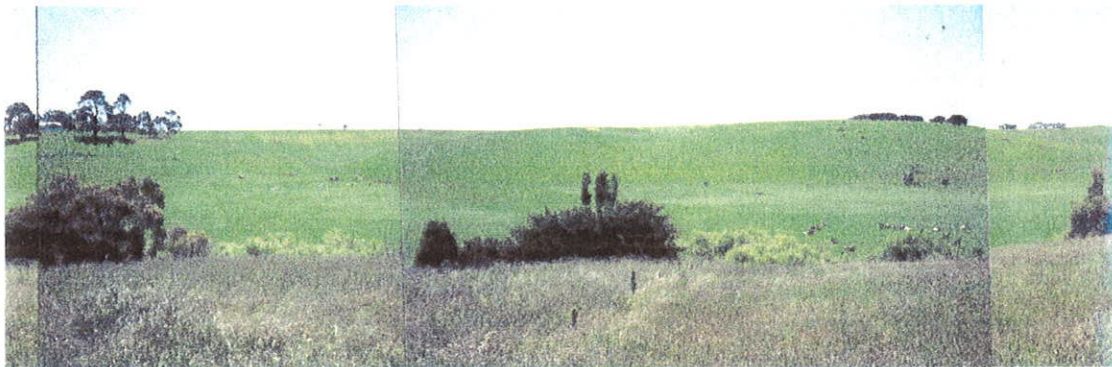


THE CILMERY DEVELOPMENT PLAN

PREPARED FOR CILMERY ESTATE FOR
W. R, A. J. & A. R. JELLIE



PLUMMERS HILL ROAD
WOODFORD

**WARRNAMBOOL
PLANNING SCHEME**

Plans approved for

Development Plan,
Cilmery Estate, Woodford,
July 2004

Prepared by *Urbanomics*
July 2004

In accordance with the requirements
under Development Plan Overlay – Schedule 3,
Warrnambool Planning Scheme

Approved on: 13 September 2004

Delegate:.....
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THE CILMERY PARK DEVELOPMENT PLAN

PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF CLAUSE 43.04 OF THE WARRNAMBOOL PLANNING SCHEME

WARRNAMBOOL
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Plans approved for Development Plan,
Cilmery Estate, Woodford, July 2004
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INTRODUCTION

This is the Cilmery Park Development Plan. It has been prepared in accordance with the requirements of Clause 43.04 of the Warrnambool Planning Scheme and Schedule 3 to the Development Plan Overlay, which specifically applies, to this land.

The area affected by this development plan is the area immediately east of Plummery Hill Road and west of Blighs Road. The land adjoins the northern boundary of the Merri River and the Yarrptuck Creek.

The plan has been prepared to facilitate the subdivision of the land known as the Cilmery Estate which is immediately to the west of Plummery Hill Road.

The purpose of the Development Plan overlay is:

- *To identify areas which require the form and conditions of and future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

Under the heading **Preparation of the development plan** it states:

The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.

The development plan must describe:

- *The land to which the plan applies.*
- *The proposed use and development of each part of the land.*
- *Any other requirements specified for the plan in the schedule to this overlay.*

The Schedule to the Overlay specifies a number of matters that must be taken into account in the preparation of the plan. These are:

- Site Analysis
- Soil and Water analysis
- Subdivision layout
- Landscaping and Public Open Space
- Heritage, conservation and archaeological sites
- Infrastructure
- A landscaping plan.
- Appropriate Building Areas
- Pedestrian and road linkages
- Staging of the subdivision

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THE PLAN

The plan has been prepared for the total area, known as the "Cilmery Estate" owned by Jellie Brothers.

Urbanomics has been engaged by the W. R., A. J. & A. R. Jellie to prepare the development plan for this area.

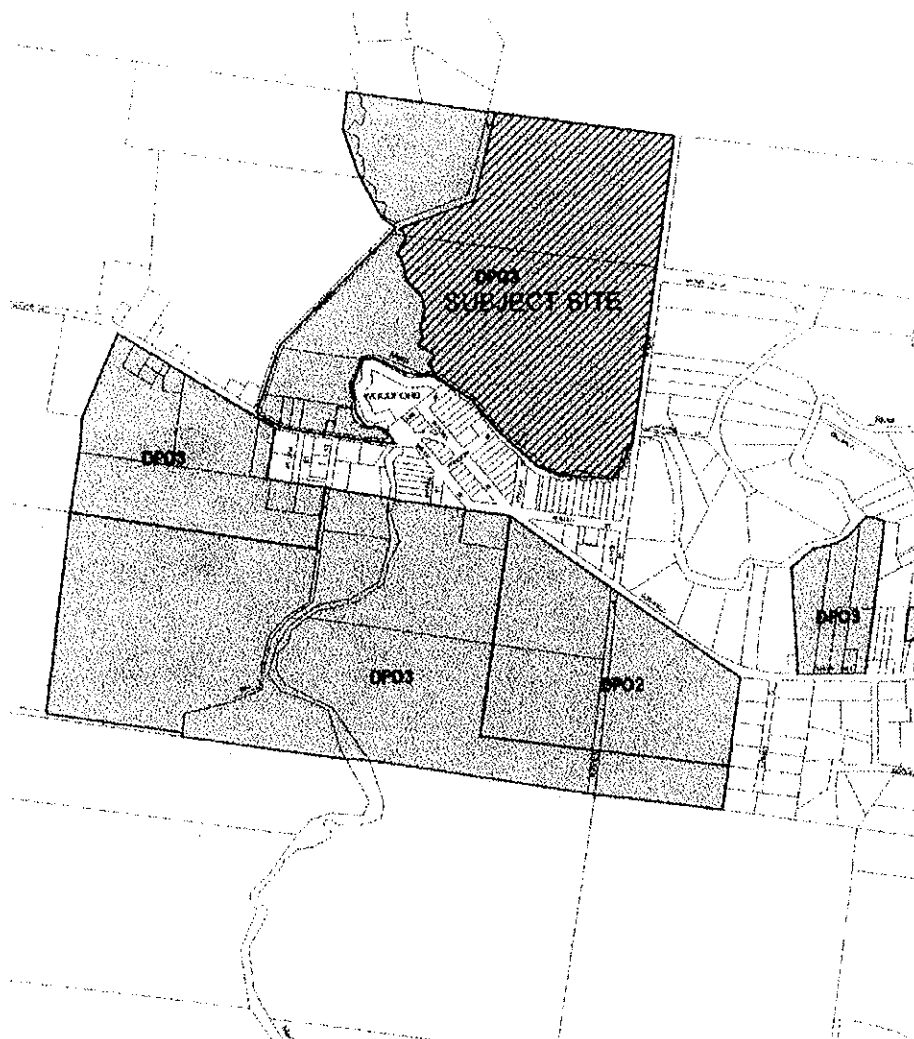
THE LAND

The plan applies to the land east of Plummers Hill Road, west of Blighs Road and north of the Merri River and the Yarrpturk Creek.



The area is indicated on the plan overleaf.

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All of the land is currently zoned Rural Living zone under the provisions of the Warrnambool Planning Scheme. The section of land adjacent to the Merri River is within the Environmental Significance Overlay Number 1.

The land is subject to the provisions of the Development Plan Overlay and specifically Schedule 3 to this Overlay.

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SITE ANALYSIS

The land has a total area of approximately 61.3 hectares. It is undulating land that mostly falls from north to south and from the higher points of the land into two valleys.



View of the land from the Merri River indicating the undulating nature of the site.

The Merri River Valley is the dominant landscape feature of the area. It is located in the southern area of the estate and falls significantly from the higher areas to the north to the flood plain and the Merri River. The land rises up steeply from the river and the flood plain, with the land being in the range of 40 to 50 metres above the surface of the River.

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Yarptuck Creek looking towards the north-west.

The river has a relatively steep bank that in places is not easy to climb whereas in other locations it provides quite reasonable access to the river itself.

The river bank contains a mix of vegetation most of which is introduced and some species that should be removed. There are excellent views available from the higher land overlooking the river valley and the river itself.

The land drains from the north and west towards the south and east. The natural drainage line is virtually down the centre of the land from north to south.

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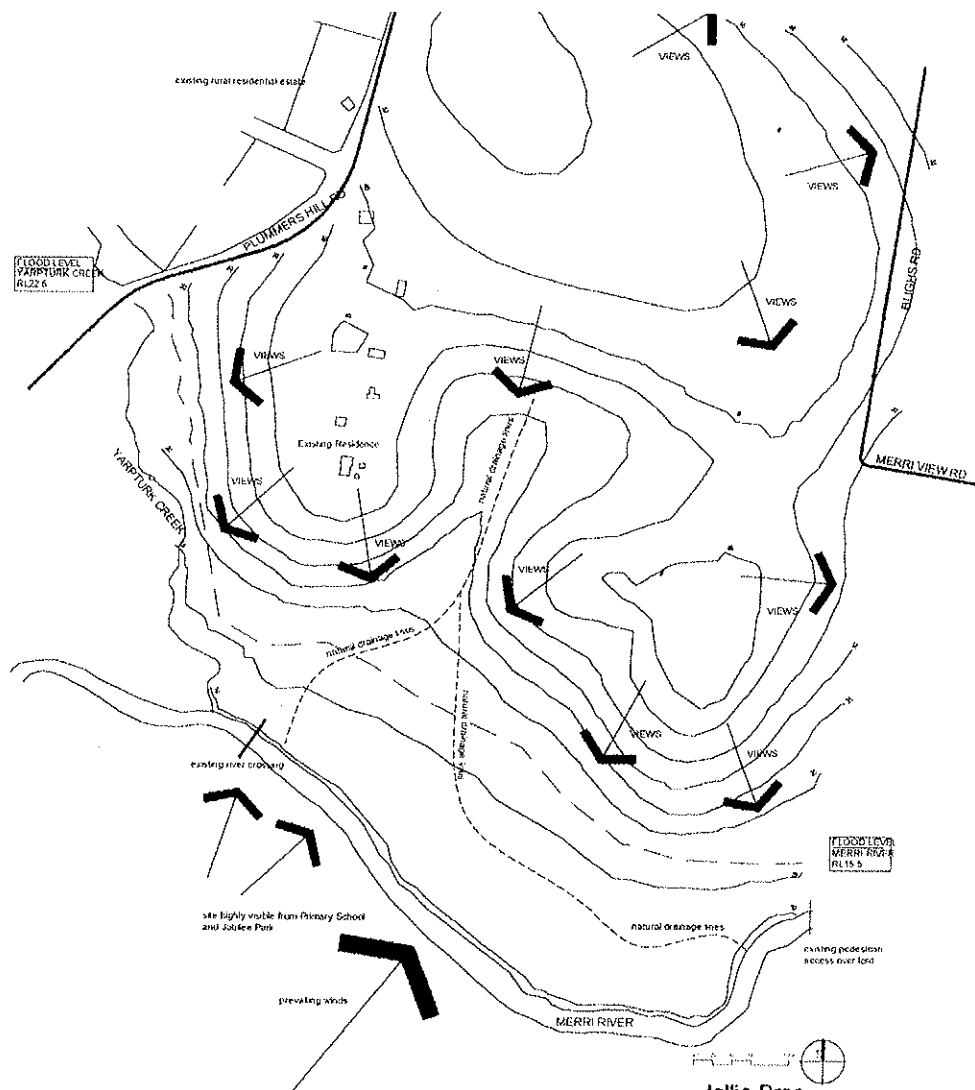
The land is within a rural area but is relatively close to the urban settlement of Woodford. There are no commercial facilities in Woodford but there are two larger active recreation reserves with one being opposite this site on the south side of the Merri River.

The land to the east of the subject land has been developed with single houses on larger rural residential style lots. The Woodford primary school is located on the south side of the Merri River opposite the subject land.



View from Plummers Hill Road, subject land is on the right hand side of the fence line.

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Jellie Bros.
Climery Park Estate

Site Analysis

Site analysis

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DESCRIPTION OF THE PLAN

THE OVERALL AREA

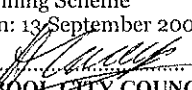
All of the land is within the Rural Living zone under the provisions of the Warrnambool Planning Scheme. The development plan indicates the subdivision of the land for rural residential purposes and the use of the land for residential purposes.

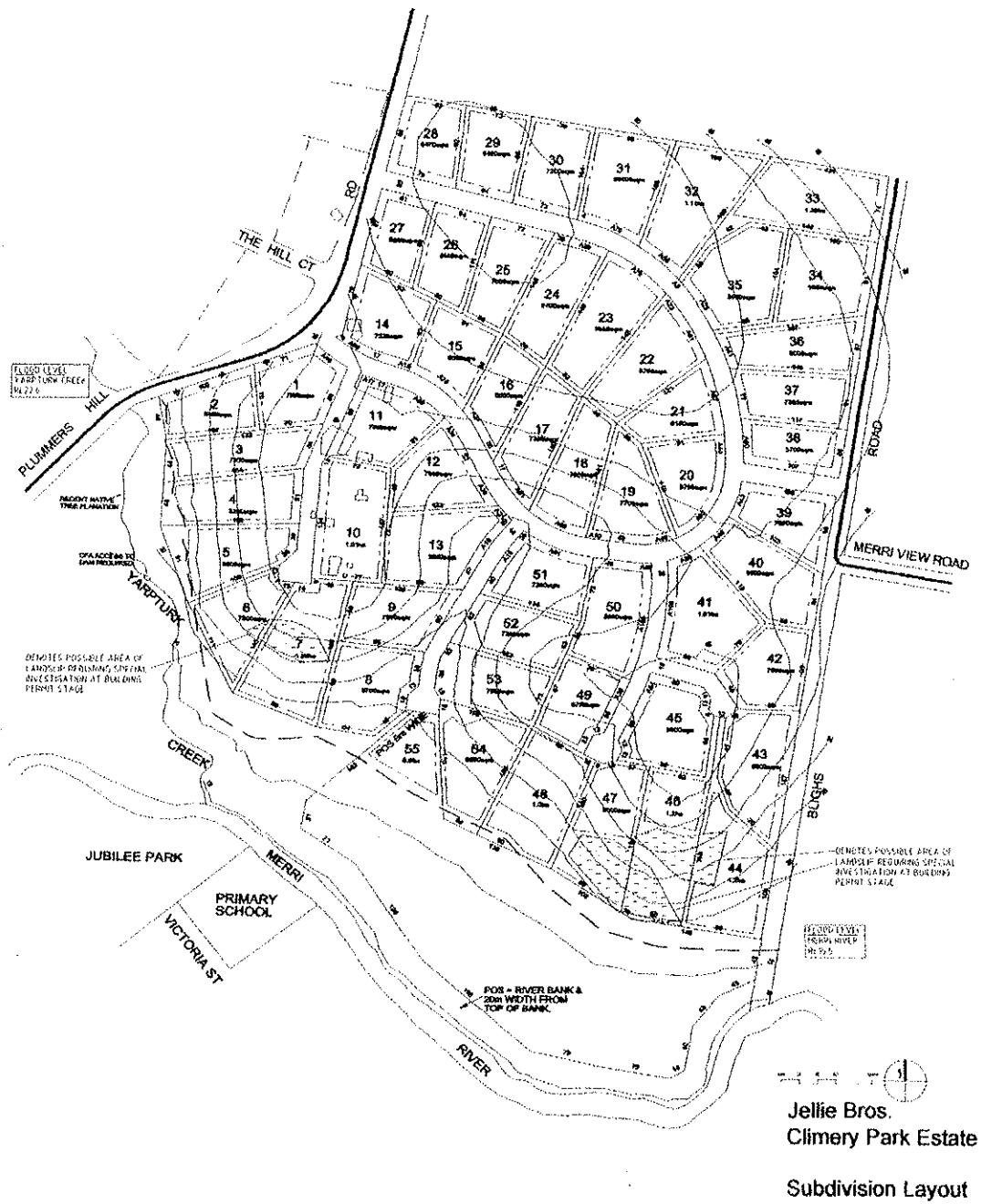
It is anticipated that the land will be subdivided and developed for rural residential purposes in a relatively conventional manner, having particular regard to the environmental constraints of the area and the high visibility of sections of the land.

The plan indicates the opportunity for 55 rural residential style lots and one balance rural lot, almost all of which is within the area identified as the flood plain.

This development plan does not seek to allow any use that is not allowed under the existing provisions of the Rural Living zone of the planning scheme. Only uses that are as of right or Section 2 "discretionary" uses are permitted by the plan subject to a planning permit when required.

The road layout is intended to provide access to all of the landholders east of Blighs Road through the estate to Plummers Hill Road.

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Plan of overall area

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THE PLAN FOR THE CILMERY LAND

The objectives of the subdivision and development of the Cilmary land are:

Objectives

- To develop a high quality rural residential area
- To achieve high levels of residential amenity.
- To provide certainty to purchasers and residents as to future use and development.
- To integrate the area into adjoining areas.
- To provide pedestrian access to the primary school and Jubilee Park Reserve on the south side of the Merri River.
- To maintain the environmental integrity of the Merri River and Yarrpturk Creek.
- To provide for the public ownership of the riverbank.
- To provide for the environmental upgrading of the riverbank.
- To provide public access to the water in appropriate locations.

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THE SUBDIVISION LAYOUT

It is proposed to create 55 lots with an average area across the whole estate exceeding 1 lot per 1.0 hectare in accordance with the provisions of the Rural Living zone.

The residential lots range in size from 5700m² to 8.0 hectares.

The road layout provides an interconnecting road providing opportunities for future connection to the land to the east. Pedestrian connection points are

located along the river and throughout the estate on the proposed road networks.

USE PROVISIONS

The plan does not intend to affect the consideration of permits for use. All uses in Section 2 of the Rural Living zone are generally in accordance with the plan.

STAGING

The land is proposed to be developed in four separate stages.

- Stage 1 provides for 23 lots adjacent to Plummers Hill Road and a new road into the estate with two new courts.
- Stage 2 provides for 13 lots connecting with the access road from Plummers Hill Road and two new courts.
- Stage 3 is the balance of 19 lots and connects the loop road to the Blighs Road and back to the northern connection with Plummers Hill Road.

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SOIL AND WATER REPORT

The soil and water report has been prepared by Brian Consulting. It indicates that the lots are of a suitable size and have sufficient percolation to allow for the use of septic tanks. The Report is attached to the rear of this document.

[Extract from Brian report]

1. Effluent Disposal

In regard to the assessment of land capability for onsite domestic wastewater disposal Tract Consultants carried out percolation testing at 11 locations with 8 sites located within the area of the proposed subdivision.

The location of the original soil percolation tests have been plotted onto a plan of the current proposed subdivision together with soil types derived from geological information to produce a "Soil Conditions" plan for the development.

The testing by Tract found that the percolation rates varied from 25mm to 140mm an hour with the percolation test result for location 8 the lowest at 25mm per hour which is below that required. In order to further assess the permeability of the soil type an additional series of percolation tests were carried out in February 2003 to retest the soil adjacent to site 8.

The results of the testing program have been compiled in attached report 02-124 .

The testing found that the soil type is suitable for disposal of effluent by subsoil absorption with a long term absorption rate of approximately 34 litres / square metre per day which complies with the code of practice for septic tanks and would require approximately 60 metres of absorption trench per dwelling. It is not known why the original test indicated a low permeability for the material however it is understood that the earlier testing relied on only one hole per site and not a series of holes as required by the code of practice.

In addition to the percolation testing a land capability assessment for domestic wastewater disposal has been carried out by Brian Consulting Pty. Ltd for the subdivision in accordance with EPA bulletin 746 and can be summarised as follows:

Land Features	Lake capability class rating	Comments
• Site runoff	3	Moderate runoff
• Flood inundation	1	Sufficient area of all allotments above flood level to provide building envelope

• Slope	2-4	Varies from 3% to 16 %
• Landslip	1	Small area of past ground movement on part of 2 Allotments - Refer to plan
• Water table	1	
• Rainfall	3	
• Pan evaporation	3	
• Structure	2	
• Profile depth	2	
• Sodicity	1	
• Shrinkage	3	Varies from 4% to 20%
• Permeability	2	
• Stoniness	1	
• Emersion test	2	
• Salinity	2	

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Tract carried out test boring over 12 sites as detailed in Appendix 1. The test bores generally confirm shows that there are four main soil types present over the area of the proposed subdivision. In general terms the more recent Quaternary period volcanics including scoria, tuffs, volcanic ash, basaltic clay and weathered basalt rock overly the older Tertiary period sands and limestone as shown on the attached soil conditions plan.

In regard to topography generally the higher flatter elevations and moderately steep side slopes is characteristic of material derived from volcanics including basalt with the lower and gently sloping land formed of either alluvial or limestone material.

From the results of the land capability assessment it can be seen that the land class capability rating varies over the site with change in slope and soil type however the overall site is considered suitable for residential development using on site disposal of effluent in accordance with current guidelines.

2. Stormwater Drainage

The attached Stormwater Management Plan has been prepared to show the proposed treatment of stormwater runoff from the subdivision.

As the subdivision is not served with reticulated water supply it is expected that the majority of roof water from buildings will be captured and directed to water tanks effectively containing the stormwater on each site.

It is believed that the overall runoff from the allotments will actually be less than that currently occurring from grazing activities as the change of land use will see the majority of the lots revegetated as has been the experience in Rodger Place subdivision

in Bushfield where there was a transformation from shortly cropped vegetation on bare clay soils to large areas of plantations of native vegetation.

It is proposed that road construction will comprise sealed pavements with typical rural type grass swale or table drains to convey runoff to points of discharge as shown on the attached stormwater management plan.

Where the grades are too steep for open drains it is proposed to provide underground piped drainage for outfalls through allotments to prevent soil erosion as shown on the plan.

As shown on the Stormwater Management Plan it is proposed that the majority of the runoff be discharged through the piped drains onto the flood plain rather than discharging directly to the Merri River as this method allows the stormwater to disperse over the relatively flat flood plain which will in effect trap any sediments or nutrients.

The flood plain is comprised of sands and silty alluvial deposits which will allow the stormwater to naturally soak away without causing long term ponding on the flood plain.

In this way it is believed that the stormwater reaching the river will be of high quality and superior to the quality of runoff from the existing use as a dairy farm.

During earthworks and road construction run off from disturbed areas will be monitored and erosion control measures implemented in accordance with the Warrnambool City Council guidelines for stormwater management. It is noted that supervision of all road construction activities will be under the control of the Warrnambool City Council engineering staff.

In regard to the risk of land slip the area of the subdivision has been inspected and three small areas effecting three proposed lots have been identified as having been sites of soil movement in the past and these have been surveyed and plotted onto the attached soil conditions plan.

Each of the areas correspond to the tuff and volcanic ash soil types and are on steep grades at the ends of ridge lines. It is understood that the entire area was originally covered with eucalypt trees and was known as part of the Woodford forest and that land clearing and use for agriculture has been the likely cause of the soil movement rather than due to earthquakes.

Discussion with Jellies has revealed that the area of soil movement immediately to the south of the existing residence has occurred relatively recently and is the result of erosion of the light and friable tuff and volcanic soils associated with continuous ploughing on the relatively steep slope. Inspection of the site has revealed that the soil disturbed by ploughing has washed down the soil bank corresponding to the fence line betu

The larger area of soil movement in the south east corner of the property has occurred within the friable tuffa and volcanic derived soils which overly the stable tertiary period limestone. The area of movement appears to affect part of proposed Lots 48 & 49 and has occurred on the steep part of the ridge.

Prior to building on these allotments detailed site investigation would be required as part of the submission for a building permit and suitable footing systems would be determined at that time. However as the disturbed area is relatively small it is recommended that the subdivision layout be altered to provide a larger area of relatively flat and stable land for Lot 49 and building envelopes be adopted for Lots 48 and 49 to prevent development occurring on the disturbed areas.

In addition it is recommended that the DNRE be consulted in regard to erosion control techniques and that the disturbed areas be fenced off and planted out with native vegetation to stabilise the soil and cut off drains be provided above the disturbed areas to prevent the material becoming saturated during the winter months. It should be noted that these relatively inexpensive soil stabilisation techniques have been used successfully for the same soil types in the Merri River valley further upstream of this site.

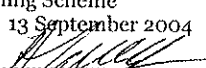
In regard to the risk of water way pollution from septic tank installations reference to the attached soil condition plan show that the allotments closest to the Yarrpturk Creek and Merri River are all separated from the water ways by quaternary period volcanics including scoria, tuffs and volcanic ash. This soil type is permeable and exhibits good drainage characteristics and is not a highly expansive and therefore it is believed that the soil is suitable for the treatment of waste water and that the waste water will be contained within each allotment and will not pollute the streams.

In regard to pollution of the ground water it is understood that the natural water table is relatively deep being below the Quaternary Period material and below the Tertiary Period limestone formation at a depth close to the level of the Merri River. The summer cracking referred to in the DNRE correspondence occurs within the Quaternary Period clays which occupy the flatter part of the subdivision. However it is known that once soil absorption trenches are established the soil remains damp adjacent to the trenches during the summer months and the cracking observed under natural conditions does not occur and therefore the presence of expansive clays is not considered a problem.

In addition it is considered that even if over a long period of time effluent was to find its way through the relatively impervious upper clay layers the effluent would be dispersed within the relatively porous alkaline limestone formation and is unlikely to reach the much deeper water table in an untreated state.

Reference to the percolation test results and the soil types found within the area of the proposed septic tanks and effluent disposal trenches.

Development plan, Cilmerly Estate, Woodford, July 2004.

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allotments are of sufficient size to allow individual siting of the effluent disposal trenches parallel to the natural contour of the site to maximise the effluent treatment potential of the sub soil. It is noted that siting of the disposal areas is usually carried out by the Municipal Health Surveyor after issue of the individual building permits.

Stormwater management and erosion control during subdivisional earthworks and road construction referred to in the DNRE correspondence have been discussed above.

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BUILDINGS AND WORKS PROVISIONS

A permit is required for all buildings and works within the Environmental Significance Overlay.

A permit is not required for a dwelling in the Rural Living zone [unless required by the ESO] provided the lot has an area of at least 1.0 hectare.

All of the lots are suitable for development in accordance with the provisions of the Warrnambool Planning Scheme.

Specific development controls are proposed for each lot to ensure that the development of the land is sympathetic to the landscape of the area.

The particular controls are:

- A building exclusion zone is proposed for a section of those lots where development may be affected by land slip.
- Otherwise the building envelopes exclude development within 10.0 metres of the frontage and 5.0 metres of the side and rear boundary, otherwise all other areas are suitable for the construction of housing and outbuildings.
- The height of buildings is restricted, with the most visible lots having height limits of 7.5 metres or 3.0 metres above the highest point on the land.
- Wall colours to be of dark hues to help the buildings recede into the landscape.
- Roofing to be of dark colours and to be non-reflective.
- Tanks and tank stands to be dark colours.

- Controls over the excavation of the land to ensure that the appearance of the area is not unduly affected and to ensure maintenance and landscaping of the excavated faces.
- Controls over the development of the flood prone section of lot 55 to prevent the proliferation of unsuitable buildings and structures.

These controls are to be given effect through a Section 173 Agreement registered on the title of each lot.

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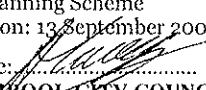
THE FUTURE DISTRIBUTION OF OPEN SPACE

The most important element for the provision of open space is the continuation of the linear strip of open space adjacent to the Merri River. The plan provides for the continuation of the public open space area adjacent to the Merri River for a distance of approximately 30 metres from the northern bank of the River. This allows more than sufficient land for the eventual construction of a path along the cliff top adjacent to the Merri River. This ensures that the public has ownership and access to the river and its immediate environs.

A larger park area is provided in the area where the river can most easily be accessed. It is intended that this will be a useable recreation area and provides emergency access for fire vehicles to the junction of the Merri River and the Yarrpturk Creek.

The overall plan indicates how this linear park can be extended to the east to connect with the existing public open space that is part of the Molwaden Estate. The public open space provision provided by the plan exceeds the 5% minimum requirement of the subdivision Act.

The location of the public open space area along the Merri River has been determined to allow for the future construction of a walkway along north of the steeper land adjacent to the Merri River as indicated on the detailed landscaping plan.

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LANDSCAPING PLAN

The landscaping plan has been prepared in consultation with the Warrnambool City Council and the Department of Sustainability and Environment. It indicates the use of indigenous species along the river bank including:

- *Acacia melanoxylon* [Blackwood]
- *Allocasurina verticillate* [Drooping She-Oak]
- *Eucalyptus ovata* [Swamp Gum]

The plan also indicates the use of similar species in the larger reserve adjacent to the junction of the river and Yarrpturk Creek. This will be a larger more open area than the river bank providing more of a parkland setting for residents of the estate.

The stormwater management area in the floodplain will contain plant species that will assist in the distribution of the storm water. These species include:

- *Acacia melanoxylon* [Blackwood]
- *Eucalyptus ovata* [Swamp Gum]
- *Eucalyptus viminalis*

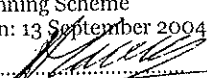
Staging of Landscaping

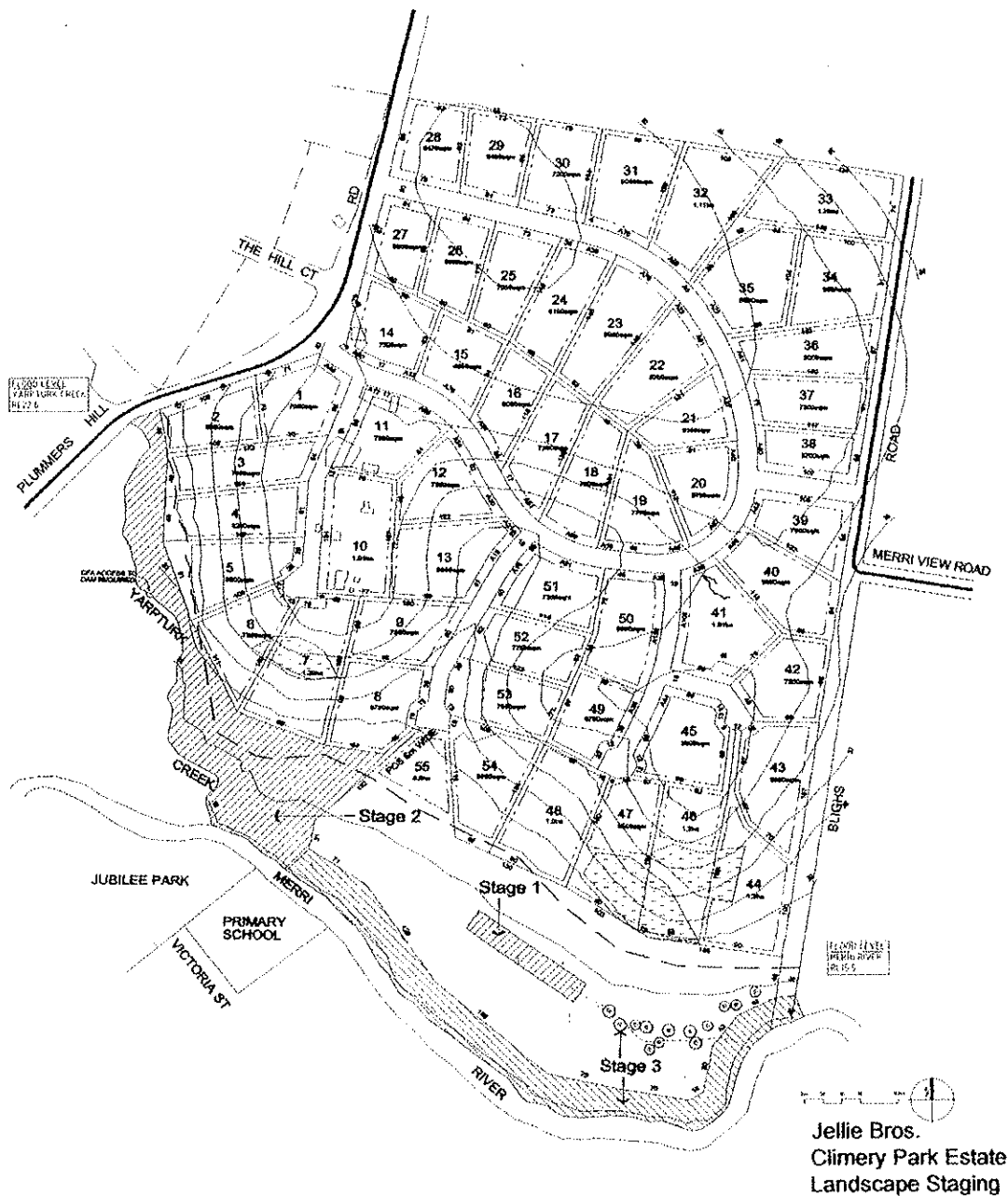
The landscaping of the public open space areas and the drainage area is to be completed in four separate stages.

Stage 1 is the planting of the drainage area on the flood plain area within proposed lot number 55. This work, including fencing of the drainage area and planting of this area will take place at the same time as stage 1 of the subdivision.

Stage 2 is the planting of the larger public open space reserve near the junction of the river and the creek. This will also be carried out as part of stage 1 of the subdivision.

Stage 3 is the planting of the public open space reserve adjacent to the Merri River. This will be carried out as part of stage 2 of the subdivision.

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Landscaping Staging Plan

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DEVELOPMENT OF INFRASTRUCTURE

The development of the area will require upgrading of infrastructure, particularly the road networks on and around the site. The report prepared by Brain Consulting deals with the infrastructure issues.

[Extract from Brian report]

Road Network

The proposed layout of the road network has been developed in consultation with Mr Peter Reeve of the Warrnambool City Council from discussions at meetings held on site.

It is acknowledged that the proposed subdivisional road will become a short cut to Plummers Hill road for residents living in Merri View road and the road will be designed as a collector road accordingly.

The layout of the proposed road has been designed with a curvilinear alignment in an effort to reduce the speed of through traffic and the intersection with Blighs road has been staggered from the intersection with Merri View road to prevent speeding through the intersection as earlier discussed with Council.


In regard to requirements that will be applied as conditions on any permit that may issue we wish to respond to each item as follows.

- (a) A site management plan will be provided to Council prior to any construction works being undertaken on the site.*
- (b) Application will be made to the GHCMa for works adjacent to a waterway.*
- (c) Vehicle access to all lots are served from the internal road network, no vehicle access is required from Blighs Road.*
- (d) All power from the roads to the dwellings will be underground.*

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RETENTION AND DEVELOPMENT OF EXISTING ENVIRONMENTAL ASSETS

There are a few buildings on the subject site including the existing house, sheds associated with the house, the existing dairy and other outbuildings associated with the previous farming activity on the site.

Although the existing farm house is quite old it has been significantly extended and altered over the years. It is to be retained on a larger lot. All other buildings will be removed over time as the subdivision extends throughout the various stages.

Significant trees

The significant trees on the Cilmerly site are located along the existing driveway to the house and around the existing house. All other significant trees are located adjacent to the river and the creek in the area proposed to be transferred to the Council as Public Open Space.

There are existing cypress trees that are very old and potentially dangerous. While it is understood that these make a contribution to the landscape of this area they will need to be removed and replaced by more appropriate and less dangerous tree species.

The trees along the river bank include well established willow trees. The future of this area will need to be determined by the Council in consultation with the residents of this area. The landscaping plan indicates the proposed planting and revegetation of the riverbank with the opportunity for public access along the bank of the river and the creek.

SOCIAL AND COMMUNITY ISSUES

The most significant community issue will be the provision of public open space along the river and the provision of additional housing close to the township of Woodford. Public ownership of the River bank will provide pedestrian access to the rivers edge and beyond and is anticipated to be a popular location for fishing and other recreation activities, including canoeing.

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COMPLIANCE WITH PLANNING SCHEME

Assessment under CLAUSE 35.03 – RURAL LIVING ZONE

Application Requirements

The scheme sets out that an application to subdivide land must be accompanied by a report which explains how the proposed subdivision:

- Promotes the purpose of the zone
- Responds to the Decision Guidelines for this zone
- Responds to any additional objectives and performance requirements set out in any relevant Local Planning Policy in this scheme.

The decision guidelines require the following matters to be considered:

Decision Guidelines

This application is reviewed against the decision guidelines set out in Clause 35.03-6 for the benefit of the Responsible Authority. (These decision guidelines are shown in bold text)

- **The State Planning Policy Framework and the Local Planning Policy Framework, including Municipal Strategic Statement and local planning policies.**

The application proposes to create a rural residential subdivision in a Rural Living Zone. There are no State Planning Policies which must be considered in assessment of this subdivision application as the land is already zoned for this purpose.

This application is in accordance with the Local Planning Policy Framework outlined in the Municipal Strategic Statement. Rural residential development is supported at the subject site as shown by the zoning of the land. In addition this application implements Council's strategies for Settlement and Housing (Clause 21-08) in relation to rural residential development minimizing the impact on surrounding farms and acquiring public open space and access along waterways.

This proposal also complies with Council's environmental policies in relation to run-off, floodways, preservation of landscapes and the river environs outlined in Clause 21-09.

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22.01-6 BUSHFIELD AND WOODFORD

A Local Planning Policy for this area of Woodford affects the subject land. This policy states that 'the designation of limited rural living areas around these townships is considered appropriate use of land ...'. The proposed subdivision complies with and furthers the implementation of this local policy in that:

- The layout provides for open space and access to the Merri River for the local community, and will enable enhancement and active restoration of the river/creek edge environment;
- The layout of proposed lots limits development or provides suitable building envelopes on land subject to inundation;
- The layout enables obtrusive development on ridge lines and hill tops to be avoided.
- The subdivision creates a low density buffer to surrounding rural and farm land.

It is Council's policy that the further development of land in the vicinity of Merri View Road be limited because of its isolation from the main village of Woodford. Whilst this proposal is on the north side of the Merri River, the proposed subdivision's main orientation is to Plummer's Hill Road which provides a direct link back into the township of Woodford. This development will not require further infrastructure in the form of another river crossing on Bligh's Road, nor will it create an increased traffic load on Merri View Road, or the unsealed section of road connecting Molwaden Estate to Plummerville Hill Road.

- **Any Catchment and Land Protection Strategy and policies applying to the land.**

There are no catchment or land protection policies that apply to this land.

- **The capability of the land to accommodate the proposed use or development, addressing site quality attributes including soil type, soil fertility, soil structure, soil permeability, aspect, contour and drainage patterns.**

The proposed subdivision layout has been developed giving consideration to the attributes of the land above.

The creation of lots less than 1 hectare enables the layout to best respond to issues such as aspect, contour and drainage patterns.

All lots have been created to enable the containment and treatment of effluent and drainage on site.

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Development plan, Cilmery Estate, Woodford, July 2004.

As a general conclusion all lots are useable for residential development except for the flood prone areas which have been excluded from use for housing. The only other constraint to be considered on the site is the degree of slope on some lots and the impact of this limitation can be minimized or eliminated by appropriate design or construction measures as part of the development process.

- **How the use or development relates to the rural land use, rural diversification and natural resource management.**

The land is zoned for the purpose of residential use in a rural environment, and the proposed subdivision will enable this purpose to be achieved. The land will provide an effective low density buffer for adjoining farms, and the larger lots will encourage use for rural diversification which is compatible with rural living activities.

The subdivision will create public ownership and access of the river bank in this area and as such will improve the natural resource management in this part of the Merri River valley.

- **Whether the dwelling is reasonably required for the operation of the rural activity conducted on the land.**

No dwellings are proposed in this application, however dwellings on this land will eventually be the subject of further planning applications to the Responsible Authority.

RURAL ISSUES

- **The maintenance of farm production and the impact on the rural economy.**

The owners of this land have operated it as part of their dairy farm for many years. Given the zoning of the land and the demand for rural residential land in Woodford the owners would prefer to develop this parcel under the provisions of the Planning Scheme and to concentrate their farming interests elsewhere.

- **Whether the site is suitable for the use or development and the compatibility of the proposal with adjoining and nearby farming and other land uses.**

The site analysis and development plan attached (appendix 2 & 3) indicate the suitability of this land for rural living. The low density nature of this proposal makes this a suitable land use adjoining both the rural residential development already neighbouring the property, and the remaining farming activities in this area.

- **The need to prepare an integrated land management plan.**

Not applicable

- The requirements of any existing or proposed rural ind

Not applicable

- The impact on the existing and proposed rural infrastructure.

Roads: *Plummer's Hill Road is a sealed road which will form the primary access for the proposed subdivision. This road has the capacity to carry the volume of traffic generated by a subdivision of this size.*

Drainage: *Given the low density nature of the development no formal drainage scheme will be required. All surface run off should be able to be contained within property boundaries, while water tanks will be used for water supply. The roads will have grass, swale drains providing absorption and preliminary treatment. Any excess water will be piped to avoid erosion and will be treated in a natural system on the floodplain. This will be enhanced by landscaping and small alterations to the natural ground levels to create a series of filtration ponds*

Sewerage: *Septic tank systems. Preliminary soil and percolation tests confirm the acceptability of this method of effluent disposal for the areas of the site proposed for houses. Septic tanks providing secondary treatment will be the minimum requirement for the subdivision ensuring the re-use of treated water and the protection of the ground water.*

Water Supply: *It is not feasible to provide reticulated water supply to this subdivision. The area has high annual rainfall and an abundance of ground water available (subject to further approvals).*

Electricity and Telephone: *These services can be made available on the normal basis.*

- An assessment of industry requirements, growth expectations, staging of the development and investment requirements.

There is considerable demand for high quality rural residential land in the Merri River corridor. The subdivision will be released in stages to assist in the financing and selling of the land in an appropriate manner.

The proposed staging of the subdivision is indicated on page19.

ENVIRONMENTAL ISSUES

- An assessment of the likely environmental impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.

The subdivision will have no long term environmental effects on the area. During road and utility installation, and subsequent residential development there may be some noise and dust associated with this phase.

In the medium to long term the environmental impact of the proposal will be negligible.

- **The impact of the use and development on the flora, fauna and landscape features of the locality.**

As the land has been cleared for agriculture and used for this purpose for many years there is little native flora or fauna on the site. The proposed rural living use will create an opportunity for the revegetation of the site with native trees and the creation of habitats for native fauna and particularly birds.

The size and layout of the lots will enable development to be sited away from high points on the land where housing may detract from the attractive ridgelines that run through the property. Development controls are proposed for each site to restrict the height, colour and materials used on housing. This will reduce the impact of development on this important landscape.

The public open space areas are to be replanted using indigenous species. This will greatly enhance the bio-diversity of the riparian zone.

- **The protection and enhancement of the natural environment and the character of the area, including the retention of vegetation and fauna habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries, discharge and recharge areas.**

As noted above there is no intact native environments which will be affected by this proposal. The subdivision, and the resultant transfer of the river bank into public ownership, will in fact create important opportunities to revegetate the riparian zones and create corridors of native vegetation for the regeneration of native habitats. This revegetation has already commenced adjacent to the Yarrpturk Creek, east of Plummer's Hill Road with the recent planting of native trees in this location.

- **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.**

As noted above the size and layout of the lots will enable development to be sited away from high points on the land where housing may detract from the attractive ridgelines that run through the property. This will reduce the impact of development and this associated with the landscaping of the public areas and individual titles will have a positive impact on the appearance of this area over time.

DESIGN & SITING ISSUES

- **The design, colours and materials to be used, and the siting, including the provision of development and effluent envelopes for any building or works.**

Future housing on the new lots created will be required to apply for planning permits. The subdivision will be supported by a Section 173 Agreement regulating issues such as design, colours and materials can be assessed. Building and effluent envelopes can be appropriately accommodated on each lot proposed to be used for housing.

Building envelopes have been nominated on lots on the development plan.

- **The impact of the use or development on the existing and surrounding rural uses.**

Rural Living activities are considered appropriate in this environment on the edge of Woodford as shown by the zoning of the land. The subdivision will provide a buffer between Woodford township for farms to the north of the development, as has previously been created on land to the east and west of the subject site.

- **The location of any building or works with respect to the natural environment, major roads, vistas and water features, and the measures to be undertaken to minimize any adverse impacts.**

No buildings are proposed as part of this application. However, the subdivision layout and the road network has been developed to protect the attributes of the site.

- **The location and design of existing and proposed roads and their impact on the landscape and whether the use or development will cause significant traffic generation which will require additional traffic management programs to be initiated.**

The plan utilizes Plummer's Hill Road as the main access to the subdivision, with an intersection to the subdivision's main road approximately 200 metres north of Yarpturk Creek.

This main internal road follows the contours of the site and loops to the north with another outlet to Plummer's Hill Road approximately 380 metres north of the Yarpturk Creek. Several courts radiate out from this main road to service the balance of the blocks.

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It is anticipated that the current road infrastructure has sufficient capacity to accommodate the additional traffic generated by this proposal. It is considered unlikely that any significant traffic management works will be necessary.

When all stages of the subdivision are completed the main road within the subdivision will also provide a shorter route to Plummer's Hill Road (and Woodford) for the residents of Merri View Road on the Molwaden Estate.

- **The location and design of existing and proposed infrastructure services including gas, water, drainage, telecommunications and sewerage facilities.**

There is currently no infrastructure servicing the subject site. Telecommunications and electricity will be provided to meet Council and service authority requirements, and drainage will be installed to Council's requirements where necessary.

Natural gas, reticulated water and sewage are unavailable at this location.

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SUMMARY

The Development Plan for this area has been prepared to comply with the relevant provisions of the planning scheme.

The plan indicates how the future development of this entire site can occur. It indicates that alternative access from the area to the existing land to the east will occur when the subdivision progresses to a third stage. The plan proposes the provision of public open space along the Merri River to provide public ownership of this important community, recreation and environmental resource.

The development plan also indicates proposed design controls for the land to ensure that future development of the land responds to the natural features of this area and is complimentary to these features.

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**PROPOSED RURAL RESIDENTIAL SUBDIVISION
CILMERY PARK ESTATE WOODFORD
JELLIE BROTHERS
SOIL CONDITIONS**
SCALE 1 : 2000 @ A1

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LEGEND

- Quaternary period silts, clays & highly weathered basalt
- Quaternary period volcanics including scoria, tuff and volcanic ash.
- Tertiary period yellow limestone.
- Tertiary period alluvial deposits, sands and silts.
- Land slip
- Test bore location
- Soil analysis site
- * Soil percolation test location

NOTES

Geological information based on Geological survey of Victoria
Warrnambool Plan 7321-2 zone 54 and report by
Tract Consultants Australia Pty Ltd July 1978.

Bore locations are based on report by Tract July 1978.

Soil analysis and soil percolation test locations and results
based on report by Tract July 1978.

Additional soil percolation tests were carried out by Brian Consulting
at location 8 in February 2003.

PROPOSED RURAL RESIDENTIAL SUBDIVISION CILMERY PARK ESTATE WOODFORD JELLIE BROTHERS DEVELOPMENT PLAN SCALE 1 : 2000 (@A1)

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PROPOSED RURAL RESIDENTIAL SUBDIVISION CILMERY PARK ESTATE WOODFORD JELLIE BROTHERS STORMWATER MANAGEMENT PLAN

SCALE 1 : 2000 @A1

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STORMWATER DRAINAGE PIPE

DIRECTION OF STORMWATER RUNOFF.

ATTACHMENTS

- APPENDIX 1: TEST BORES [TRACT CONSULTANTS AUSTRALIA
PTY.LTD]
- APPENDIX 2 SOIL TYPES [TRACT CONSULTANTS AUSTRALIA
PTY. LTD.]
- APPENDIX 3 PERCOLATION TEST RESULTS [TRACT
CONSULTANTS AUSTRALIA PTY. LTD.]
- APPENDIX 4 PERCOLATION TEST RESULTS [BRIAN
CONSULTING]
- APPENDIX 5 DRAFT SECTION 173 AGREEMENT

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APPENDIX 1

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TEST BORES

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APPENDIX 1:

TEST BORES

The test bore locations are plotted on Map 5.

- | | | |
|----|-----------|---|
| 1. | 0-150mm | soil very dark grey with fine crumbling structure |
| | 150-750mm | mixture of soil tuff and clay |
| | >750mm | tuff |
| 2. | 0-150mm | soil very fine brown colour and powdered stone |
| | 150-300mm | soft stone |
| | 300-650mm | stone and clay |
| | >650mm | highly weathered rock and soft stone |
| 3. | 0-300mm | fine grey clay loam |
| | 300-600mm | clay |
| | >600mm | clay and soft rubble, highly weathered rock |
| 4. | 0-900mm | fine black loam soil |
| | >900mm | tuff |
| 5. | 0-300mm | brown clay loam |
| | 300-500mm | brown clay |
| | 500-700mm | tuff and rubble |
| | >700mm | soft stone and highly weathered rock |
| 6. | 0-220mm | brown clay loam |
| | 220-620mm | clay |
| | >620mm | soft stone base |
| 7. | 0-150mm | brown clay loam |
| | 150-350mm | soft stone, highly weathered rock |
| | 350-650mm | clay |
| | >650mm | highly weathered rock |

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i.

8. 0-300mm black soil
 300-750mm black loam
 >750mm highly weathered bedrock
9. 0-300mm grey loam with sprinkling of sand
 300-600mm loam and clay
 >600mm tuff
10. 0-300mm sandy loam
 300-600mm clay and soil
 >600mm clay
11. 0-300mm brown soil with crumbling stone gradually turning
 to straight clay at 900mm (yellow clay moist)
12. 0-300mm dark brown clay loam (high plasticity) and stone
 300-600mm clay
 >600mm highly weathered bedrock

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APPENDIX 2

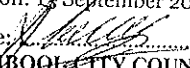
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SOIL TYPE

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APPENDIX 2:

The following material has been taken from "Soil Survey Report No. 51,
1 February 1975 - Soils of the Merri River and Drysdale Creek Area Near
Warrnambool, Victoria - J.W. Newell Senior Soils Officer" Department of
Agriculture.

The distribution of the soil is controlled equally by topographic position
and the nature of the material from which the soil profiles have been formed.

MERRI RIVER PROFILE (FLOODPLAIN)

Tuff (Parent Material) - See #a on Map 5

pH 7.1 to 7.2 - Surface very dark grey or very dark grey - brown
clay loam either with obvious fine crumb structure
or crumbling readily to fine crumbs passes
gradually to subsoil - high into infiltration.
Subsoil generally heavy clay colours and structure
similar to surface.
Depth often >1m resting on tuff decomposed.

Tuff (Parent Material) - See #b on Map 5

pH 7.0 - Surface very dark grey brown or black medium clay,
fine crumb structure - not as high infiltration as
above.
Subsoil from about 40cm dark medium to heavy clay
rather tough.
Depth after >1m

YARPTURK CREEK FLOODPLAIN

Mixed Alluvium (friable surface) - See #c on Map 5

pH 6.7 surface - Surface 10-25cm black heavy clay of obvious fine
crumb structure or crumbling.
pH 8.0 (at 60-90cm) Subsoil black heavy clay, very dense and tough.
Depth often >1m
Surface structure good, subsurface impermeable.

STEEP SIDE SLOPES

On the Merri River side valley at site #d on Map 5 the soil is similar to #a on Map 5 with a 6.4 to 6.9 pH.

On Yarrpturk Creek - Group C (Upper Slope)

Tuff (Parent Material) - See #e on Map 5

pH 6.7 - 8.0

- Surface dark brownish grey heavy clay, rather tough, poor structure.

Subsurface and subsoil grey brown heavy clay of good structure. Infiltration poor. Run-off excessive.

Depth 45cm to tuff

HIGH FLATS/BASALT PLAINS

Very gentle slope

Merri River

pH 6.1 to 6.3

- See #f on Map 5

Basalt (parent material) dark brownish grey light or heavy clay, moderate blacky structure about 10 to 15cm deep - take little water for irrigation.

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APPENDIX 3

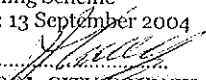
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PERCOLATION TEST RESULTS

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APPENDIX 3:

PERCOLATION TESTS

The percolation tests were carried out according to the procedures adopted by the Victorian E.P.A.

The test sites are identified by number on Map 7.

Site No.	Average Percolation over 3 hrs. in inches/hr.
1	.375"
2	4.0"
3	3.0"
4	1.0"
5	5.5"
6	3.25"
7	2.25"
8	1.0"
9	5.0"
10	3.0"
11	1.33"

The results show that sites 1, 4 and 8 are problem areas for conventional on-site absorption of effluent.

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APPENDIX 4

BRIAN CONSULTING PTY. LTD

PERCOLATION TEST RESULTS

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Site Assessment and Percolation Test Report

LOCATION : Cilmery Park Estate
Plummers Hill Road
WOODFORD

CLIENT: Jellie Bros
c/o 2 Rosemary Court
Warrnambool. 3280


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DATE: 26th February, 2003

JOB No : 02-124

SITE ASSESSMENT AND PERCOLATION TEST REPORT

PROJECT No. 02-124
DATE : 26th February, 2003.
CLIENT : Jellie Bros
c/o 2 Rosemary Court
WARRNAMBOOL. 3280

WARRNAMBOOL
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COMMISSION: Site investigation and assessment in
accordance with the provisions of the Code of Practice
for Septic Tanks - Australia. 1996

SITE LOCATION : Proposed subdivision , Plummers Hill Road , Woodford

SITE DESCRIPTION:

- Features: Vacant allotment.
- Terrain : Slight slope to the north east
- Vegetation. Grass only.
- Drainage. Sloping site with natural drainage.
Recent dry weather.

PROPOSED DEVELOPMENT : Septic tank system for rural subdivision.

TESTING PROGRAM : Seven number test sites were established approximately 200 metres east of Plummers Hill Road within the relatively flat area comprised of quaternary period silts and clays and highly weathered basalt. The holes were excavated using a motorised auger to the depth indicated in the attached log sheet.

The holes were presoaked over a period of 18 hours prior to the test being carried out.

Soil percolation testing was carried out in accordance with the provisions of Appendix B of the Code of Practice - Septic Tanks , 1996

FINDINGS : The site was found to consist of dark brown moist silty clay topsoil overlying dark brown moderately plastic basaltic clay and highly weathered basalt.

No seepage or standing water table was encountered and the site was found to be relatively well drained.

GEOLOGY :

Reference to the Geological Survey of Victoria map sheet Warrnambool 7321-2 indicates that the underlying site consists of Quaternary Period silts and basaltic clays overlying Pleistocene Dune limestone.

SITE ASSESSMENT :

The soil percolation rate was found to vary across the site from 420 mm/hr to 270mm/hr. The site was found to be relatively well drained and the percolation rate in the silty clay material was found to have a minimum long term absorption rate of 34litres/sqm/day.

RECOMMENDATION :

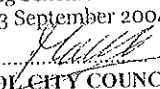
It is considered that the soil type is suitable for effluent disposal using subsoil absorption trenches and it is recommended that a minimum of 60 metre length of 0.5 metre wide absorption trench be provided to serve each residence .

Siting of effluent disposal areas for individual sites will need to be determined as part of the building permit process in conjunction with the Municipal Health surveyor. The disposal areas should be protected from runoff from adjacent areas including paving and rooves through the use of swale drains or berms.

SITE ASSESSOR :

ARNOLD BRIAN
BRIAN CONSULTING PTY. LTD
B.E. (Civil) M.I.E. Aust.
Chartered Professional Engineer.
Practice Certificate Number 107 510
Registered Building Practitioner Number EC-1099

Signature : 

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APPENDIX

- (a) The site investigation and assessment has been carried out in accordance with the Code of Practice for Septic Tanks 1996 and with regard to information supplied to us by the Client or the Client's agent.
- (b) The soil colours may vary from those indicated on the bore log record as colour will change with change in moisture content.
- (c) Septic tank systems are efficient when they are periodically inspected and appropriately maintained. Septic tanks operate by biological anerobic digestion of organic matter within the tank and therefore care should be taken in the use of detergents, disinfectants and other house hold cleaners that affect the bacterial action within the tank and their use should be kept to a minimum.
- (d) Septic tanks reduce solids in sewage to sludge which deposits in the tank and requires regular desludging by an experienced contractor approved by the Local Council Health Surveyor.
- (e) It is important to ensure that the area occupied by the sub soil drains is well drained and in some cases this will require the construction of surface drains to intercept overland flow from adjoining higher land and/or the construction of sub-surface or agricultural drains to intercept seepage flow within permeable subsoil layers up slope of the sub soil drains to prevent saturation of the soil during the winter months

WARRNAMBOOL**PLANNING SCHEME**

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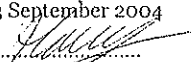
Delegate:.....

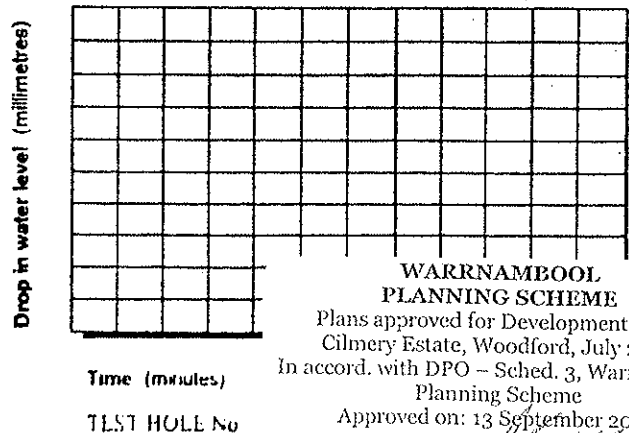
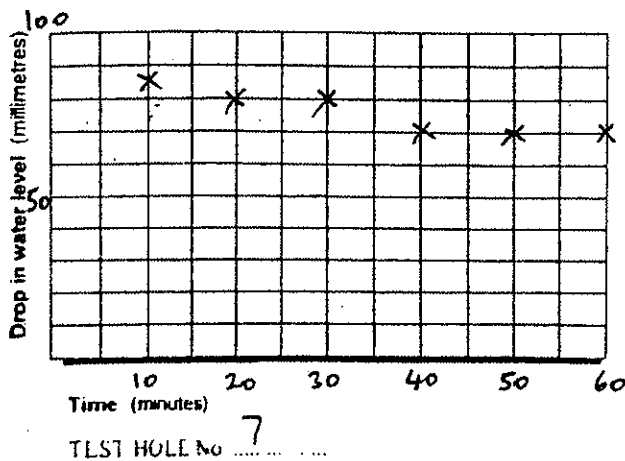
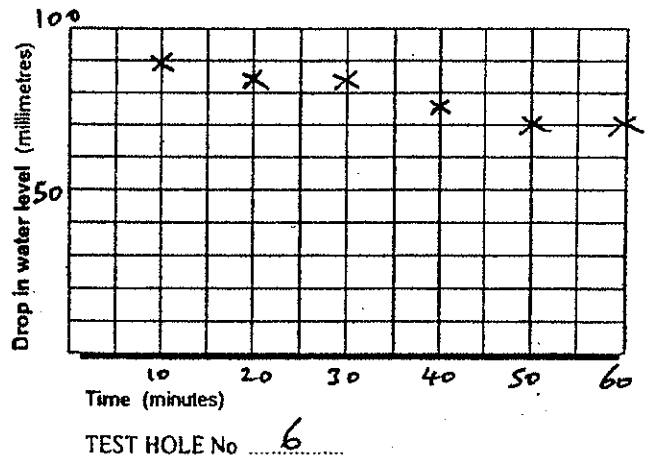
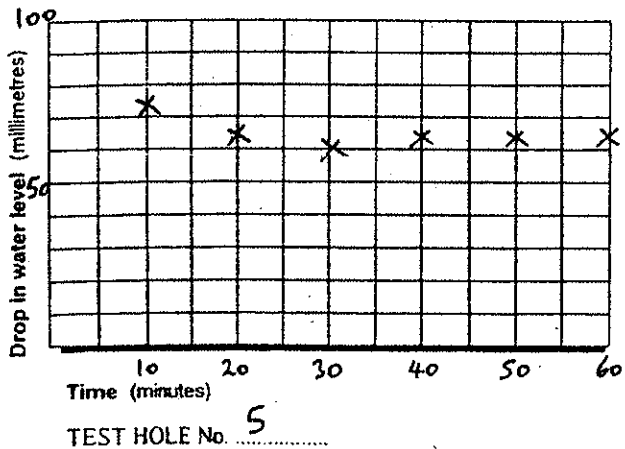
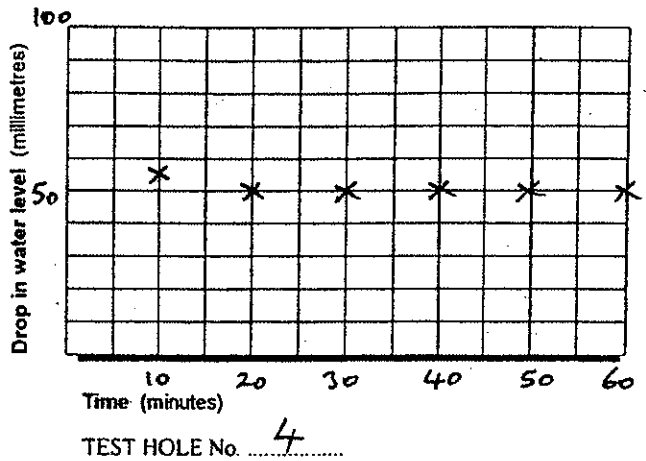
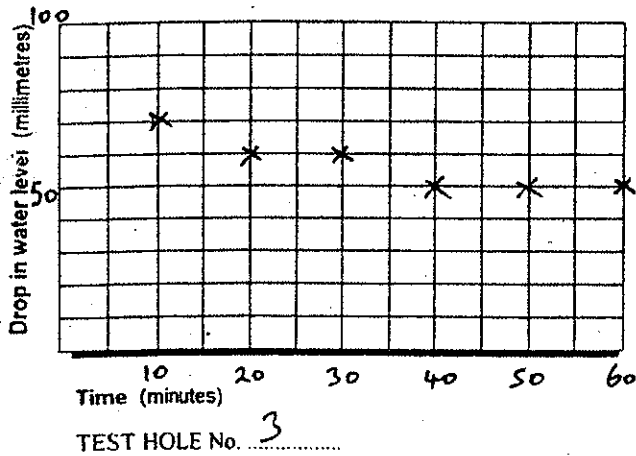
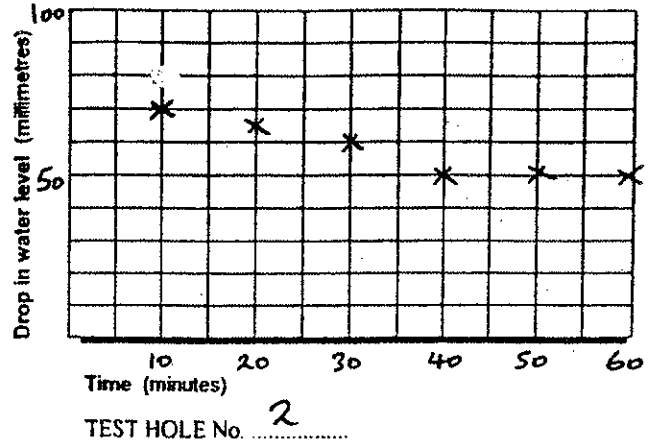
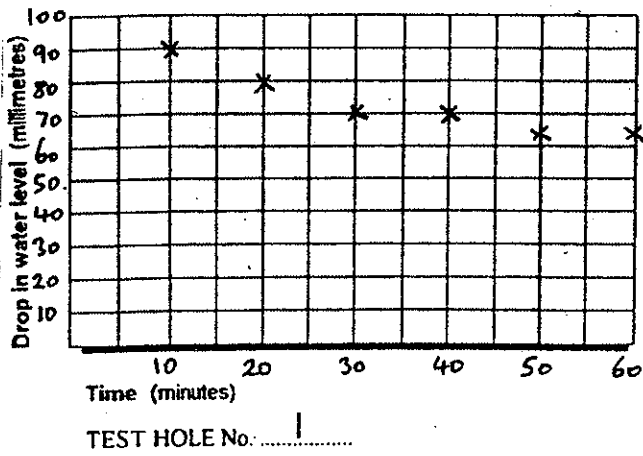
WARRNAMBOOL CITY COUNCIL

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Percolation test data - site assessment

Project / Ref No. <u>02-124 JELLIE</u>		Operator/company <u>BRIAN CONSULTING</u>						
Location <u>PROPOSED CILMERY PARK ESTATE WOODFORD</u>		Address <u>28 KEPLER ST WARRNAMBOOL</u>						
Date(s) of tests <u>26th February 2003</u>		Phone/ facsimile <u>03 55613939</u>						
Description of soil and site								
Depth (mm)	Soil Description*	Comments**						
<u>0-300</u>	<u>Dark brown silty clay topsoil</u>							
<u>300-500</u>	<u>Dark brown moderately plastic basaltic clay</u>							
<p>* Include texture, colour, structure, shrink/swell potential etc.</p> <p>** Depth to seasonal water table if known or measured, site drainage (water logging), risk of flooding, condition of soil at time of augering holes and presence of rock or impermeable layer and site stability?</p>								
Soil percolation tests (see overleaf for field results)								
Test hole number	1	2	3	4	5	6	7	Notes
Diameter of hole (mm)	<u>100</u>							
Depth of hole (mm)	<u>450</u>							
Depth of water during soaking (mm)	<u>350</u>							
Time of soaking before test (hours)	<u>18</u>							
Uniform 10 minute rate of fall (mm)	<u>65</u>	<u>50</u>	<u>50</u>	<u>45</u>	<u>65</u>	<u>70</u>	<u>70</u>	
Soil percolation rate (mm/h) or	<u>390</u>	<u>300</u>	<u>300</u>	<u>270</u>	<u>390</u>	<u>420</u>	<u>420</u>	
Permeability (if measured) m/d								
Soil composition (if measured)								
% clay <u>50</u>	% silt <u>50</u>	% sand	Classification <u>ML</u>					
Summary								
No. of holes augered <u>7</u>	Approx. distance between holes <u>4 metres</u>							
No. of allotments <u>—</u>	Total area of subdivision							
Groundwater segment <u>NIL</u>	Nearest watercourse <u>See plan</u>							
Climate/annual rainfall <u>700mm</u>	Potential evapo-transpiration							
Soil percolation rate (mm/hour) <u>270 min</u>	Long term absorption rate (L/m ² /day) <u>34</u>							
Comments								

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APPENDIX 5

DRAFT SECTION 173 AGREEMENT

CILMERY ESTATE, WOODFORD

JUNE 2004

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

Lodged by:

Name: Jellie Laidlaw McDonald Wilson
Phone: 03 5560 3444
Address: 64 Kepler Street, Warrnambool
Ref: DJ
Customer Code: 1467R

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

Land: Volume 2955 Folio 896

Authority: Warrnambool City Council, 25 Liebig Street, Warrnambool

Section and Act under which agreement made:

Section 173 Planning and Environment Act 1987

A copy of the agreement is attached to this application

Date:

Signed:

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PLANNING & ENVIRONMENT ACT

SUBDIVISION ACT

WARRNAMBOOL CITY COUNCIL

and

WILLIAM ROBERT JELLIE, ANDREW JOHN JELLIE & ALAN RAYMOND JELLIE

**AGREEMENT PURSUANT TO SECTIONS 173 PLANNING & ENVIRONMENT
ACT and 21(1)(b)(ii) SUBDIVISION ACT**

AFFECTED LAND: Plummers Hill Road, Woodford

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THIS AGREEMENT: is made on the day of
2004

BETWEEN:

The Responsible Authority: **WARRNAMBOOL CITY COUNCIL of 25 Liebig
Street, Warrnambool**

and

The Owner: **WILLIAM ROBERT JELLIE of 2 Rosemary
Court, Warrnambool, ANDREW JOHN JELLIE
of Unit 31, Gillin Park Retirement Village,
Mahoneys Road, Warrnambool & ALAN
RAYMOND JELLIE of Plummers Hill Road,
Woodford**

1. WHEREAS

- 1.1 The Owner own the land situate at Plummers Hill Road and known as Cilmerly Park, Woodford being the whole of the land comprised in Certificates of Title Volume 2955 Folio 896 ("**the Land**").
- 1.2 The Land is affected by the provisions of the Warrnambool Planning Scheme ("**the Scheme**").
- 1.3 Warrnambool City Council is the responsible authority under the Planning & Environment Act 1987 ("**the Act**") for the purpose of the Scheme.
- 1.4 By application number 2002-265 the Owner applied to the Council for a planning permit to subdivide the land into 58 lots in accordance with the annexed plan ("**the Plan**").
- 1.5 The Council has permitted the Subdivision subject to compliance with the conditions on permit number **TBA** dated (a copy is attached and marked "A").
- 1.6 The permit is subject to conditions including, "Prior to the certification of the plan of subdivision, an agreement pursuant to Section 173 of the Planning & Environment Act 1987, must be entered into between the landowner and the Responsible Authority, and registered on the title of the property." The agreement shall include:

- a. **TBA**
- b. **TBA**

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- 1.7 The parties enter into this Agreement:
- (a) to give effect to the requirements of the Planning Permit; and
 - (b) to achieve and advance the objectives of planning in Victoria and the objectives of the Scheme in respect of the Land.

BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

2. OPERATION

- 2.1 This agreement is made pursuant to Section 173 of the Act.
- 2.2 This Agreement commences from the date of this Agreement.
- 2.3 The covenants of this agreement shall run with the Land.

3. DEFINITIONS

"Building" has the same meaning as in the Act.

"Council" shall include the Council's successors and its successors as responsible authority for town planning controls in the area in which the Land is situate.

"Endorsed Plan" means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit. A copy of the Plan endorsed as at the date of this Agreement is attached to this Agreement and marked with the letter "B".

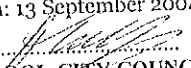
"Lot" means a lot on the Endorsed Plan

"Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as mortgagee of the Land or any part of it.

"Owner" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession.

"Party or Parties" means the Owner and Council under this Agreement as appropriate.

"Subdivision" means the Subdivision referred to in Planning Permit No. TBA.

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4. DETAILS OF RESTRICTIONS

The Owner agree:

4.1 BUILDING HEIGHT

No building or part of any building constructed on a Lot may exceed the height specified for that Lot in the table below or 7.5 metres above the natural ground level of that part of the Lot upon which the building is constructed, whichever is the lower.

Lot	Height [Australian Height Datum (AHD)]
1	3 metres above highest point on Lot [47]
2	3 metres above highest point on Lot [43]
3	3 metres above highest point on Lot [47]
4	3 metres above highest point on Lot [47]
5	3 metres above highest point on Lot [47]
6	3 metres above highest point on Lot [47]
7	3 metres above highest point on Lot [47]
8	3 metres above highest point on Lot [43]
9	3 metres above highest point on Lot [47]
10	Wall height 5.5 metres above highest point on Lot [50]
11	Wall height 5.5 metres above highest point on Lot [50]
12	3 metres above highest point on Lot [47]
13	3 metres above highest point on Lot [44]
14	3 metres above highest point on Lot [55]
15	5 metres above highest point on Lot [55]
16	5 metres above highest point on Lot [55]
17	5 metres above highest point on Lot [54]
18	5 metres above highest point on Lot [53]
19	5 metres above highest point on Lot [52]
40	3 metres above highest point on Lot [48]
41	3 metres above highest point on Lot [49]
42	3 metres above highest point on Lot [48]
43	3 metres above highest point on Lot [48]
44	7.5 metres above natural ground level of Lot [43]
45	5 metres above highest point on Lot [51]
46	3 metres above highest point on Lot [49]
47	7.5 metres above natural ground level of Lot
48	7.5 metres above natural ground level of Lot
49	3 metres above highest point on Lot [49]
50	3 metres above highest point on Lot [49]
51	7.5 metres above natural ground level of Lot
52	3 metres above highest point on Lot [45]
53	3 metres above highest point on Lot [45]
54	3 metres above highest point on Lot [38]
20-39 inclusive	7.5 metres above natural ground level of Lot
55	7.5 metres above natural ground level of Lot

4.2 WALL COLOURS

The faces of all walls of any building constructed on a Lot must be of dark hues to the satisfaction of Council.

4.3 ROOFS

The roofing materials and roof colourings of any building constructed on a Lot must be non reflective and in dark tones to the satisfaction of Council.

4.4 COLOURS

Any tank and tank stand constructed on a Lot must be of dark hues to the satisfaction of Council.

4.5 BUILDING ENVELOPES

Any building constructed on a Lot must be constructed within the building envelope in respect of the Lot in accordance with the Endorsed Plan.

4.6 EXCAVATION

4.6.1 Prior to carrying out any excavation on any part of the Land the Owner must obtain Council's written approval for an excavation plan for the Lot (or proposed lot) on which any excavation is proposed.

4.6.2 In determining whether or not it will approve an excavation plan for any Lot, the Council may consider the following matters:

- The appearance of the Land or any part thereof, particularly in relation to views of the proposed area to be excavated from neighbouring land and public roads;
- The need to revegetate the vicinity of areas which have been excavated;
- (any other **TBA**)

4.6.3 Any excavation on any part of the Land must be undertaken, landscaped and maintained strictly in accordance with the excavation plan which has been approved in writing by Council in relation the Lot (or proposed Lot).

4.6.4 Prior to carrying out any excavation on any part of a Lot the Owner must lodge with the Council an excavation plan (including details of how the Lot will appear after completion of the excavation and construction of any building) for approval by the Council.

WARRNAMBOOL PLANNING SCHEME

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4.7 SEPTIC TANK

A septic tank will be installed for each residence constructed in a Lot which will ensure that waste water has secondary treatment and may be recycled into the garden and open areas of that Lot.

4.8 LOT 55

4.8.1 No plant will be planted or propagated on Lot 55 in the Subdivision other than a plant species which is native to Australia with the exception of all pasture grasses.

4.8.2 In the case of Lot 55 only, no buildings or stockyards will be constructed below the floodline indicated by a broken line on the plans submitted to the Council, that no recreational motorised vehicles will operate on the Lot and no obstruction will be made to the natural flow of drainage water from other Lots.

4.8.3 No residential building may be constructed on Lot 55 and accordingly the restrictions referred to in sub-clauses 4.1 to 4.5 inclusive in this clause will not apply to Lot 55.

4.9 COUNCIL MAY APPROVE VARIATION

4.9.1 Upon application to the Council, the Council may approve a variation to the restrictions contained in clause 4.

4.9.2 Any such variation shall otherwise comply with applicable conditions, restrictions or requirements of the Planning Permit, the Scheme and the Act.

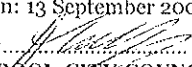
4.9.3 Any approved variation in relation to the Land or any other Lot (or proposed Lot) shall not constitute a waiver of any terms or obligations contained in this Agreement.

5. SUNSET OF PROVISIONS

All the restrictions contained in this agreement will cease and no longer apply on 30th June 2030.

6. 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.

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7. SUCCESSORS BOUND

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Land, successors in title shall be required to:

- (a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- (b) execute a deed agreeing to be bound by the terms of this Agreement.

8. REGISTRATION

The Owner further covenants and agrees that the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgement or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

9. DEFAULT

If the Owner fails to comply with this agreement Council may serve on the Owner or on the owner of that part of the Land in respect of which there has been failure of compliance a notice in writing specifying 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 Council by its employees or contracts may enter upon the Land and cause Remedial Works to be done.

A notice served on the Owner pursuant to this clause may set out the costs (as estimated by Council) of carrying out the Remedial Works. If the Owner does not comply with the notice within thirty days Council may serve 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 Council.

As soon as is practicable after the completion of the Remedial Works 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, repair by Council to the relevant owner.

10. LICENCE TO COUNCIL TO ENTER

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

11. WORDS AND PHRASES

In this Agreement, unless the context admits otherwise:

- 11.1 The singular includes the plural and vice versa.
 - 11.2 A reference to a gender includes a reference to each other gender.
 - 11.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
 - 11.4 If a party consists of more than one person this agreement binds them jointly and each of them severally.
 - 11.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
 - 11.6 A reference to an Act, Regulation or the Scheme includes any Act, Regulations or Amendments amending, consolidating or replacing the Act, Regulation or Scheme.
 - 11.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
 - 11.8 The obligations of the Owner under this Agreement will take effect as separate and several covenants which are annexed to and run at law and equity with the Land provided that if the Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that Owner's Lot.
12. The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.
13. The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are, and until paid, will remain a debt due to the Council by the Owner.
14. Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Land which may be effected by this Agreement.
15. If a Court, arbitrator, Tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.
16. It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning

approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

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

Signed as an agreement this day of 2004

SIGNED by the said **WILLIAM ROBERT JELLIE**)
In the presence of:)

Witness.....

SIGNED by the said **ANDREW JOHN JELLIE**)
in the presence of:)

Witness.....

SIGNED by the said **ALAN RAYMOND JELLIE**)
in the presence of:)

Witness.....

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

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Marginal Vegetation
Mass Planted Indigenous
Tussocks/ Rushes
 to seasonally wet areas
 20 No. *Carex appressa*
 20 No. *Isolepis nodosa*

Marginal Vegetation
Mass Planted Indigenous
Tussocks/ Rushes
 to seasonally wet areas
 10 No. *Carex appressa*
 10 No. *Isolepis nodosa*

Mass Planted Indigenous
Grasses, Tussocks
 Approximately 600m² (121x5m)
 1,500 No. tubestock/cells
 Planted in rip lines (650mm spacing)
 at a rate of 2.5 No. plants per square metre
 600 No. *Lomandra longifolia*
 500 No. *Poa labillardieri*
 400 No. *Dianella revoluta*

Marginal Vegetation
Mass Planted Indigenous
Tussocks/ Rushes
 to seasonally wet areas
 20 No. *Carex appressa*
 20 No. *Isolepis nodosa*

Marginal Vegetation
Mass Planted Indigenous
Tussocks/ Rushes
 to seasonally wet areas
 10 No. *Carex appressa*
 10 No. *Isolepis nodosa*

Marginal Vegetation
Mass Planted Indigenous
Tussocks/ Rushes
 to seasonally wet areas
 25 No. *Carex appressa*
 25 No. *Isolepis nodosa*

Cattle Proof Fence
 to perimeter of 140x24m area
 as shown on plan.
 Selected post and wire fence.

Low Earth Embankments
 (400mm nominal height)
 to existing low points to
 retain stormwater in small ponds.

Low Earth Embankments
 (400mm nominal height)
 to existing low points to
 retain stormwater in small ponds.

Tubestock
 to be set vertical.

Backfill
 50/50 Imported topsoil/cultivated
 subgrade. Slow release fertiliser as
 specified.

Mulch
 75mm depth selected Granitic
 Sand/Gravel mulch to grade
 down to plant stem base.

Selected Fence

Existing Pasture Grass

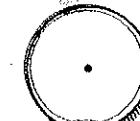
Planting Detail
 (Scale 1:25)

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55

(pasture)

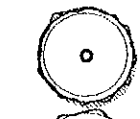
Key



Indigenous Trees
 10 No. *Eucalyptus ovata*



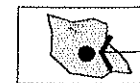
Indigenous Trees
 10 No. *Eucalyptus viminalis*
ssp. pyroriana



Indigenous Trees
 30 No. *Allocasuarina verticillata*



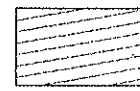
Indigenous Trees
 30 No. *Acacia melanoxylon*



Small Ponds
 existing low points



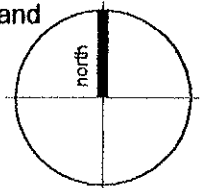
Marginal Vegetation
 Selected gravel/granitic sand
 mulch.



Indigenous Grasses/Tussocks
 Selected gravel/granitic sand
 mulch.



Rough Grass
 with indigenous trees



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 landscape architect

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PROJECT NAME

Jellie Bros.
 Cilmerly Park Estate

DRAWING TITLE

Landscape Concept Plan

PROJECT: L-JELCP1103 DATE: June 2004
 SCALE: 1:500 (A3) DRAWN: AG

FILE / DWG NO REVISION

LC2-JELCP1103

B