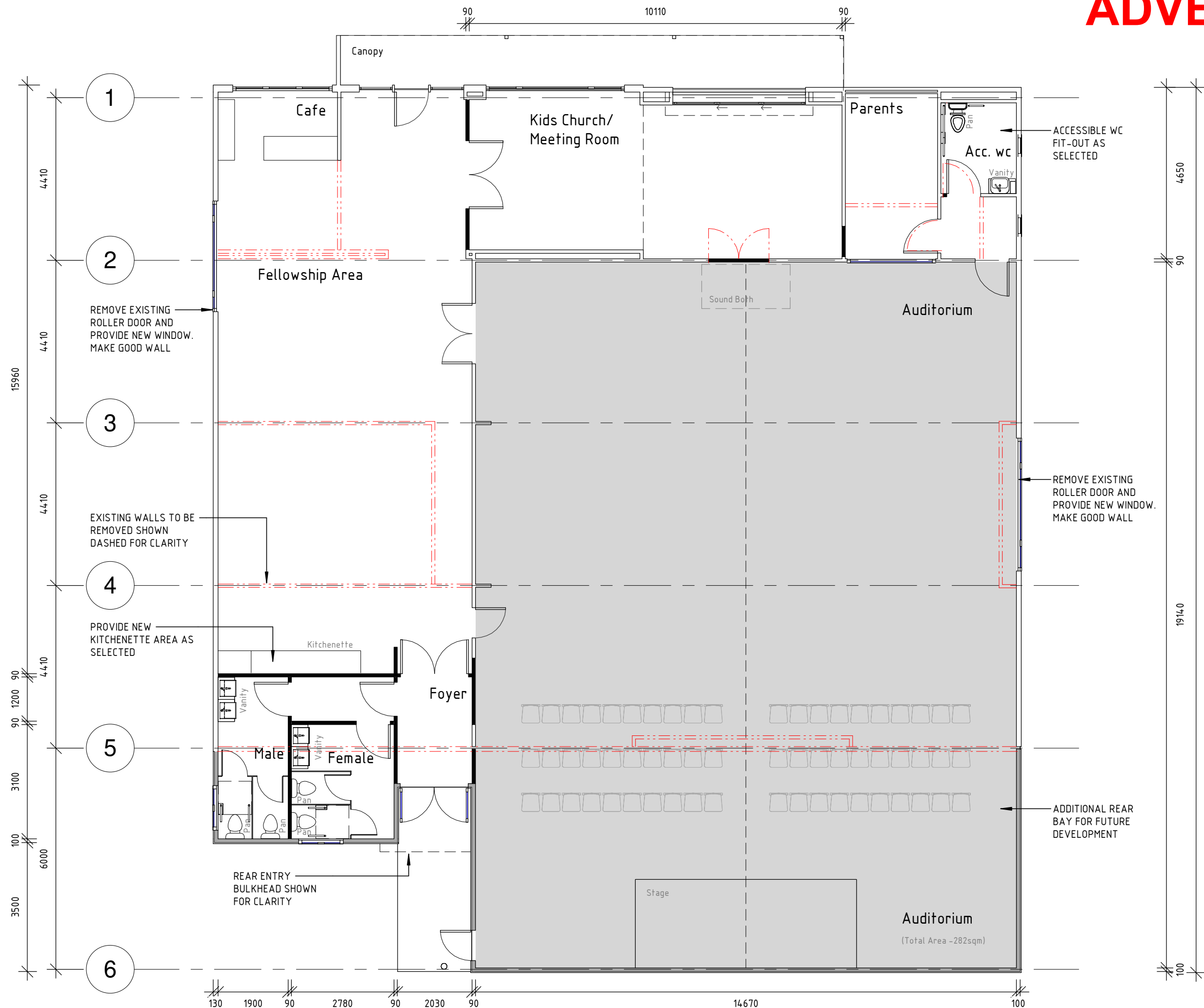
designing spaces
NATHAN DIVALL

PLANNING
JOB No: 25-119
2.
A3 SHEET

NATHAN DIVALL
DECEMBER 2025
REVISION: B (JUL Y 2026)
REGISTRATION No. DP-AD32963

SALIBA
111 COOPER STREET, WARRNAMBOOL
WARRNAMBOOL – T:0355625229 – E:nathan@designingspaces.net.au

**designing
spaces**
NATHAN DIVALL



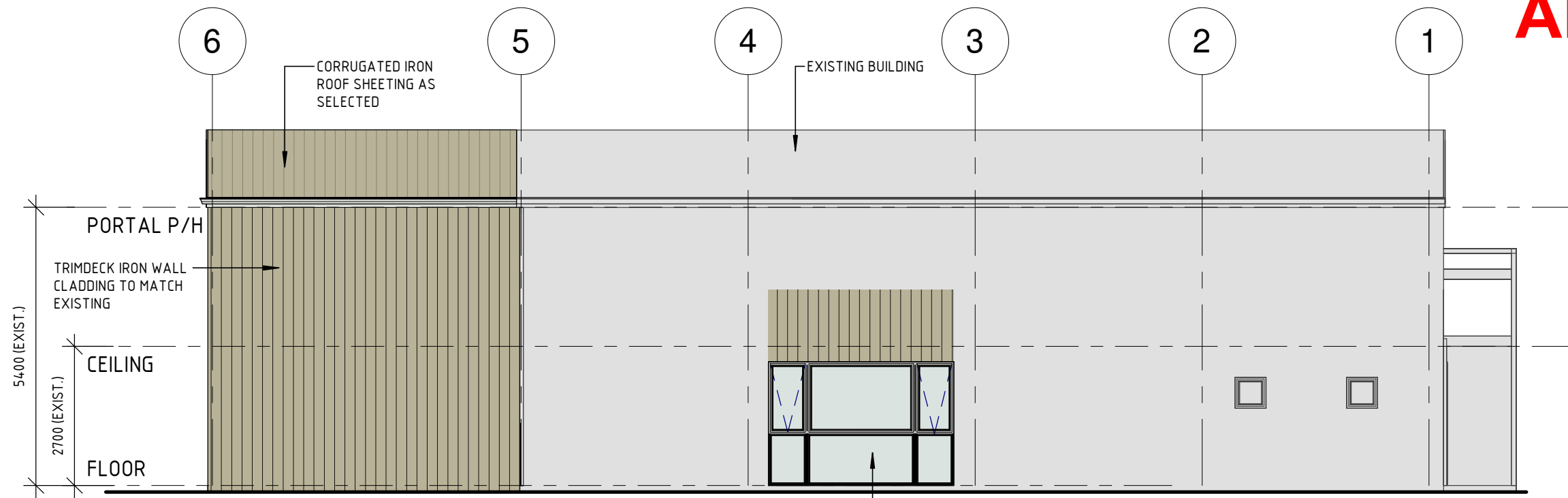
AREA ANALYSIS		
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Prop. Auditorium	90.47 m ²	9.73
Prop. Amenities	15.07 m ²	1.62
TOTAL	499.41 m ²	

LEGEND

	90MM STUD WALLS
	EXTERNAL CLADDING ON 90MM STUD WALLS
	EXISTING WALLS TO BE RETAINED
	EXISTING WALLS TO BE REMOVED

FLOOR PLAN

1 : 100



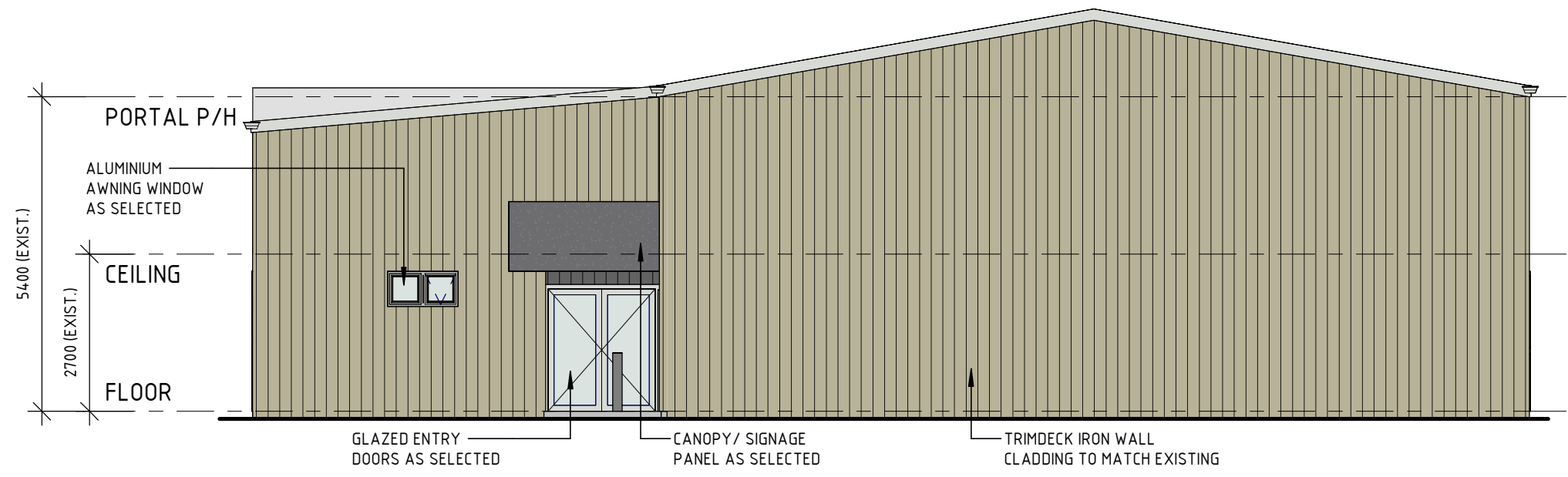
EAST ELEVATION

1:100



NORTH ELEVATION

1:100



SOUTH ELEVATION

1:100

MATERIAL SCHEDULE		
SWATCH	DESCRIPTION	
	MATERIAL	IRON CLADDING
	APPLICATION	ROOF CLADDING
	COLOUR/ FINISH	EVENING HAZE
	OTHER	NON REFLECTIVE
	MATERIAL	IRON CLADDING
	APPLICATION	WALL CLADDING WINDOW/DOOR FRAMES
	COLOUR/ FINISH	EVENING HAZE
	OTHER	NON REFLECTIVE
NOTE: COLOURS SHOWN ARE BASED ON RGB REFERENCE (WHERE APPLICABLE), HOWEVER ARE SHOWN AS INDICATIVE COLOUR PALLETS DUE TO VARYING LIGHT CONDITIONS AND LIMITATIONS OF THE PRINTING PROCESS THAT MAY AFFECT COLOUR TONES. REFER TO MANUFACTURERS SPECIFICATIONS/ SAMPLES FOR EXACT COLOUR MATCH. SPECIFIC MANUFACTURER SELECTED TO BE CONFIRMED BY CLIENT AND BUILDER AS PER		

ADVERTISED

TOWN PLANNING

JOB No: 25-119
3.
A3 SHEET

NATHAN DIVALL
DECEMBER 2025
REVISION: B (JULY 2026)

SALIBA
11 COOPER STREET, WARRNAMBOOL
115 FAIRY STREET, WARRNAMBOOL - T:0355625229 - E:nathan@designingspaces.net.au - REGISTRATION No. DP-AD32963

designing
spaces
NATHAN DIVALL



EXISTING CONDITIONS PLAN

1 : 100



NORTHERN PERSPECTIVE

26/03/2026

Planning Department
Warrnambool City Council
25 Liebig Street
Warrnambool, VIC 3280

Dear Planning Team,

Please find attached a planning permit application for 11 Cooper Street Warrnambool, Vic. 3280

Attached are the following documents:

- Planning Permit Application Form
- Copy of Title
- Planning Assessment Report
- Plans and Elevations

Please contact me on 03 5562 5229 or via nathan@designingspaces.net.au if you have any questions on the above application.

Yours faithfully,

Nathan Divall Managing Director

Designing Spaces

Planning report

Lot 14 PS 434682Y – 11 Cooper Street Warrnambool, Vic.
3280.

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ACKNOWLEDGEMENTS

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DISCLAIMER

Although Designing Spaces has taken all the necessary steps to ensure that an accurate document has been prepared, the company accepts no liability for any damages or loss incurred as a result of reliance placed upon the report and its contents.

DOCUMENT CONTROL

This document has been prepared to aid the submission of a planning permit application for 11 Cooper Street Warrnambool, Vic. 3280

Revision 1

PROPOSAL

It is proposed to seek retrospective consent to use and extend the existing warehouse building which is currently being used as a place of worship for the 'Rock Church'. The Rock Church has been operating from the existing building for several years as a tenant and is now in negotiations to purchase the site conditional upon planning approval. In making the enquiries to purchase and to extend the building to suit their requirements, they have become aware that a permit to use the site as a place of worship is required which is now done retrospectively in addition to the extension, in this application.

By way of background, the church plays live and recorded music for the congregation of around 60 – 80 patrons who regularly attend services which are held on Sundays. The building is otherwise occasionally used during the week for administrative, counselling services and rehearsals but is mostly used on Sundays. Noise levels are not excessive and are within the levels associated with normal commercial business use.

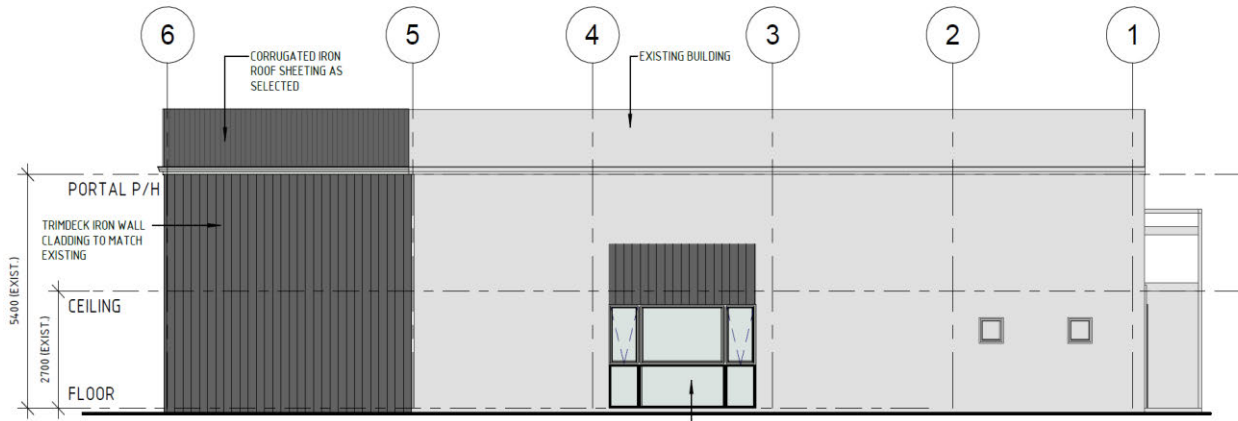
The proposal involves adding an additional 105.54 sqm to the building in the form of enlarging the existing open space used as an auditorium and adding male and female toilets. Additional car parking will be added at the rear to increase the car parking on site to 28 spaces.

The total floor area when extended will increase from 393.87 sqm to 499.41 sqm.

The extension will be constructed to match the existing building finished in corrugated iron roofing with Trimdeck Iron wall cladding.

The height of the extension will match the existing height of 5.4m to eaves. The car parking provision will be increased from 5 spaces to a total of 28 car parking spaces accessed via the existing 3m wide "In out" access on either side of the frontage. A compacted crushed rock surface will be used for the access and car parking areas.

The extension is required to provide additional room for the congregation to move and enjoy the service and to increase the seating capacity and provide additional facilities internally.



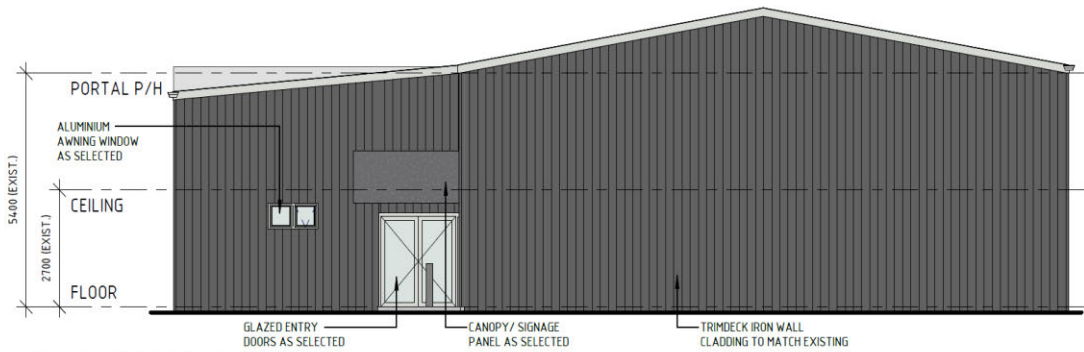
EAST ELEVATION

1:100



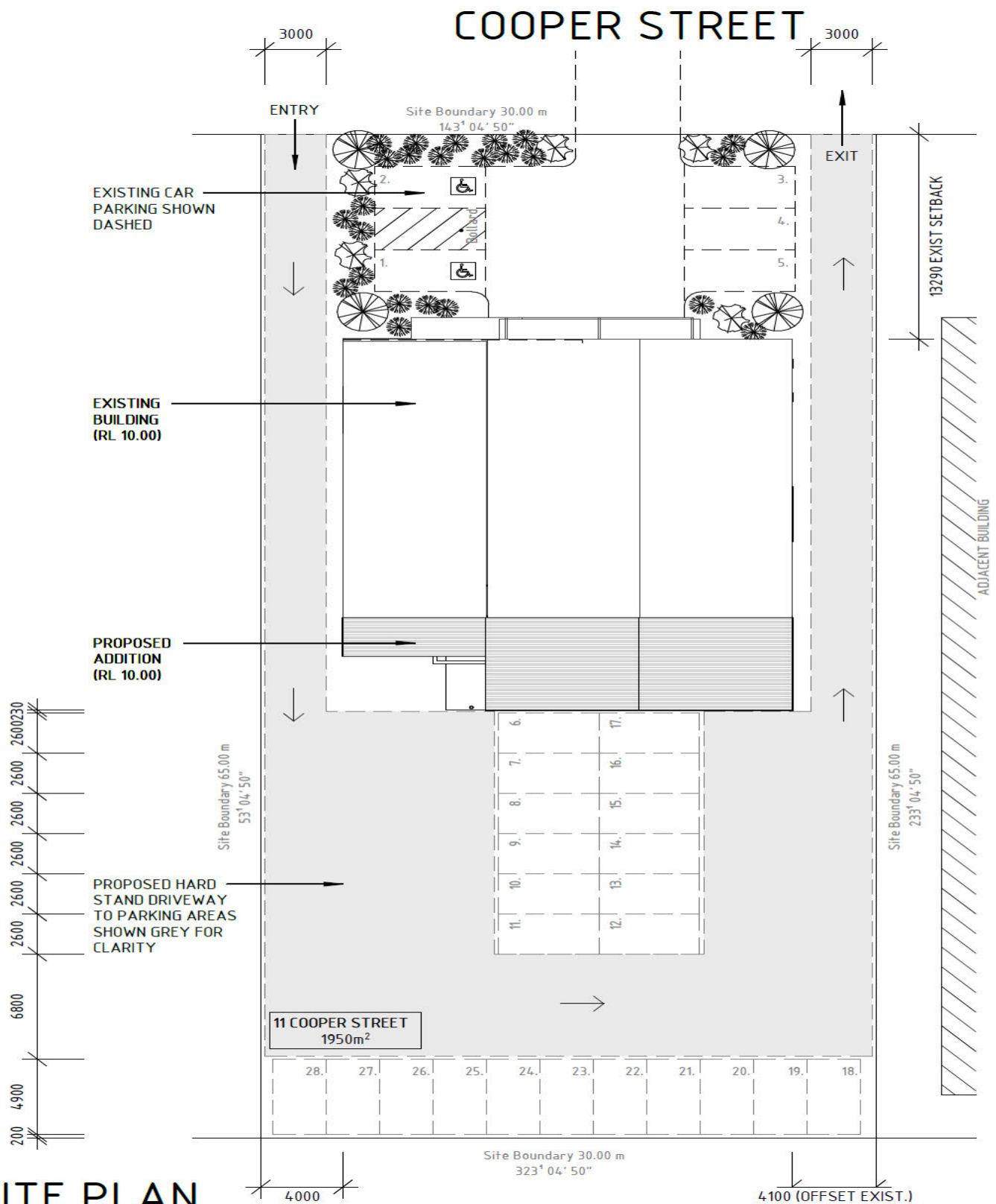
NORTH ELEVATION

1:100



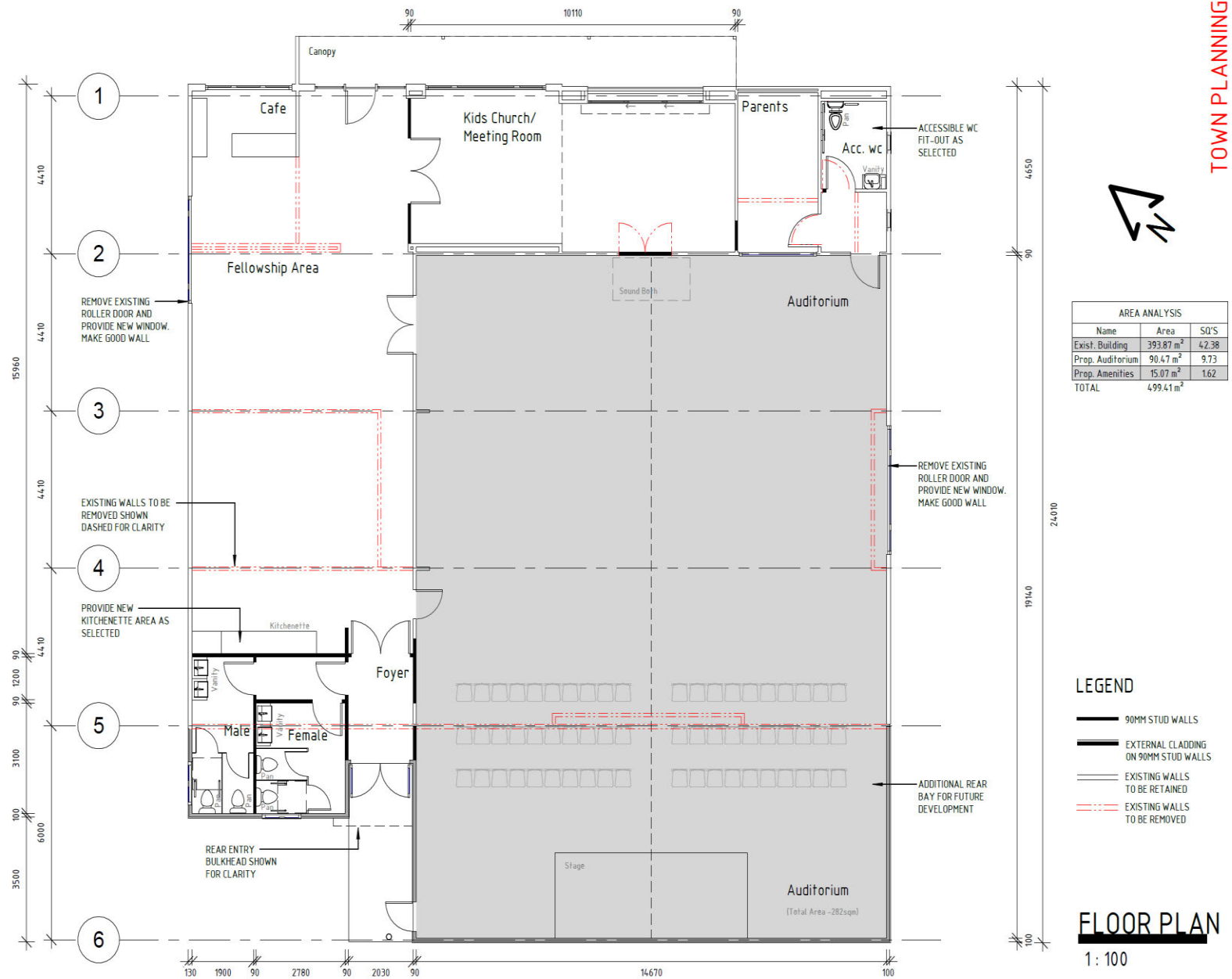
SOUTH ELEVATION

1:100



SITE PLAN

1 : 300



SITE ANALYSIS

The site has an area of approximately 1,950 sqm situated on the western side of Cooper Street within the West Warrnambool Industrial Estate on the western outskirts of Warrnambool. There is constructed car parking at the front of the building with landscaping and a grassed area at the rear used for overflow parking and open storage.

The site is currently occupied by a light industrial building clad externally in Colorbond which is currently used as a place of worship for the 'Rock Church'.

Cooper Street is fully constructed with kerb and channel drainage and street lighting.

The site is generally flat and without significant vegetation. The abutting allotments are developed with light industrial buildings. The nearest residential land is around 250m away in Granter Street.

Aerial image



Frontage to Cooper Street



Rear elevation



Looking from Cooper Street – looking south



Existing auditorium



RESTRICTIONS ON TITLE

Agreement X272415N

- C. The Council on 2 August, 2000 was granted Planning Permit No. 67/00 to subdivide the land contained in Certificates of Title Volume 10290 Folio 831 and Volume 10015 Folio 284 into 27 lots and road ("the Industrial Subdivision") in accordance with the plan attached to the permit and approved and subject to the conditions stated.
- D. The Council on 15 August, 2000 amended Condition 1 of Permit No. 67/00 ("the Permit") to require the Council as vendor to require the purchaser to enter into an agreement pursuant to Section 173 of the Planning & Environment Act 1987 at the time the Contract of Sale is entered into.
- E. Condition 1 of the Permit states:
- "As part of the Contract of Sale of the hereby approved lots, an agreement under Section 173 of the Planning & Environment Act must be entered into by the purchaser of the subject land and be registered under Section 181 of the Act on the title of the affected land. This agreement must be to the satisfaction of the Responsible Authority, and shall include the following:
- Colour-coated roofing in non-reflective muted colours in view of higher elevation overview from Granter Street and McMeekin Road.
 - Stipulated use of green or bronze olive coated chain mesh fencing where highly visible from adjoining roads.

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X272415N
190101 1147 173

2.



- Set backs of both buildings and fences from frontage of properties, with requirements for kerbing/paving to define landscaped areas.
- Control on plot ratios to ensure landscaped area at rear of properties backing onto Granter Street and McMeekin Road ie; continuation of adjoining tree reserve landscaping, particularly within remainder of sloping area inside property boundaries.
- Depending on type of industry, possible agreement/restrictions to ensure that commercial vehicle movements to/from property do not use adjoining residential streets.

All costs relating to the preparation, lodgement and registration of this agreement must be borne by the landowner.

- F. The Council on 6th October 2000 entered into a contract with the Owner ("the Contract of Sale") to sell Lot 14 on Plan of Subdivision 434682Y ("Industrial Lot") to the Owner.
- G. The parties enter this agreement in satisfaction of Condition 1 of the permit.

ASSESSMENT

The proposal does not breach the agreement as shown above.

PLANNING CONTROLS

Zone

The site is located in the Industrial 1 Zone (IN1Z).



Overlays

None

Other

The site is within an area of Aboriginal Heritage Significance.

Permit Requirements

A permit is required for the use of land for a place of worship in the IN1Z pursuant to **Clause 33.01-2**.

A permit is required under the IN1Z pursuant to **Clause 33.01.4** – buildings and works.

A Cultural Heritage Management Plan is not considered to be required as the site is within an active industrial estate with all parts of the subject site having been significantly disturbed including the rear of the site proposed for car parking as evidenced by the photos below.



PLANNING ASSESSMENT

Clause 33.01 INDUSTRIAL 1 ZONE

Purpose

*To implement the Municipal Planning Strategy and the Planning Policy Framework.
To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities.*

Clause 33.01-2

Use of land

Decision guidelines

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

- The Municipal Planning Strategy and the Planning Policy Framework.*
- The effect that the use may have on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.*
- The effect that nearby industries may have on the proposed use.*
- The drainage of the land.*
- The availability of and connection to services.*
- The effect of traffic to be generated on roads.*
- The interim use of those parts of the land not required for the proposed use.*

ASSESSMENT

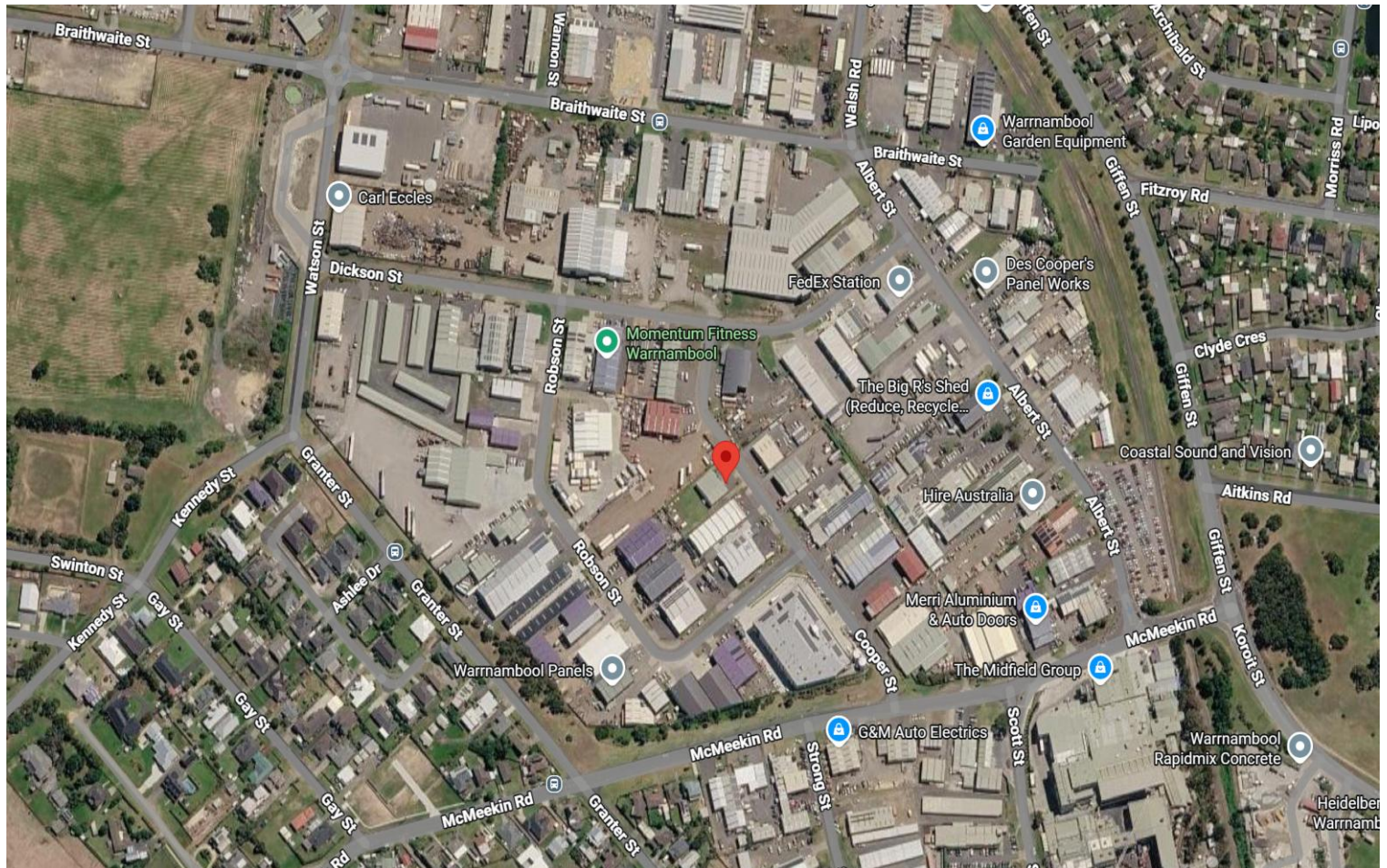
The proposed use is a continuation of the prevailing land use on the site which has been operating for the last 4 years.

The site is situated well away – approximately 250m from the nearest residential zoned land in Granter Street and is ideally located in an industrial zone to ensure there are no amenity impacts.

Due to the times the church conducts services on Sundays which are finished by around 8pm there is very little activity from nearby businesses during normal business hours. The services are not excessively loud and do not disrupt amenity.

Drainage will be installed to Councils satisfaction to cover the additional roof stormwater runoff and car parking areas.

The use of land will not generate significant additional traffic as the service times are outside normal business hours and the site has adequate off street parking proposed.



Buildings and Works

Decision guidelines

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

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *Any natural or cultural values on or near the land.*
- *Streetscape character.*
- *Built form.*
- *Landscape treatment.*
- *Interface with non-industrial areas.*
- *Parking and site access.*
- *Loading and service areas.*

- *Outdoor storage.*
- *Lighting.*
- *Stormwater discharge.*

Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

ASSESSMENT

The proposed built form is of the extension consistent with the character of the area which is not substantially altered by the proposal. The external materials selected are consistent with the existing and the broader industrial area, metal cladding and glazing in pale colours with darker contrasts and are consistent with surrounding buildings.

Car parking is currently accommodated on site with landscaping within the front setback. Parking and loading is arranged off a single crossover point and 6m wide access with adequate manoeuvring space to enable vehicles to exit in forward gear. A total of 7 car spaces are provided for both buildings. Car parking areas will be sealed to Council's satisfaction. The car parking is positioned to the front of the buildings in a similar character to existing warehouses in the area.

A car parking assessment has been provided – refer to Clause 52.06 in this report.

Clause 52.06

CAR PARKING

Purpose

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

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

To support sustainable transport alternatives to the motor car.

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

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

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

Clause 52.06-7

*Application requirements and decision guidelines for permit applications
For applications to reduce the car parking requirement*

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following, as appropriate:

- *The Car Parking Demand Assessment.*
- *Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
 - *Efficiencies gained from the consolidation of shared car parking spaces.*
 - *Public car parks intended to serve the land.*
 - *On street parking in non residential zones.*
 - *Streets in residential zones specifically managed for non-residential parking.*
- *On street parking in residential zones in the locality of the land that is intended to be for residential use.*
- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The need to create safe, functional and attractive parking areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.*
- *Any other matter specified in a schedule to the Parking Overlay.*
- *Any other relevant consideration.*

ASSESSMENT

No car parking reduction is required or requested based on the following assessment.

28 car parking spaces are proposed to be provided off street.

The use of land for place of assembly requires 0.3 car spaces per patron which is an average between 60 – 80 patrons which requires 24 car spaces with 28 spaces proposed.

The use of land for warehouse being the likely alternative land use requires 2 spaces per 100 sqm of floor area.

When compared to the warehouse scenario, the building will have a proposed floor area of 499.41 sqm which requires 9.98 car spaces.

On balance the proposed car parking provision of 28 spaces is considered adequate for the following reasons.

- Most people attending services tend to be families and or friends who don't arrive in separate cars.
- Services are usually held outside of business hours therefore in the unlikely event of 28 spaces being inadequate, there is adequate overflow parking on street in Cooper Street.

MUNICIPAL PLANNING STRATEGY

Clause 02.03-3

Environmental risks and amenity

Land use conflicts

The historical development of Warrnambool has resulted in some industrial and residential areas being located adjacent to each other such as in the Merrivale area. The Warrnambool Livestock Exchange, Wannon Water Reclamation Plant, Fonterra Milk Processing Plant in Dennington, Midfield Rendering Plant in Swinton Street, the Warrnambool Regional Airport, the Premier Speedway and the Lake Gilliear sporting area are important regional assets that need to be protected from residential encroachment.

The Eastern Industrial Precinct on Horne Road also needs to minimise conflicts between the industrial area and the existing rural residential area to the east.

Council's strategic directions for land use conflicts are:

- *Prioritising separation distances to assist in the retention of existing employment generating activities.*
- *Protecting communities close to established industries from off-site impacts such as dust, odour, noise and air pollution.*
- *Managing land use conflicts at the urban/rural interface and development pressures at the edge of Warrnambool's settlement boundary.*

ASSESSMENT

The site is ideally situated well away from residential uses and operates mostly outside of business hours to protect amenity. Noise levels are not excessive and are within EPA ranges for commercial areas.

02.03-7

Economic development Industry

Warrnambool is the industrial service centre for the South West region. The West Warrnambool Industrial Precinct is one of the City's key employment precincts featuring a wide range of manufacturing, warehousing, transport logistics and service industries.

The development of the West Warrnambool Industrial Precinct has resulted in some industrial and residential uses being located within proximity to each other.

A combination of population increases and growth in industrial sectors such as wind and natural gas energy production, has seen increased demand for land. Future demand for industrial land will be met by the development of the Eastern Industrial Precinct.

Council's strategic directions for industry are:

- *Providing an adequate supply of land for industry.*
- *Managing the industrial/residential interface to ensure any off-site amenity impacts are minimised.*
- *Ensuring that industrial development meets standards for amenity and urban design that promotes the attractiveness of the municipality.*

ASSESSMENT

The proposed extension to the building is well integrated into the streetscape having an activated frontage facing Cooper Street to be more welcoming and less industrial in appearance. The existing building is well articulated and will be constructed using matching materials.

Clause 02.03-8

Transport and infrastructure Community Infrastructure

Warrnambool has an extensive range of education, community and health services that support the lifestyle of local residents and serve the wider region.

Demand for community services is affected by a growing population, the increased use of services by older residents, the specific needs of children and young people, increased demand for early years services, the use of services by people living outside the municipality, and the growing demand for meeting and program spaces.

Planning for community services and infrastructure should focus on the delivery of shared or multi-purpose community hubs in locations that allow shared service delivery.

The presence of health and education institutions provides the city with a strong employment base as well as opportunities for industrial, health and education related research facilities.

Council's strategic directions for community infrastructure are:

- *Providing community services and flexible spaces for activities supporting community health and wellbeing.*
- *Supporting health and education institutions due to the social and economic benefits they provide to the city.*

ASSESSMENT

The proposed extension to the building is well considered and provides a valuable and popular community service in an ideal location for the intended use.

Clause 15.01-2L

Industrial development

Policy application

This policy applies to an application for industrial development in the Industrial 1 Zone, Industrial 3 Zone and the Farming Zone.

Objective

To encourage well planned and designed industrial development.

Strategies

Encourage industrial development along highways, particularly along the east-west entrances on the Princes Highway, to be of an attractive visual standard.

Construct buildings in non-reflective materials that are visually attractive such as brick, masonry or Colorbond metal.

Provide setbacks that are responsive to existing site conditions, existing development and the need to ensure safe traffic circulation.

Avoid car parking within the front setback area.

Design vehicle loading and unloading to occur totally within the site.

Design integrated industrial developments to include common parking areas and directory signs.

Limit signs to those that identify the name of the business occupying the premises and the service offered.

Discourage above roof signs.

Design industrial development in rural areas to:

- *Minimise the impact on agricultural land and land management practices.*
- *Include access to sealed roads.*
- *Manage effluent and stormwater.*
- *Maintain the visual qualities of the rural landscape.*

Use landscaping instead of fencing in areas such as the frontage of the site.

Improve all industrial areas through the development and maintenance of landscaping.

Policy guideline

Consider as relevant:

- *Discouraging buildings that occupy more than 50 per cent of the site.*

Policy document

Consider as relevant:

- *Warrnambool Industrial Land Use Review (Mesh, 2010).*

ASSESSMENT

Whilst the use of land is not for industry, the design response is generally in accordance with the policy should the building revert to industrial at some future point.

- The building is sufficiently detailed and finished to contribute positively to the streetscape.
- Vehicle parking and loading occurs entirely within the site. Car parking is within the front setback and to the rear
- The site coverage does not exceed 50%.
- The built form is consistent with the streetscape character.

Clause 19.02-3L

Social and cultural infrastructure

Strategies

Support a network of multi-purpose community hubs that accommodate a diverse and integrated range of services.

Support the Warrnambool City Centre as the City's key community meeting place and hub for civic, cultural and education uses.

19.02-4S

Social and cultural infrastructure

Objective

To provide fairer distribution of and access to, social and cultural infrastructure.

Strategies

Identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities.

Encourage the location of social and cultural infrastructure in activity centres.

Ensure social infrastructure is designed to be accessible.

Ensure social infrastructure in growth areas, is delivered early in the development process and in the right locations.

Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge.

Support innovative ways to maintain equitable service delivery to settlements that have limited or no capacity for further growth, or that experience population decline.

Identify and protect land for cemeteries and crematoria.

ASSESSMENT

The proposal is an innovative use of an industrial building to support the needs of the community without posing detriment to the amenity of the area.

Clause 65.01

APPROVAL OF AN APPLICATION OR PLAN

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

- The matters set out in section 60 of the Act.*
- Any significant effects the environment, including the contamination of land, may have on the use or development.*
- The Municipal Planning Strategy and the Planning Policy Framework.*
- The purpose of the zone, overlay or other provision.*
- Any matter required to be considered in the zone, overlay or other provision.*
- The orderly planning of the area.*
- The effect on the environment, human health and amenity of the area.*
- The proximity of the land to any public land.*

- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

This clause does not apply to a VicSmart application.

ASSESSMENT

The proposal meets the decision guidelines of Clause 65 as it has no significant environmental impacts, is consistent with the purpose of the zone and does not adversely impact the amenity of the area.

There is no native vegetation affected and stormwater will be directed to a legal point of discharge or retained on site to Councils satisfaction.

SUMMARY

This proposal is intended to legitimatise a use which was operating inadvertently without a permit and to slightly increase the floor area of the building. It enhances the car parking capacity and does not adversely impact the amenity or business operations of the area.

It is respectfully requested that a planning permit be supported for the development in its current form and that a permit be granted by the responsible authority.

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

Page 1 of 1

VOLUME 10559 FOLIO 288

Security no : 124136662550D

Produced 16/07/2026 11:06 AM

LAND DESCRIPTION

Lot 14 on Plan of Subdivision 434682Y.

PARENT TITLES :

Volume 10015 Folio 284 Volume 10290 Folio 831

Created by instrument PS434682Y 12/12/2000

ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987
X272415N 19/01/2001

DIAGRAM LOCATION

SEE PS434682Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 11 COOPER STREET WARRNAMBOOL VIC 3280

DOCUMENT END



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PLAN OF SUBDIVISION**ADVERTISED**

Stage No. _____ Use only

EDITION 2

PS 434682Y**Location of Land****Parish:** WANGOOM**Township:** WARRNAMBOOL**Section** _____**Crown Allotment:** 235,236,237,238, & 239A(PARTS)**Crown Portion:** _____**LTO base record:** DCMB**Title References:**

Vol 10015 Fol 284

Vol 10290 Fol 831

LOT 99 PS 347508B

& LOT 28 PS 306050F

Last Plan Reference:**Postal Address:** COOPER STREET

WARRNAMBOOL 3280

AMG Co-ordinates: E 627 160

(Of approx. centre of plan) N 5 751 670 Zone 54

Council Certification and Endorsement**Council Name:** WARRNAMBOOL CITY COUNCIL**Ref:** 18/00~~1. This plan is certified under section 6 of the Subdivision Act 1988.~~

2. This plan is certified under section 11 (7) of the Subdivision Act 1988.

Date of original certification under section 6 26/9/00

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

Open Space(i) A requirement for public open space under section 18 Subdivision Act 1988 has / ~~has not~~ been made.

(ii) The requirement has been satisfied.

~~(iii) The requirement is to be satisfied in Stage~~

Council Delegate

~~Council seal~~Date 4/12/00**Vesting of Roads or Reserves**

Identifier

Council/Body/Person

R-1

RESERVE No. 1

WARRNAMBOOL CITY COUNCIL

WARRNAMBOOL CITY COUNCIL

Notations

Depth Limitation: 15.24m below the surface applies to part of the land only. See Vol. 9212 Fol. 036 (CA 239A)

Staging

This is not a staged subdivision
Planning Permit No. 67/00

Survey:- This plan is based on survey.

To be completed where applicable.

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

655,656,657

In proclaimed Survey Area no.

23 WARRNAMBOOL

Easement Information**Legend:**

E - Encumbering Easement or Condition in Crown Grant in Nature of an Easement

A - Appurtenant Easement

R - Encumbering Easement (Road)

LTO use only

Statement of Compliance
/ Exemption Statement

Received

Date 6/12/00

LTO use only

PLAN REGISTERED

TIME 4.15pmDATE 12/12/00

Assistant Registrar of Titles

Sheet 1 of 2 sheets

ALAN H. SIMPSON

● LAND SURVEYOR ●

A.C.N. 002 912 510

P.O.BOX 421, WARRNAMBOOL 3280

PHONE (03) 55611846 FAX (03) 55621775

LICENSED SURVEYOR (PRINT) ALAN HALSTEAD SIMPSON

SIGNATURE _____

DATE 17/11/2000REF **445C**445C_01V3.DWG
445KB.SEEVERSION **3**

DATE / /

COUNCIL DELEGATE SIGNATURE

Original sheet size **A3**

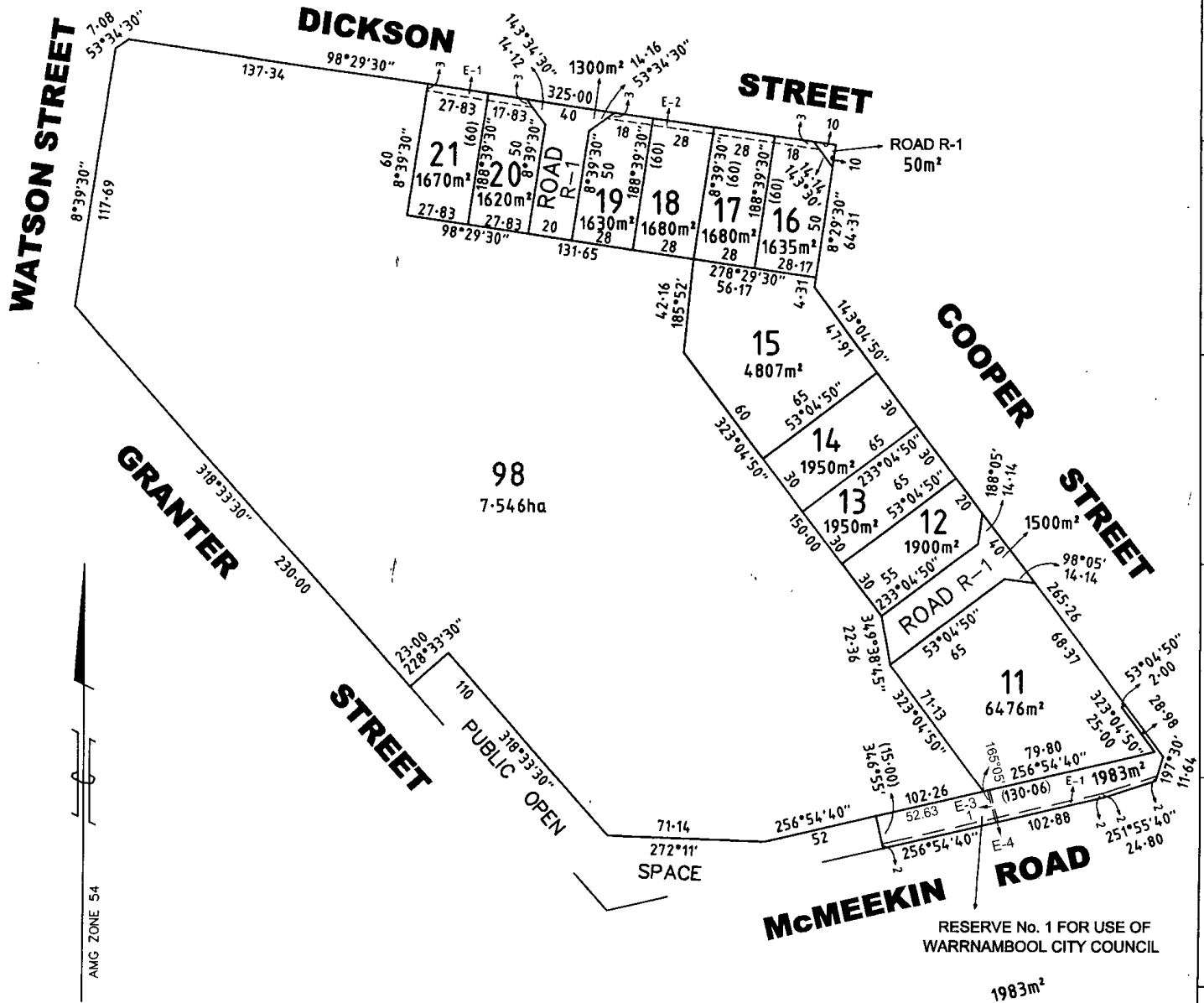
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PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 434682Y



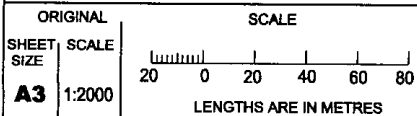
ALAN H. SIMPSON

● **LAND SURVEYOR** ●

A.C.N. 002 912 510

P.O.BOX 421, WARRNAMBOOL 3280

PHONE (03) 55611846 FAX (03) 55621775



LICENSED SURVEYOR (PRINT)

ALAN HALSTEAD SIMPSON

SIGNATURE

DATE 17/11/2000

REF **445C**

445C_02V3.DWG
445B.SEE

VERSION **3**

Sheet 2 of 2 sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

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MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

PLAN NUMBER

PS434682Y

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.
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[illegible]

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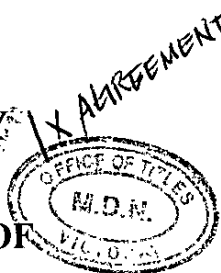
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APPLICATION BY A RESPONSIBLE AUTHORITY

Section 181 Planning and Environment Act
1987 for ENTRY OF A MEMORANDUM OF
AGREEMENT under Section 173 of the Act



X272415N
190101 1147 173



Lodged by:

Name: Tait Taylor Lawyers
Phone: (03) 5560 2126
Address: 121 Kepler Street, Warrnambool
Ref: Joanne Gread/James Tait
Customer Code: 1638Q

MADE AVAILABLE/CHANGE CONTROL

Land Titles Office Use Only

The Responsible Authority under the Planning Scheme having entered into an agreement with the parties named for the land described requires that a memorandum of the agreement be entered on the title to the land.

LAND

Lot 14 on Plan of Subdivision No. 434682Y 10559-288

ADDRESS OF THE LAND

Cooper & Dickson Streets, Warrnambool

RESPONSIBLE AUTHORITY
WARRNAMBOOL CITY COUNCIL



DX272415N-1-3

PLANNING SCHEME

Warrnambool Planning Scheme

AGREEMENT DATE

5th January 2001

A copy of the agreement is attached to this application

Dated: 5th January, 2001

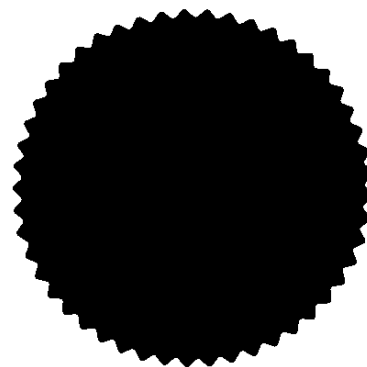
THE COMMON SEAL of WARRNAMBOOL
CITY COUNCIL was hereunto affixed in the
presence of:

Chief Executive
Its duly authorised delegate

In the presence of:

Witness:

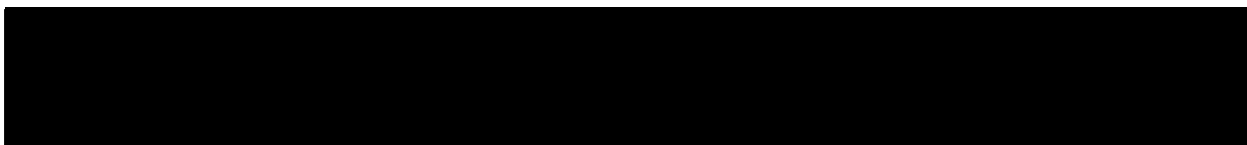
Wendy Clark



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X272415N
190101 1147 173



RESPONSIBLE AUTHORITY WARRNAMBOOL CITY COUNCIL



LAND AFFECTED

**Cooper & Dickson Streets,
WARRNAMBOOL**

DATED

5th January 2000

**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 ____/____/2000.

DEALING NO.

ADVERTISED

.1.

DX272415N

190101 1147 173



AGREEMENT PURSUANT TO SECTION 173 PLANNING & ENVIRONMENT ACT 1987

CITY OF WARRNAMBOOL

- AND -



DX272415N-3-8

AFFECTED LAND:

Cooper & Dickson Streets, Warrnambool

Lot 14 on Plan of Subdivision No. 434682Y being part of the land described in Certificate of Title Volume 10290 Folio 831 and Certificate of Title Volume 10015 Folio 284, situate at Cooper and Dickson Streets, Warrnambool.

THIS AGREEMENT is made on

5th January

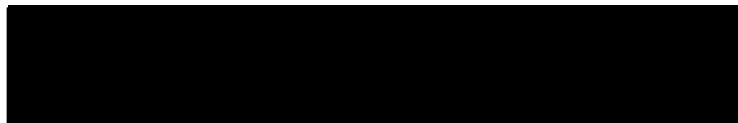
2000

BETWEEN:

The Responsible Authority:

WARRNAMBOOL CITY COUNCIL ("the Council")

The Owner:



WHEREAS

- A. The affected land is affected by the provisions of the Warrnambool Planning Scheme ("the Scheme").
- B. The Council is the responsible authority under the Planning and Environment Act, 1987 ("the Act") for the purposes of the Scheme.
- C. The Council on 2 August, 2000 was granted Planning Permit No. 67/00 to subdivide the land contained in Certificates of Title Volume 10290 Folio 831 and Volume 10015 Folio 284 into 27 lots and road ("the Industrial Subdivision") in accordance with the plan attached to the permit and approved and subject to the conditions stated.
- D. The Council on 15 August, 2000 amended Condition 1 of Permit No. 67/00 ("the Permit") to require the Council as vendor to require the purchaser to enter into an agreement pursuant to Section 173 of the Planning & Environment Act 1987 at the time the Contract of Sale is entered into.
- E. Condition 1 of the Permit states:

"As part of the Contract of Sale of the hereby approved lots, an agreement under Section 173 of the Planning & Environment Act must be entered into by the purchaser of the subject land and be registered under Section 181 of the Act on the title of the affected land. This agreement must be to the satisfaction of the Responsible Authority, and shall include the following:

 - Colour-coated roofing in non-reflective muted colours in view of higher elevation overview from Granter Street and McMeekin Road.
 - Stipulated use of green or bronze olive coated chain mesh fencing where highly visible from adjoining roads.

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.2.



- Set backs of both buildings and fences from frontage of properties, with requirements for kerbing/paving to define landscaped areas.
- Control on plot ratios to ensure landscaped area at rear of properties backing onto Granter Street and McMeekin Road ie; continuation of adjoining tree reserve landscaping, particularly within remainder of sloping area inside property boundaries.
- Depending on type of industry, possible agreement/restrictions to ensure that commercial vehicle movements to/from property do not use adjoining residential streets.

All costs relating to the preparation, lodgement and registration of this agreement must be borne by the landowner.

- F. The Council on 6th October 2000 entered into a contract with the Owner ("the Contract of Sale") to sell Lot 14 on Plan of Subdivision 434682Y ("Industrial Lot") to the Owner.
- G. The parties enter this agreement in satisfaction of Condition 1 of the permit.

BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

1. OPERATION

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

2. DEFINITIONS

2.1. LOT

In this agreement "lot" means any and each lot forming part of the Industrial Subdivision and every part of a lot.

2.2. OWNER

In this agreement the word "Owner" unless the contrary intention appears shall be deemed to include the Owner and its successors assigns and transferees and the obligations imposed on and assumed by the Owner shall be binding on the successors transferees purchasers mortgagees assigns of the Owner 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.

2.3. COUNCIL

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

3. INTERPRETATION

In this agreement, unless the context otherwise requires:

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



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DX272415N-5-2

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6. USE

The Owner shall use its best endeavours and take all reasonable steps to encourage vehicles to access and depart the Industrial Lot using Dickson and Cooper Streets and to avoid using Granter Street, and McMeekin Street west of Cooper Street, and Watson Street south of Dickson Street.

7. AGREEMENTS BY ALL OWNERS

The Council as a condition of sale of all the lots forming part of the Industrial Subdivision will require the purchasers of the lots to enter an agreement in the form of this agreement or to the like effect.

8. REGISTRATION

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

9. DISCLOSURE

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

10. SUCCESSORS BOUND

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

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

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

The obligation imposed on the Owner by sub-clause 1 and by sub-clause 2 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.

11. RELEASE

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

12. COSTS OF AGREEMENT

The land owner shall bear the costs and expenses of the preparation and the registration of this agreement.

13. DEFAULT

If the Owner fails to comply with this agreement the Council may serve on the Owner or on the owner of that part of the Industrial 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 Industrial Lot 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.

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.3.



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- 3.2. Words denoting any gender shall include all genders.
- 3.3. Where a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase shall have corresponding meanings.
- 3.4. Words denoting natural persons shall include corporations and vice versa.
- 3.5. References to clauses and schedules are to clauses of and schedules to this agreement.
- 3.6. Headings are for convenience only and do not affect interpretation.
- 3.7. References to any party to this agreement or any other agreement or instrument shall include the party's successors and permitted assigns.
- 3.8. Reference to any agreement or instrument shall be also to such agreement or instrument as amended, novated, supplemented, varied or replaced from time to time.
- 3.9. References to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any legislative provision substituted for, and all regulations and statutory instruments issued under such legislation or provision.
- 3.10. References to dollars and "\$" shall be taken as referring to amounts in Australian currency.
- 3.11. 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.

4. BUILDING DESIGN APPROVAL

The Owner shall not erect any building on the Industrial Lot or any part of it other than pursuant to a design approved by the Council.

5. DESIGN CONSIDERATIONS

Save where specifically excluded in the following paragraphs, the Council will require the design of any buildings and outbuildings on the Industrial Lot to comply with the following requirements:

- 5.1. All roofing shall be colour-coated roofing in non-reflective muted colours.
This condition applies to all lots of the Industrial Subdivision.
- 5.2. All fencing shall be green or bronze olive coated chain mesh.
This condition does not apply to Lots 12 to 29 and Lots 32 to 36.
- 5.3. All plans submitted pursuant to clause 4 must cover the following design points:
 - setbacks of buildings
 - setbacks of fences
 - kerbing
 - paving
 - landscaping

This condition applies to all lots of the Industrial Subdivision.

- 5.4. All plans submitted for approval pursuant to clause 4 must include details of the proportion of the site occupied by buildings. This condition does not include Lots 12 to 23, and Lots 32 to 36.

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DX272415N-7-7

14. 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.

15. COSTS OF ENFORCEMENT

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.

16. LICENCE TO COUNCIL TO ENTER

The Owner licenses the Council through its employees and contractors to enter upon any part of the Industrial Lot for the purposes of giving effect to this agreement.

The operation of the enforcement clauses 14 to 16 is suspended until and unless the Council has served a notice under clause 13 ("default").

17. 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.

18. 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.

19. DISPUTE

Should any dispute or difference arise between the parties with respect to the interpretation of this agreement on 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 the dispute or difference and appointed by the Secretary as defined in the Act.

EXECUTED AS AN AGREEMENT:

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

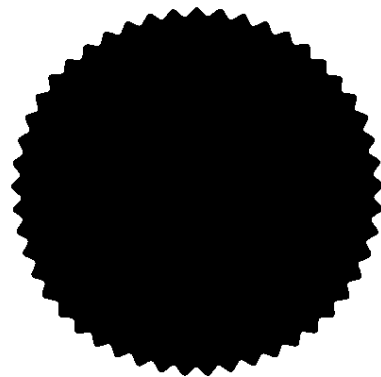
)
)
)

Chief Executive
Its duly authorised delegate

In the presence of:

Witness:

Wendy Clark

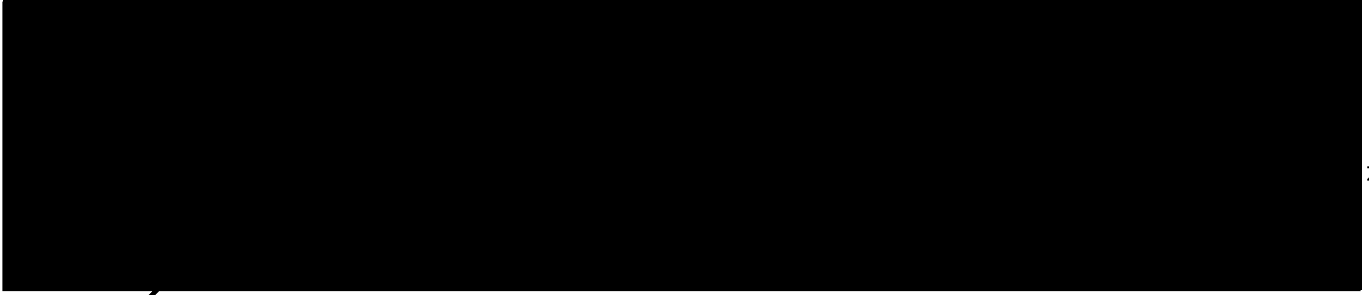


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