


WARRNAMBOOL PLANNING SCHEME 1/4
Plans approved for:
'Dennington Rise' Stage B
Outline Development Plan
In accordance with the requirements under
Development Plan Overlay - Schedule 6
Warrnambool Planning Scheme
Approved: 11 March 2008
Delegate: 

WARRNAMBOOL CITY COUNCIL

DENNINGTON RISE DEVELOPMENT PLAN

REPORT



Dennington Rise

A great place to call home

HARRINGTON ROAD, DENNINGTON

Prepared on behalf of South West Property Developments Pty Ltd by



Kirsty Miller

Version 2 December 2007

ADVERTISED

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1.0 INTRODUCTION

This Development Plan, known as the "Dennington Rise Development Plan" (DRDP) applies to the land known as Lot 98 PS 547503W, Parish of Wangoom, Township of Dennington (Vol 10992 Fol 689), commonly known as 149 Harrington Road, Dennington. – **Refer to Appendix A – Certificate of Title.**

The subject land has an area of approximately 9.8 hectares and is located on the west side of Harrington Road, north of Drummond Street, Dennington.

The land has recently been rezoned to Residential 1 Zone with a Design and Development Overlay Schedule 4 (DDO4) and a Development Plan Overlay Schedule 6 (DPO6) by way of amendment C51 to the Warrnambool Planning Scheme. – **Refer to Appendix B – Planning Scheme Maps and DPO6 Schedule.**

The amendment created a new schedule to the Development Plan Overlay, Schedule 6 (DPO6) and applied it to this land to ensure that the resulting development accords with the *Dennington North Structure Plan (January 2007, Connell Wagner Pty Ltd)*.

The DPO6 essentially co-ordinates the actions of land owners to ensure a comprehensively planned residential subdivision and will provide for an attractive and high amenity residential area that integrates well with the existing character of Dennington.

In response to Clause 1.0 of the DPO6, the "Requirements for Development Plan" the below listed information, including this report, seeks to satisfy the requirements of the DPO6. The documents and information which comprise the "Dennington Rise Development Plan" include:

- The "Existing Conditions Plan" prepared by Alan Simpson Land Surveyor (Reference 1144C Version 2), including locality plan.
- The "Development Plan" prepared by Alan Simpson Land Surveyor (Reference 1144C Version 2).
- The "Landscape Plan" prepared by Alan Simpson Land Surveyor (Reference 1144C Version 2)
- The "Infrastructure Services" Correspondence dated 6 December 2007 and accompanying services plan prepared by Woodhouse Graesser Johnston Pty Ltd.
– **Refer to Appendix C – WGJ correspondence.**
- This Planning Report, prepared by Miller Town Planning, Version 2 dated 7 December 2007.

NB: Where documents are mentioned but not included in the appendices they are provided separately (i.e. all Alan Simpson Plans).



Also accompanying this submission is a Traffic Impact Assessment prepared by TTM Consulting (Vic) Pty Ltd. – **Refer Appendix D – Traffic Impact Assessment.**

Council and the landowners, Southwest Property Developments Pty Ltd, have entered into a voluntary agreement under the provisions of Section 173 of the *Planning and Environment Act 1987* to provide a mechanism to ensure that a fair contribution is made by the amendment proponent towards capital works identified in the *Dennington North Structure Plan*. A copy of the Agreement is attached. – **Refer to Appendix E – Section 173 Agreement.**

2.0 RESPONSE TO DPO6 – DENNINGTON RISE DEVELOPMENT PLAN

As mentioned, in response to Clause 1.0 of the DPO6, the “Requirements for Development Plan” the below listed information, including this report, seeks to satisfy the requirements of the DPO6.

The documents and information which comprise the “Dennington Rise Development Plan” (DRDP) include:

- The “Existing Conditions Plan” prepared by Alan Simpson Land Surveyor (Reference 1144C Version 2), including locality plan.
- The “Development Plan” prepared by Alan Simpson Land Surveyor (Reference 1144C Version 2).
- The “Landscape Plan” prepared by Alan Simpson Land Surveyor (Reference 1144C Version 2)
- The “Infrastructure Services” Correspondence dated 6 December 2007 and accompanying services plan prepared by Woodhouse Graesser Johnston Pty Ltd. – **Refer to Appendix C – WGJ correspondence.**
- This Planning Report, prepared by Miller Town Planning, Version 2 dated 7 December 2007.

NB: Where documents are mentioned but not included in the appendices they are provided separately (i.e. all Alan Simpson Plans).

Existing Conditions / Site Analysis

The “Existing Conditions Plan” prepared by Alan Simpson Land Surveyor (Reference 1144C Version 2), including locality plan accurately shows the existing physical features of the site including the topography, levels, contours, existing infrastructure locations and the WGJ correspondence also demonstrates the available infrastructure connection points.

In addition **Appendix F** shows “existing conditions photos” to assist in demonstrating the variation in levels and the surrounding site context including surrounding roads and housing.



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Physical constraints of the site are identified as the site's overall length and width and in parts a significant variation in ground levels. The width of the site, and the placement of Nina Street and the location of Harrington Road, has subsequently restricted the road and lot pattern layout in terms of providing for a cost effective and efficient provision of infrastructure and road connections and how the site interacts with adjoining lands.

The natural drainage lines follow the contours and levels of the land, there are several natural depressions over the land which could currently attract pooling of water, but the drainage qualities of the soil is high therefore water infiltration and dispersion occurs without impact.

There is an overall fall in the land from north to south (i.e. generally from Coghlan's Road down to Drummond Street), however as the plan and photos demonstrate the fall is undulating and not even.

Dennington North Structure Plan

The DRDP generally accords with the Dennington North Structure Plan ('The Structure Plan') and for the following reasons:

- The subject site is identified as Stage 1 "Conventional Density Residential" on the "Dennington Growth Area Structure Plan" (pg 43 *Dennington North Structure Plan, Connell Wagner Pty Ltd*). – **Refer Appendix G – The Structure Plan Growth Area.**
- The proposed road and allotments provide an appropriate conventional residential density outcome. Corner sites have been identified for potential further subdivision or multi-dwelling development.
- The DRDP provides for appropriate internal and external road and pedestrian linkages which generally accords with the networks shown the Structure Plan. There are clear vehicular and pedestrian linkages to the existing street network of Pappas Drive, Harrington Road, Darwinia Street and Drummond Street. Internal linkages and opportunities for linkages to the north also provide a reasonable response to the visions and objectives of the Structure Plan.
- The locations of traffic calming measures are shown on plan in response to the recommendations in the Traffic Impact Assessment. The exact construction details will be dealt with at the permit application stage. The road layout and number of allotments that can be achieved by this Development Plan will not be detrimental to the future promotion of Coghlan's Road as the main collector road within the growth area.
- The Traffic Impact Assessment indicates that the volumes generated by this development will not generate the need for immediate works on the Drummond Street and Princes Highway intersection nor will it pose a threat to the future dominance of Coghlan's Road to service the remainder of the growth area.

- With the varying topography of the land, the allotment layout as shown on DRDP encourages developments of differing designs with a mix of densities on the specified lots, the road layout will provide safe and inviting streetscapes, and provides an appropriate gateway to the North Dennington growth area.
- The provision of a voluntary Section 173 provides for the assurance that the necessary physical infrastructure (apportioned to this land) is adequately funded and delivered in a timely fashion.
- Overall the DRDP will provide for a subdivision of conventional residential density with opportunity to provide for development which caters for differing life and housing styles as promoted in the Structure Plan.

Road and Allotment Layout

As shown on the DRDP placement of roads has taken in to account the slope of the land and the variation in levels, the width of the site, connections to the newly constructed roads and lots (which forms the first stage of the Dennington Rise development i.e. Dennington Rise and Armytage Avenue) and connections to Drummond Street, Pappas Drive, Harrington Road and the land to the north of the site.

The DRDP whilst not indicating allotment sizes shows a lot layout and pattern which provides for an efficient use of a space, and provides for conventional density which accords with Structure Plan. It is anticipated that the style of development that will occur will be consistent with what is found in Pappas Drive and Darwinia Street for instance.

There are diverse housing and lifestyle choice opportunities provided for by the proposed road and lot configuration. Corner sites have been identified for future further subdivision or multi-dwelling development.

The reason for this centers mainly around principles of safe and convenient vehicular and pedestrian access and encouragement of building design which addresses the street, rather than proximity to any future defined Activity Centre (refer to Draft Warrnambool Retail Strategy). Given the locality context there is not a great variation in distance across the site or distance to any existing future commercial area or Activity Centre or public transport to warrant a cluster of multi-unit or smaller lots in one particular area.

Landscaping

The "Landscape Plan" prepared by Alan Simpson Land Surveyor (Reference 1144C Version 2).

As shown on the plan each allotment will be planted with one street tree, species selection will be catered for via the planning permit stage.



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There are no known parts of the site which are of conservation, archaeological or heritage significance. Nicholas Clark, from Clarkeology has provided a Cultural Heritage assessment of the site. – **Refer Appendix H.** In the event that any significant artefacts are discovered during the construction process, the relevant stakeholders and authorities will be notified accordingly.

Staging and Servicing

Indicative staging of the development is shown on the DRDP. Essentially three (3) stages are anticipated based on a cost efficient method of implementing the development.

The "Infrastructure Services" Correspondence dated 6 December 2007 and accompanying services plan prepared by Woodhouse Graesser Johnston Pty Ltd. – **Refer to Appendix C – WGJ correspondence** – clearly identifies the means of servicing land in terms of water, sewerage and drainage. It also includes information regarding the incorporation of water sensitive urban design treatments.

3.0 CONCLUSION

The information contained within this report and accompanying plans and documentation is considered to provide for an appropriate response to the provisions of the DPO6.

Overall the DRDP plan provides for a road and allotment layout (and associated pedestrian and vehicular linkages) which is responsive to the features of the site and accords the visions and objectives of the Structure Plan.

APPENDIX A

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REGISTER SEARCH STATEMENT

Land Victoria

Page 1 of 1

Security no : 124024315925A

Volume 10992 Folio 689
Produced 07/12/2007 03:03 pm

LAND DESCRIPTION

Lot 98 on Plan of Subdivision 547503W.
PARENT TITLE Volume 10992 Folio 669
Created by instrument PS547503W 08/02/2007

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
SOUTHWEST PROPERTY DEVELOPMENTS PTY LTD of 53 FADERSONS LANE MANDURANG VIC
3551
PS547503W 08/02/2007

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AD883729T 19/09/2005
BENDIGO BANK LTD

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
AF363080H 26/09/2007

DIAGRAM LOCATION

SEE PS547503W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

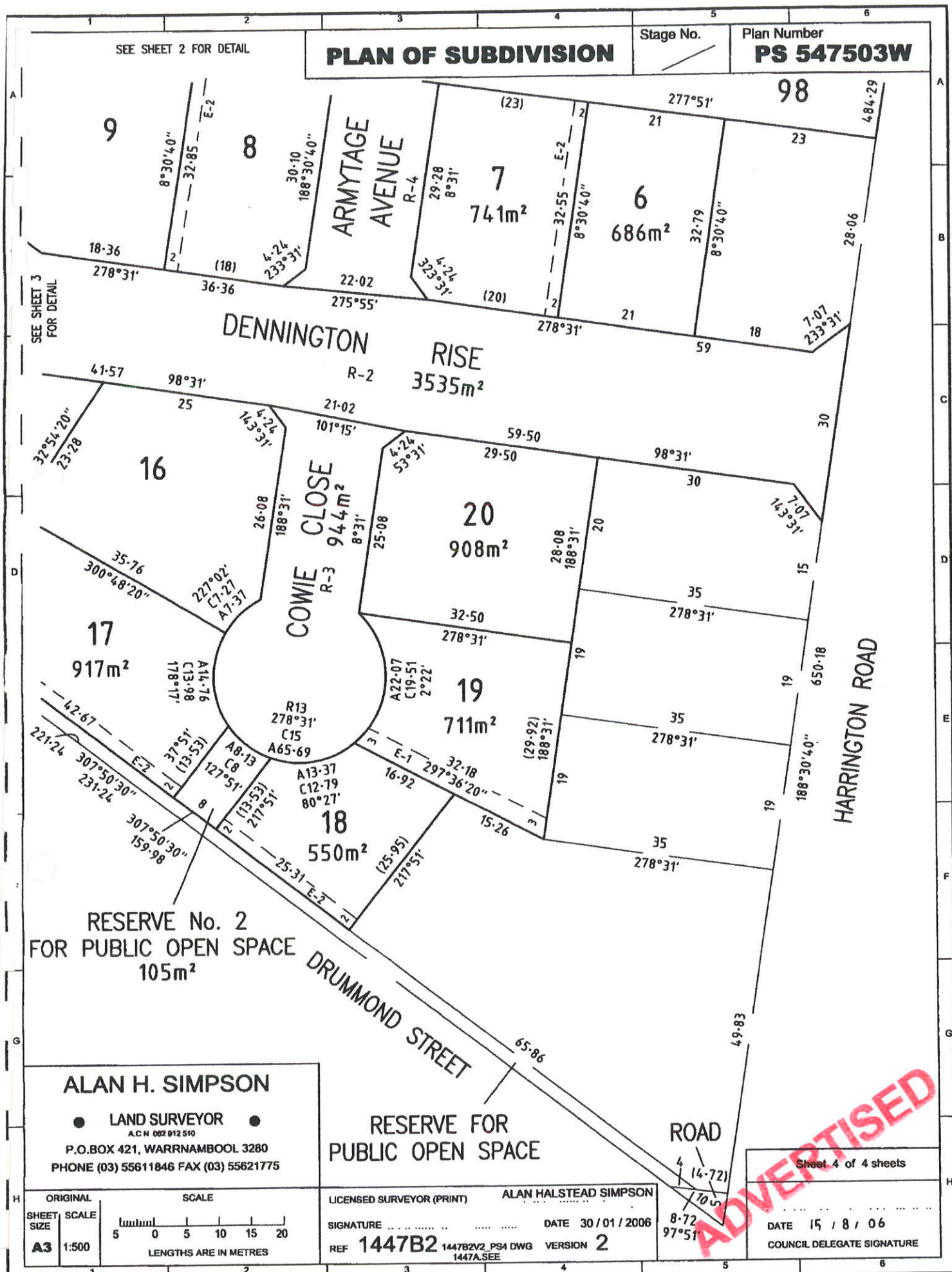
NUMBER	AGREEMENT	STATUS	DATE
AF363080H		Registered	26/09/2007

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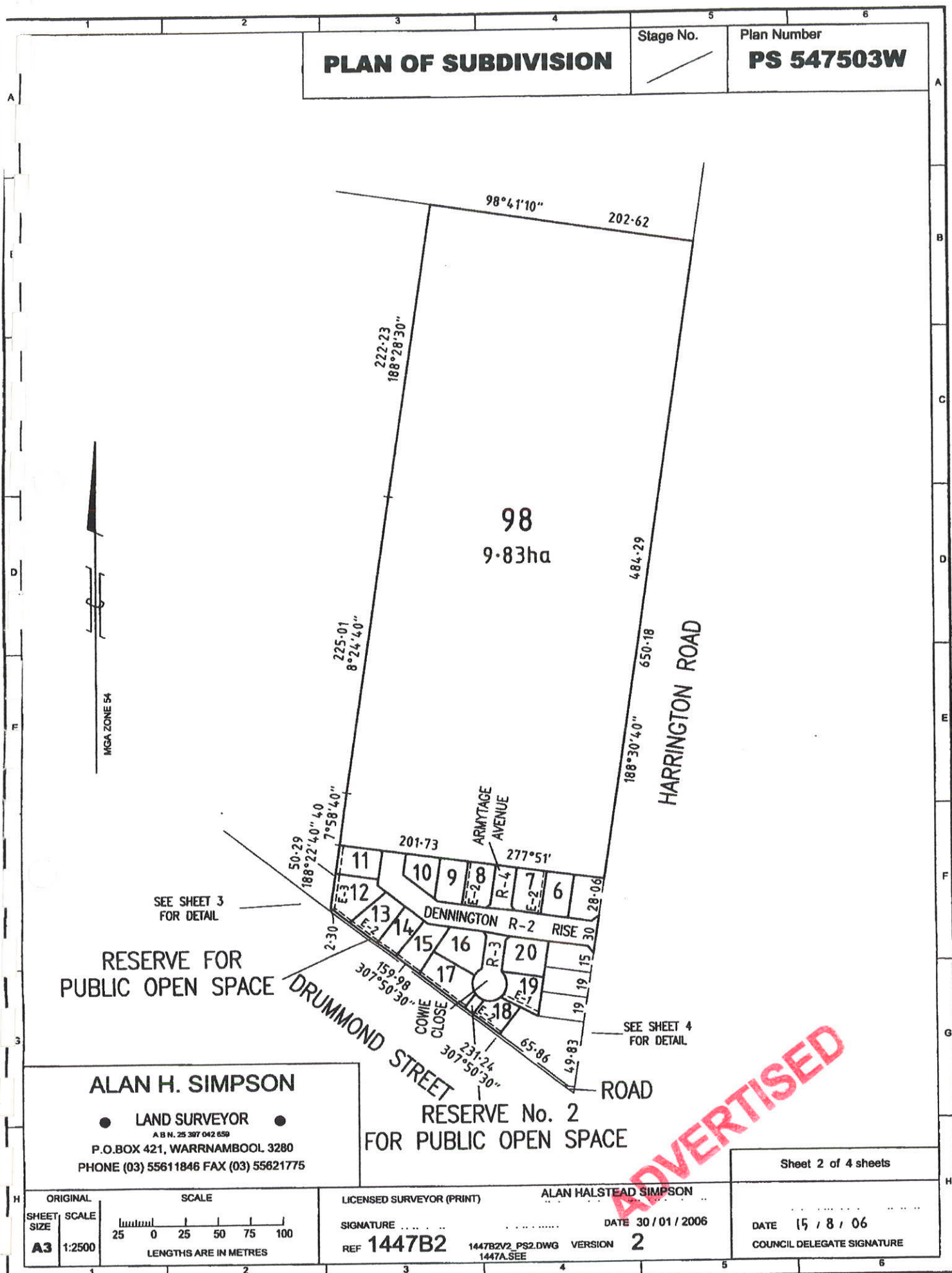
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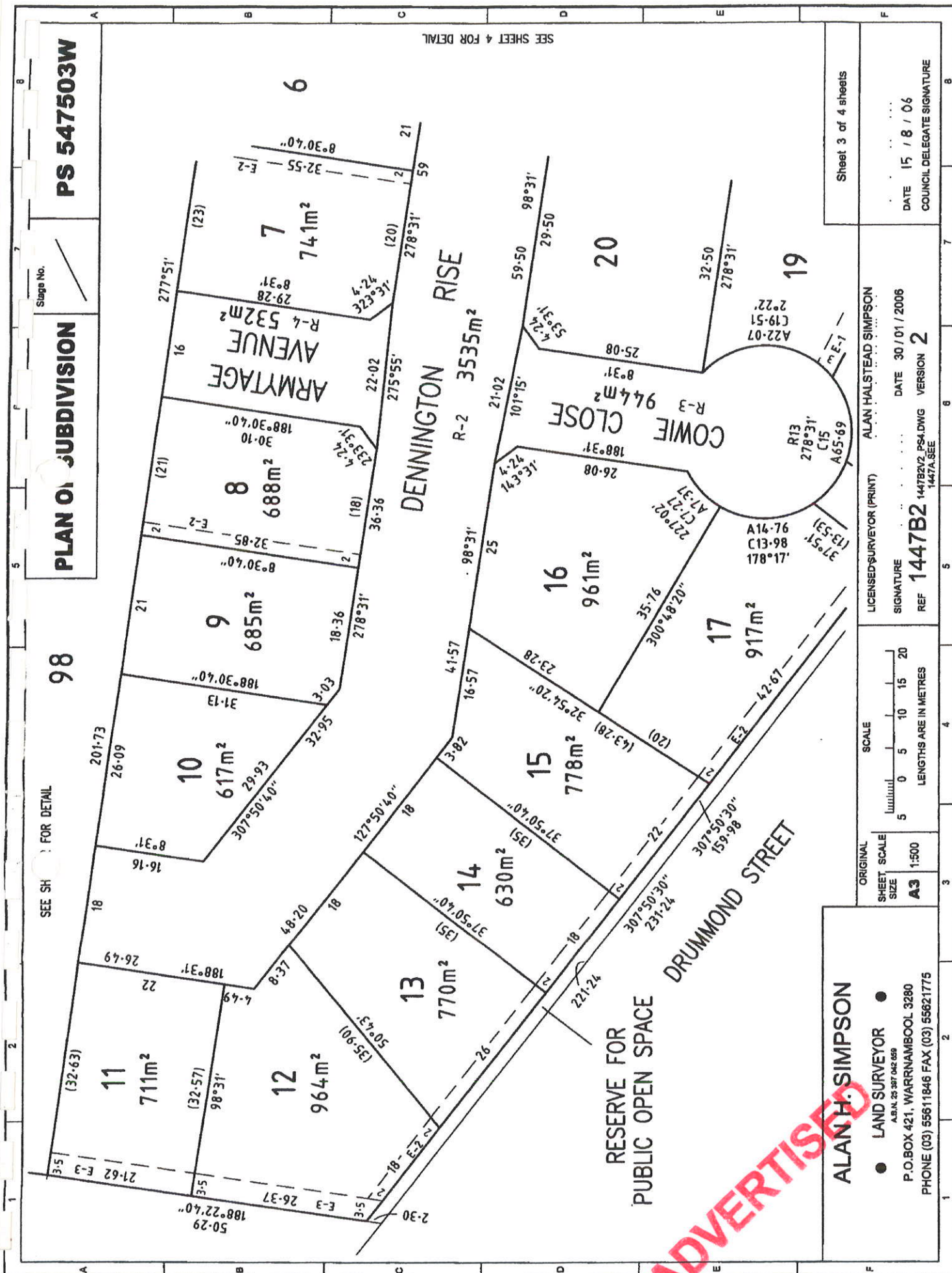
STATEMENT END

ADVERTISED



PLAN OF SUBDIVISION				Stage No. /	LR use only EDITION 1	PS 547503W			
Location of Land Parish: WANGOOM Township: _____ Section: _____ Crown Allotment: 55 (PART) & 57 Crown Portion: _____ Title References: Vol _____ Fol _____ Last Plan Reference: PS 547502Y (LOT 99) Postal Address: 149 HARRINGTON ROAD DENNINGTON 3280 MGA Co-ordinates: E 626 690 (Of approx. centre of plan) N 5 753 730 Zone 54				Council Certification and Endorsement Council Name: WARRNAMBOOL CITY COUNCIL Ref: 15/06 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 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 15/8/06					
Vesting of Roads or Reserves									
Identifier		Council/Body/Person							
R-2 R-3 R-4 RESERVE NO. 2		WARRNAMBOOL CITY COUNCIL WARRNAMBOOL CITY COUNCIL WARRNAMBOOL CITY COUNCIL WARRNAMBOOL CITY COUNCIL							
Notations									
Depth Limitation: Does not apply				Staging This is not a staged subdivision Planning Permit No. P 2005-237					
				Lots 21 to 97 have been omitted from this plan. Survey:- This plan is based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s). 474 , 115 In proclaimed Survey Area no. _____					
Easement Information						LR use only Statement of Compliance / Exemption Statement Received <input checked="" type="checkbox"/> Date 5/2/07			
Legend: E - Encumbering Easement or Condition in Crown Grant in Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)						LR use only PLAN REGISTERED TIME 4:58 p.m. DATE 8/2/07 Assistant Registrar of Titles <i>[Signature]</i> Sheet 1 of 4 sheets			
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of					
E-1	SEWERAGE	3	THIS PLAN	WANNON REGION WATER AUTHORITY					
E-1	DRAINAGE	3	THIS PLAN	WARRNAMBOOL CITY COUNCIL					
E-2	SEWERAGE	2	THIS PLAN	WANNON REGION WATER AUTHORITY					
E-3	SEWERAGE	3.50	THIS PLAN	WANNON REGION WATER AUTHORITY					
E-3	DRAINAGE	3.50	THIS PLAN	WARRNAMBOOL CITY COUNCIL					
ALAN H. SIMPSON • LAND SURVEYOR • A.C.M. 052 912 510 P.O.BOX 421, WARRNAMBOOL 3280 PHONE (03) 55611846 FAX (03) 55621775				ALAN HALSTEAD SIMPSON LICENSED SURVEYOR (PRINT) SIGNATURE _____ DATE 30/01/2006 REF 1447B2 1447B2V2_PS1.DWG VERSION 2 1447A.SEE				DATE 15/8/06 COUNCIL DELEGATE SIGNATURE Original sheet size A3	



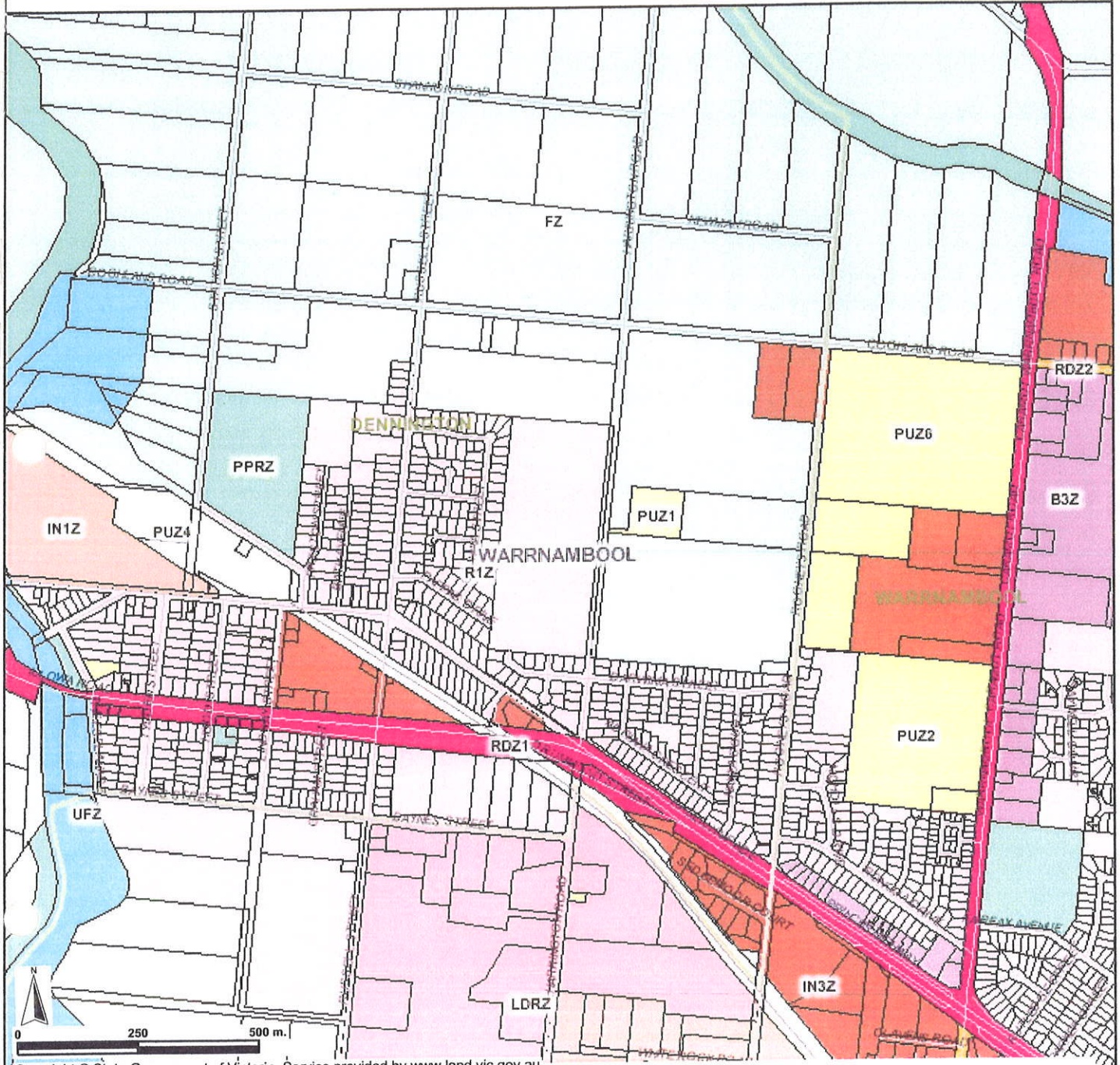


APPENDIX B

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Planning Map Zoning Map

Department of
Planning and
Community Development



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Legend

- WARRNAMBOOL** Major Town
Major Road, Road
Road name
Railway, Tramway
Property / Parcel. Selected
Address, Lot, Crown allotment
River, Stream, Coastline
Water body
Locality
Locality Name
Local Government Area
Local Government Name
Urban Growth Boundary (UGB)
Area outside of the UGB

Property Highlight

ZONES

- B1Z - Business 1
- B2Z - Business 2
- B3Z - Business 3
- B4Z - Business 4
- B5Z - Business 5
- CA - Commonwealth Land (not in scheme)
- CCZ - Capital City
- CDZ - Comprehensive Development
- DZ1 - Dockland - Schedule 1
- ERZ - Environmental Rural
- FZ - Farming
- GWAZ - Green Wedge A
- GWZ - Green Wedge
- IN1Z - Industrial 1
- IN2Z - Industrial 2 (cont)

- IN3Z - Industrial 3
- LDRZ - Low Density Residential
- MUZ - Mixed Use
- PCRZ - Public Conservation & Resource
- PDZ - Priority Development
- PPRZ - Public Park & Recreation
- PUZ1 - Public Use - Service & Utility
- PUZ2 - Public Use - Education
- PUZ3 - Public Use - Health Community
- PUZ4 - Public Use - Transport
- PUZ5 - Public Use - Cemetery / Crematorium
- PUZ6 - Public Use - Local Government
- PUZ7 - Public Use - Other Public Use
- R1Z - Residential 1
- R2Z - Residential 2
- R3Z - Residential 3
- RAZ - Rural Activity (cont)

- RCZ - Rural Conservation
- RDZ1 - Road - Category 1
- RDZ2 - Road - Category 2
- RLZ - Rural Living
- RUZ - Rural
- SUZ - Special Use
- TZ - Township
- UFZ - Urban Floodway

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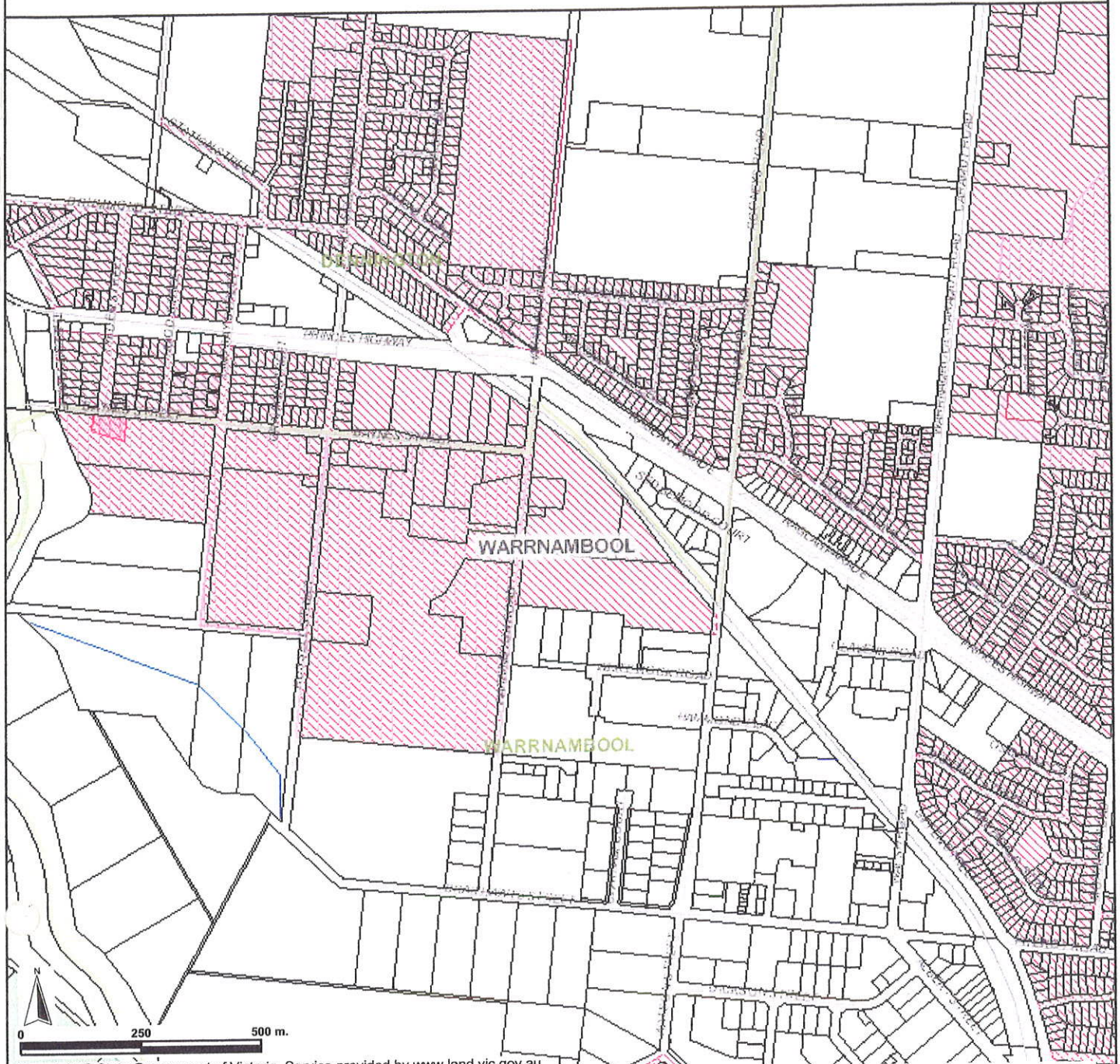
Scale 1:11,869

Printed: December 10, 2007



Planning Map Overlay Map

Department of
Planning and
Community Development



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Legend

WARRNAMBOOL
Major Town
Major Road, Road
Road name
Railway, Tramway
Property / Parcel, Selected
Address, Lot, Crown allotment
River, Stream, Coastline
Water body
Locality
Locality Name
Local Government Area
Local Government Name
Urban Growth Boundary (UGB)
Area outside of the UGB

Property Highlight
Vegetation Protection Overlay
Significant Landscape Overlay
Environmental Significance Overlay
Neighbourhood Character Overlay
Incorporated Plan Overlay
Heritage Overlay
Development Plan Overlay
Design & Development Overlay Part
Design & Development Overlay
Wildfire Management Overlay
State Resource Overlay
Salinity Management Overlay
Special Building Overlay
Land Subject to Inundation & Floodway Overlay

Land Subject to Inundation Overlay
Floodway Overlay
Erosion Management Overlay
Road Closure Overlay
Restructure Overlay
Public Acquisition Overlay
Environmental Audit Overlay
Development Contributions Plan Overlay
City Link Project Overlay
Melbourne Airport Environs Overlay
MAEO1 - Melbourne Airport Environs 1
MAEO2 - Melbourne Airport Environs 2
Airport Environs Overlay

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Scale 1:11,869
Printed: December 10, 2007



22/11/2007
C51

SCHEDULE SIX TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO6**

DENNINGTON RISE DEVELOPMENT PLAN

1.0

22/11/2007
C51

Requirements for Development Plan

The Development Plan must be in accordance with the Dennington North Structure Plan and must:

- Include a site analysis which shows the topography of the land, and the location of any existing vegetation, drainage lines and existing buildings, available infrastructure and connection points, and any other notable features.
- Show how the proposed development plan relates to the Dennington North Structure Plan.
- Show the proposed subdivisional layout including any layout and orientation for lots, density makeup, clear hierarchy of roads, innovative public open space design and other features of the subdivision in a manner which is responsive to the features identified in the site analysis.
- Show suitable road and pedestrian linkages between the site and adjacent areas.
- Identify the staging of the development of the land.
- Include a landscape plan which identifies indicative street tree plantings and any other landscaping treatments and/or features proposed as a response to the site analysis.
- Show the means of servicing the land including reticulated sewerage, water and drainage to all land in the plan.
- Incorporate water sensitive urban design treatments into the development plan area.

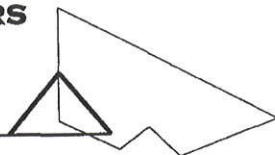
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APPENDIX C

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WOODHOUSE GRAESSER JOHNSTON PTY LTD

**CONSULTING ENGINEERS
CIVIL & STRUCTURAL**
ABN 84 663 705 131



116 TIMOR STREET

Ph. (03) 5562 4930
Fax. (03) 5562 0763

WARRNAMBOOL VIC 3280

E-Mail: engineers@wgi.com.au

6th December 2007

Project N° 06.369

Miller Town Planning
P O Box 5219
WARRNAMBOOL 3280

Attention: Kirsty Miller

Dear Kirsty

DENNINGTON RISE AMENDMENT C51 – INFRASTRUCTURE SERVICES.

A description of available infrastructure and service connection points for the Dennington Rise Land described in Planning Application C51 is as follows:

1. SEWER OUTFALL

Sewer discharge is provided by gravity sewer mains located on the south and west boundaries of the site.

- The southern one third of land slopes to the south.
- This section of land will connect to existing gravity mains constructed as part of Stage 1 & 2 of this development.
- Connection points are available at Armytage Avenue and Dennington Rise for immediate use.
- The northern two thirds of land consists of a gully shape falling generally to the west.
- The low point is mid way along the west boundary.
- There is an existing gravity sewer main located along the rear fence of properties fronting Nina Street.
- This easement abuts the west boundary of the rezoned land and is available for immediate connection.

2. WATER SUPPLY

Water supply is readily available to the site.

- The south boundary has water main connections installed as part of Stage 1 & 2 construction.
- The west boundary will be connected to the abutting Pappas Drive.
- The east boundary has existing water mains along Harrington Road.
- The northern section of land will be served by extension of the above mains.

PETER A. WOODHOUSE (Director)
REGISTERED BUILDING PRACTITIONER EC 2225
SMIE Aust C.P.Eng.
College Membership: Civil
NPER

PAUL D. GRAESSER (Director)
REGISTERED BUILDING PRACTITIONER EC 19617
B.ENG (DISTINCTION)
M.I.E Aust C.P.Eng
College Membership: Civil
NPER

BRETT J JOHNSTON (Director)
REGISTERED BUILDING PRACTITIONER EC 24317
B.ENG (HONOURS)
M.I.E Aust C.P.Eng
College Membership: Civil, Structural
NPER

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3. STORMWATER OUTFALL

Stormwater drainage falls to the south and west boundaries.

- The southern one third of land slopes to the south.
- The legal point of discharge for this section of land is by existing stormwater drains located on Harrington Road, Armytage Avenue and Dennington Rise.
- These connection points are available at the southern boundary for immediate use.
- The northern two thirds of rezoned land consists of a gully shape falling generally to the west.
- The low point is mid way along the west boundary.
- The legal point of discharge for this section of land is by existing stormwater drain located on the west boundary next to Pappas Drive.
- A new drain will be installed from Pappas Drive to mid way along the west boundary low point.

4. WATER SENSITIVE URBAN DESIGN

Water sensitive urban design treatment will be provided within the development and the following comments are provided:

- The land formation consists of Pleistocene period dune deposits.
- This is a porous material providing for some discharge of stormwater runoff.
- Stormwater treatment will be achieved by installation of soakage pits within street reserves.
- These soakage pits will achieve a first flush/cleansing of water runoff prior to discharge to WCC outfall drains.
- This treatment is recognised by Warrnambool City Council as complying with Water Sensitive Design Treatments.

An overall development plan showing the above features is attached.

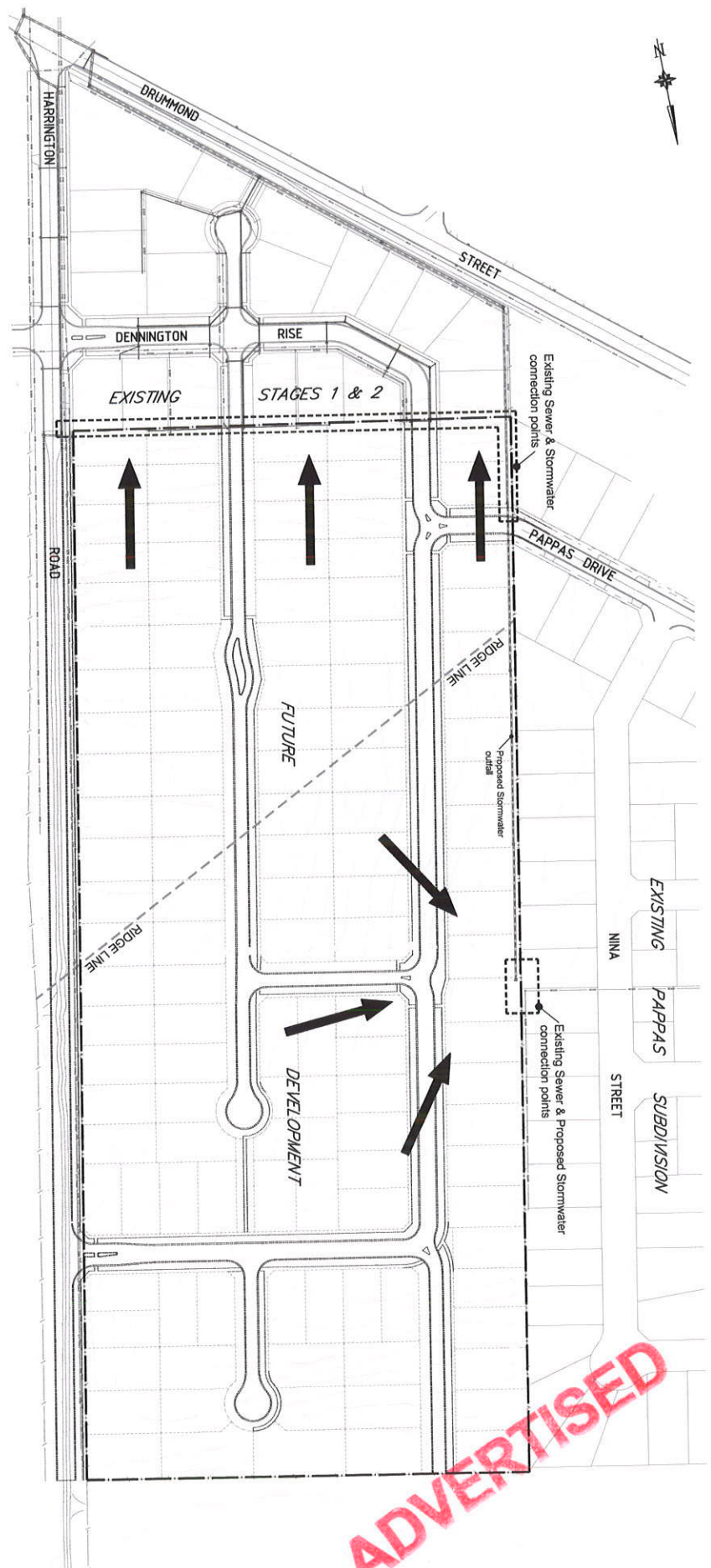
Please advise if we can be of further assistance.

Yours faithfully



PETER WOODHOUSE
WOODHOUSE GRAESSER JOHNSTON PTY LTD

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DEVELOPMENT PLAN - SERVICES
SCALE: HORZ 1:1000

SCALES: HORIZ 1: 1000

KEY

Land fall and direction of proposed gravity services.

INFRASTRUCTURE SERVICES CONNECTION POINTS

1. Sewer outfall
- to area marked 
2. Water supply
- to South and East boundaries
3. Stormwater outfall
- to area marked 
4. Water sensitive urban design treatment
- Soakage pits within stormwater system as approved by W.C.C.

A	ISSUED FOR COMMENT
REVISION	DESCRIPTION DATE
	26.11.07

WOODHOUSE GRAESSER JOHNSTON
CONSULTING ENGINEERS
CIVIL & STRUCTURAL



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WATERLOO, ONTARIO
N2L 2B5
CANADA

TEL. (519) 885-4830
FAX. (519) 885-0781
MOB. (416) 593-1496

E-MAIL: engineering@wj.com

POLYESTER TITILE
South West Property Developments Pty. Ltd.
Derrington Rise Estate
Harrington Road ington

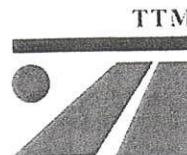


CONGRESS TITLE DENNINGTON RISE - AMENDMENT C31 DEVELOPMENT PLAN SERVICES		PROJECT NO.	06 - 369
SYNOPSIS	SUBJECT		
P. Woodhouse	D. Hindreich		
STATUS	DATE		
AS SHOWN	November '07		
FILED	DATE		
DPS-01 OF 1	PAGE 1		

APPENDIX D

ADVERTISED

TTM Consulting (Vic) Pty Ltd



**"DENNINGTON RISE"
PROPOSED RESIDENTIAL SUBDIVISION
HARRINGTON ROAD, DENNINGTON
TRAFFIC IMPACT ASSESSMENT**

Prepared By

**TTM Consulting (Vic) Pty. Ltd.
Suite 301,
2 Wellington Parade,
East Melbourne Vic 3002**

For

Southwest Property Developments

Enquiries	:	Michael O'Brien
Phone	:	(03) 9419 0911
Fax	:	(03) 9415 9456
Email	:	email@ttmconsulting.com.au

ADVERTISED

1. INTRODUCTION AND SCOPE

TTM Consulting (Vic) Pty. Ltd. has been retained by Southwest Property Developments to investigate the traffic engineering implications of a proposed residential subdivision at the north-west corner of the intersection of Drummond Street and Harrington Road, Dennington.

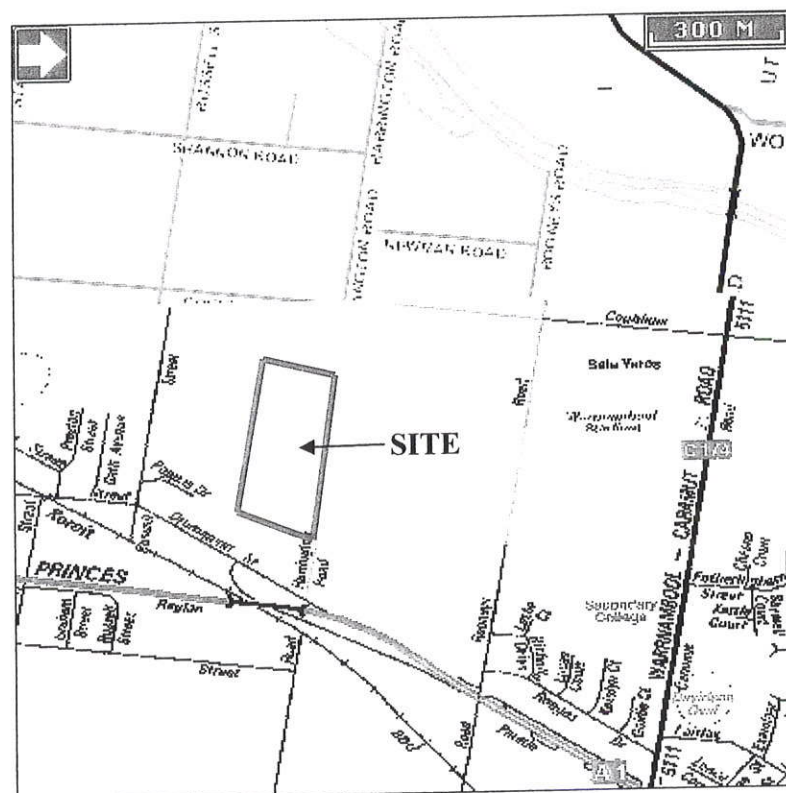
In the course of preparing this report we have inspected the subject site and its environs, examined plans submitted with the application and collected available traffic data.

This report considers the traffic impacts of the proposal, the adequacy of the road reservations and street network proposed and the context of this development in the broader area currently the subject of a structure plan being prepared for the City of Warrnambool by Connell Wagner for the Dennington Growth Area.

2. EXISTING CONDITIONS

2.1 Location and Landuse

The site is shown on the context of the existing local street network in the following locality plan.



The site is currently mostly undeveloped grassland except for a 20 lot subdivision which has recently occurred on the Drummond Street frontage.

2.2 Road Network

The subject site is located on the north-west corner of the intersection of Drummond Street and Harrington Road.

Drummond Street is a local street extending from the Merri River in the west to connect with the Princes Highway just east of its intersection with Harrington Road. It is generally a 10 metres wide carriageway which provides a traffic lane in each direction and kerbside parking on each side. The intersection with the Princes Highway is configured as a flat angle merge of eastbound traffic due to the fact that the highway to the west is on a bridge structure that overpasses the railway line. Westbound traffic on the Princes Highway seeking to enter Drummond Street diverges left at Rooneys Road and loops beneath the highway bridge to intersection Drummond Street is a T intersection approximately 200 metres west of Harrington Road.

Harrington Road has a road reservation of 20 metres and is constructed as a 10 metres wide roadway for a distance of approximately 150 metres north of its intersection with Drummond Street to the cross intersection of Dennington Rise and Darwinia Street. It continues as a gravel track within its reservation northward towards Coghlands Road.

2.3 Current Traffic Volumes

Enquiries with VicRoads revealed that the most recent traffic data on the Princes Highway was a count for a one week period in April, 2006 just east of Laverock Grove, that is approximately 800 metres east of the intersection of Drummond Street.

The count data provided by VicRoads is represented below.

Road	Princes Highway West	Direction	West
Description	East of Laverock	Reference	260
Distance Past	250		
Type	A6400	File	21850
Date From	04/04/2006	Date To	11/04/2006
Av. Daily Traff 24hr 7 Days	7451	MaxDT 24 Day	Fri
Av. Daily Traff 24hr Wk Days	7856	MaxDT 24 Vol	8403
Av. Daily Traff 12hr 7 Days		MinDT 24 Day	Sun
Av. Daily Traff 12hr Wk Days		MinDT 24 Vol	5372
MaxHR Vol Day	Tue	MaxHR HR	16-1700
MaxHR Vol	743		
% C.V's 7 Day	9.7	% C.V's 5 Day	10.8
Stat	16506	Loc	2

Road	Princes Highway West	Direction	East
Description	East of Laverock	Reference	260
Distance Past	250		
Type	A6400	File	21851
Date From	05/04/2006	Date To	11/04/2006
Av. Daily Traff 24hr 7 Days	6562	MaxDT 24 Day	Fri
Av. Daily Traff 24hr Wk Days	6942	MaxDT 24 Vol	7388
Av. Daily Traff 12hr 7 Days		MinDT 24 Day	Sun
Av. Daily Traff 12hr Wk Days		MinDT 24 Vol	4937
MaxHR Vol Day	Wed	MaxHR HR	08-0900
MaxHR Vol	665		
% C.V's 7 Day	11.1	% C.V's 5 Day	12.7
Stat	16506	Loc	1

In order to determine current traffic volumes in Drummond Street, TTM Consulting conducted a traffic count on Tuesday 19th June, 2007 from 7:30 to 9:30am. The results of this count are presented in the following table.

Time Intervals Every 15 mins.		Traffic Numbers Accessing Princes Hwy from Drummond St, Dennington			
		From Drummond Street		From Harrington Road	
		Score	Total	Score	Total
7.30	7.45		19		7
7.45	8.00		30		4
8.00	8.15		11		2
8.15	8.30	Includes 1 local bus	31		4
8.30	8.45	Includes 2 school buses	41		9
8.45	9.00		39		7
9.00	9.15	Includes 1 local bus	9		1
9.15	9.30		27		4
Total			207		35

The count revealed a peak hourly traffic movement from Drummond Street to the Princes Highway of 144 vehicles (including 3 buses) between 8:00am and 9:00am.

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3. PROPOSED SUBDIVISION

The subdivision plan shows a total of 142 residential lots (20 existing) configured on a street network consisting of three north-south streets and minor cross connecting streets.

Street connections to abutting existing residential estates are proposed at Pappas Drive to the west and Darwinia Street to the east.

Harrington Road has an existing road reservation width of 20 metres.

Dennington Rise is proposed to have a road reservation width of 18 metres.

All other street reserves are proposed to be 16 metres in width.

4. TRAFFIC GENERATION

To assess the ultimate traffic volumes on streets that are included in the proposed subdivision, it is necessary to consider the wider network of streets, ultimate community facilities locations and distributions of work related travel.

The subject area and surrounds have no significant local employment, retail facilities or mixed land use. Consequently vehicular traffic generation will be at the higher end of the range usually experienced and most travel will be to areas outside of the local area, including the subject land.

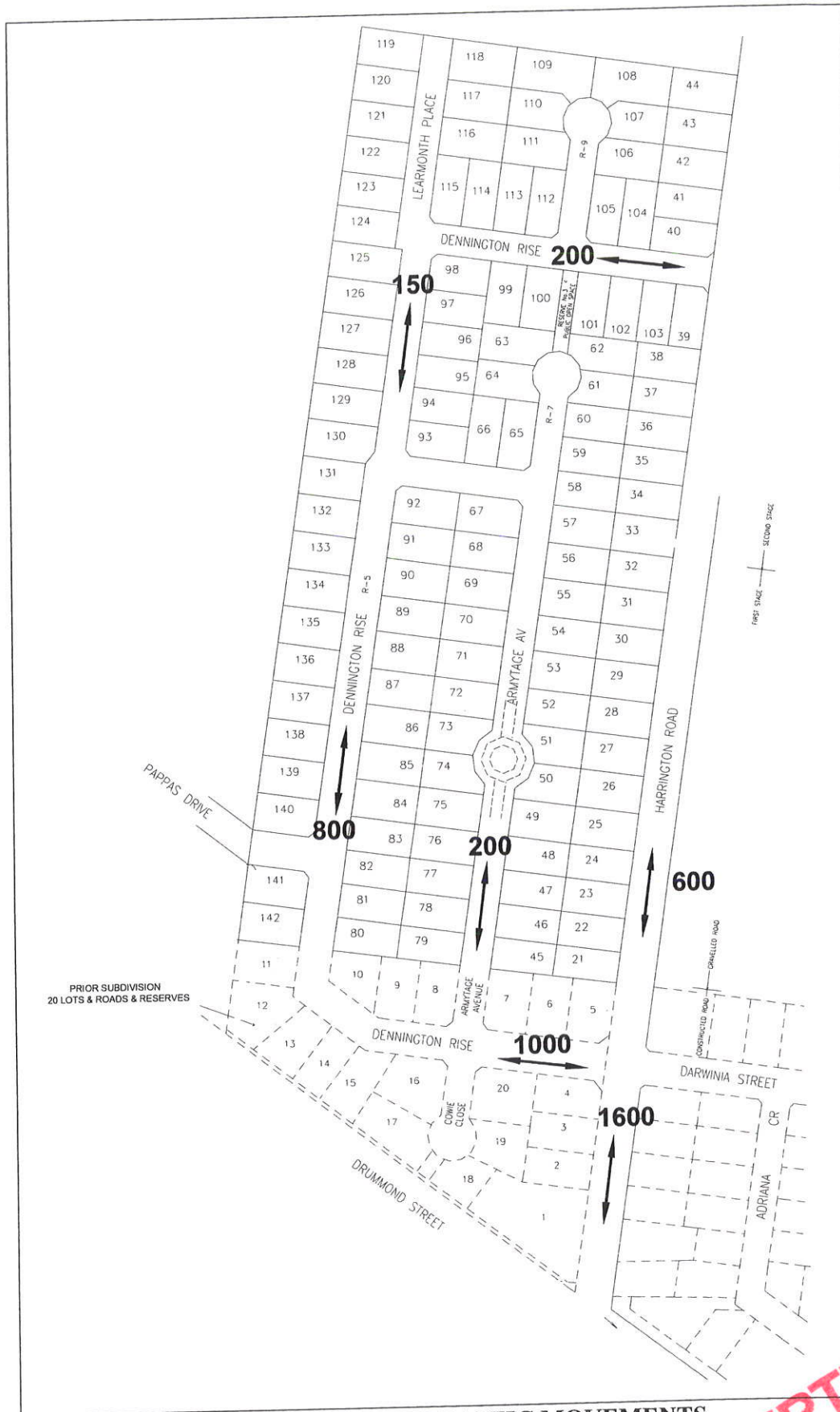
On this basis daily traffic generation is estimated to be at rate of 10 vehicle movements per dwelling per day.

The subject site is currently constrained in its linkages to the north and at least in the interim all traffic will be directed through the intersection of Harrington Road and Drummond Street.

The following diagram shows the predicted daily traffic volumes on the basis of the above assumptions.



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ESTIMATED DAILY TRAFFIC MOVEMENTS



5. STREET FORM AND TRAFFIC MANAGEMENT

5.1 Typical Street Form

This section of the report is provided to indicate the appropriate street reservation widths, appropriate carriageway, footpath provisions and traffic speed control measures.

As can be seen from the estimated daily traffic movements above there is no section of street within the subdivision where traffic volumes are likely to exceed about 2,000 vehicle movements per day.

Generally a street design allowing 7.2 metres of carriageway width will be the most appropriate for the housing development of housing on lots with frontages between 16 metres and 20 metres, as is the proposed subdivision form in this case. This street form allows parking along either kerb, with adequate remaining carriageway width to allow for a truck to pass between parked cars should the need arise. Wider carriageway than 7.2 metres makes no sense, with the only outcome being that higher traffic speeds are encouraged.

The proposed plan of subdivision includes some variations in street reservation width, most notably Harrington Road which has an existing reservation width of 20 metres and Dennington Rise has been allocated a reservation width of 18 metres. Other, less connecting streets are typically allocated 16 metres. A reservation of 16 metres is adequate to accommodate a carriageway of 7.2 metres between kerb faces as well as the expected services and street tree planting, however some lower order streets could be constructed with a carriageway width of 5.5 metres.

Accordingly it is proposed that there be two basic street forms in the plan area, one with 7.2 metres wide carriageway and the other with 5.5 metres wide carriageway. The variations will be that the more continuous "spinal" streets of Harrington Road and Dennington Rise will have 20 and 18 metres wide reservations and a carriageway of 7.2 metres and the other streets in the plan will have reservation width of 16 metres and a carriageway of 5.5 metres. This approach to Harrington Road reflects what has been previously been discussed with Council and its consultants preparing the structure plan.

5.2 Intersections and Traffic Speed Control Measures

Traffic speed management devices are generally required by municipal engineering departments in line with the "should" provisions of Clause 56 of the Planning Schemes. Whilst this is usually unfortunate because the negative impacts on streetscape outweigh the speed management benefits, a reasonable balance between the objectives can be achieved by using carriageway tightening and ramping, with contrasting surface treatments, at street junctions.

Opportunities exist in the plan of subdivision to control vehicle speeds by the treatment of intersections along Dennington Rise. Up to two speed control measures will be required on the 300 metres length of Harrington Road between the two Dennington Rise intersections.



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6. TRAFFIC IMPACT

All predicted daily traffic flows on the street network proposed in the plan of subdivision are well within capacity and amenity levels and will operate safely and efficiently.

As discussed above in the interim all traffic will be directed through the intersection of Harrington Road and Drummond Street. If it is conservatively assumed that all traffic in the morning peak period seeks to turn left and enter the highway up to 140 vehicle movements could be added to the existing movement. This would result in an entry demand during the peak hour period of up to 300 vehicles.

Figure 6.5 of AustRoads Guide to Traffic Engineering Practice – Part 5 provides the practical absorption capacity at unsignalised intersections.

Conservatively assuming that peak hour eastbound traffic flow on the Princes Highway is of the order of 700 vehicles per hour (reduced from the current level at Laverock Grove and then factored up for future growth), the practical absorption capacity for the left turn merge at Drummond Street ($T_a=5$ sec, $T_f=2$ secs) is of the order of 600 vehicles per hour. This would result in an average delay of 6 seconds for the estimated peak demand for 300 vehicles per hour in the morning peak periods.

In relation to peak traffic movement returning to the subdivision in the evening peak hour, the only constraint on capacity is the loop connection under the highway intersecting with Drummond Street. There is more than adequate capacity for an estimated additional 100 vehicles per hour to turn right into Drummond Street at this location and enter Harrington Road via a left turn.

It is concluded that the proposed subdivision can be adequately served by the existing external road network and no works are required or proposed at the intersection of Drummond Street and Princes Highway.

7. FUTURE ROAD PLANNING

We have had discussions with Council officers and the consultants preparing the Dennington Structure Plan.

The above analysis indicates that the capacity to discharge traffic from Drummond Street to the Princes Highway is limited and we are concerned that a direct extension of Harrington Road to Coghlan Road would attract significant volumes of traffic to access the highway more directly via this route rather than by the expressed preferred route of Coghlan Road to Caramut Road and then to the highway. This latter route would have two major signalized intersections on it and is congested due to the presence of schools in Caramut Road.

It would however be beneficial to connect Dennington Rise Estate to the north to provide alternative access routes for Dennington Rise in particular the Wollaston Road route over the Merri River being developed by Council as a connection to Hopkins Highway/Mortlake Road to the north of central Warrnambool.

It will be a challenge to Council's consultants to formulate a road network solution which resolves these issues.

It is our opinion, confirmed by meetings with VicRoads officers that the scope for significant capacity improvements at the intersection of Drummond Street with the Princes Highway is severely limited by the fact that the highway is on structure adjacent to the intersection.

8. BICYCLE FACILITIES

Estimated future traffic levels are less than 2,000 vehicles per day throughout the proposed street network and no specific provision for bicycles are warranted in accordance with AustRoads Guide to Traffic Engineering Practice – Part 14.

It is anticipated that the Dennington Structure Plan will make recommendations regarding provision for regional bicycle movement.

9. PUBLIC TRANSPORT

Discussions with Council officers indicate that preliminary planning for the Dennington Structure Plan indicates that Russell Street to the west is the preferred connection to the proposed new residential areas and this is the likely bus route.

It should be noted that bus services including school buses currently operate in Drummond Street.

10. SUMMARY AND CONCLUSION

The Dennington Rise residential subdivision has been planned and is the result of the recently gazetted Amendment C51 to the Warrnambool Planning Scheme.

The road reserves and lot layout shown in the plan of subdivision will enable the traffic generated to operate safely and efficiently.

The traffic generated can be adequately serviced by the existing intersection of Harrington Road and Drummond Street and subsequent connections to the arterial road network.

There are no traffic engineering grounds to warrant refusal of the application for subdivision.

TTM Consulting (Vic) Pty. Ltd.



Michael O'Brien



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APPENDIX E

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

AF363080H

26/09/2007 \$97

173



**Section 181(1) Planning and Environment Act
1987**



Lodged by:

Name: Tait Leishman Taylor
Phone: 5560 2176
Address: 121 Kepler Street, Warrnambool
Ref: Thomas Lindsey
Customer Code: 1638Q

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

Land:

The land described in described in Certificate of Title Volume 10992 Folio 689 being land at Dennington Rise, Harrington Road, Warrnambool

Authority or council

Warrnambool City Council of Liebig Street, Warrnambool

Section and Act under which agreement made:

Section ~~171~~ ¹⁷³ of the Planning and Environment Act 1987

A copy of the agreement is attached to this application

Dated: 24th September 2007

Signed:

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

Chief Executive
its duly authorised delegate

LINDSAY A MERRITT
CHIEF EXECUTIVE
WARRNAMBOOL CITY COUNCIL

In the presence of:

Witness:

Wendy Clark



ADVERTISED



Maddocks

Date 24 / September /2007

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Lawyers
140 William Street
Melbourne Victoria 3000 Australia
Telephone 61 3 9288 0555
Facsimile 61 3 9288 0666
Email info@maddocks.com.au
www.maddocks.com.au
DX 259 Melbourne

Agreement under Section 173 of the Planning and Environment Act 1987

Subject Land: Dennington Rise, Harrington Road, Warrnambool

Warrnambool City Council
and

Southwest Property Developments Pty Ltd
ACN 114 194 580

ADVERTISED

Affiliated offices
Adelaide, Brisbane, Colombo, Dubai,
Hong Kong, Jakarta, Kuala Lumpur,
Manila, Mumbai, New Delhi, Perth,
Singapore, Sydney, Tianjin

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Agreement under Section 173 of the Planning and Environment Act 1987

DATE 24 / 9 /2007

AF363080H



BETWEEN

WARRNAMBOOL CITY COUNCIL
of Civic Centre, Liebig Street, Warrnambool

(Council)

AND

SOUTHWEST PROPERTY DEVELOPMENTS PTY LTD ACN 114 194 580
of 141 View Street, Bendigo

(Owner)

RECITALS

- A. Council is the Responsible Authority pursuant to the Act for the Planning Scheme. Council is also the Planning Authority for the purposes of Amendment C51 to the Planning Scheme
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council, in its capacity as Planning Authority for the Planning Scheme, has prepared Amendment C51 to the Planning Scheme (**the Amendment**). The Amendment, when approved will rezone the Subject Land from Farming to Residential 1 Zone and apply a Development Plan Overlay Schedule 6 to the Subject Land.
- D. Council has resolved to adopt the Amendment subject to the execution of this Agreement. Upon the execution of this Agreement by the Owner of the Subject Land, Council proposes to forward the Amendment to the Minister for Planning seeking his approval of the Amendment.
- E. The parties have agreed to execute this Agreement, which requires the Owner to pay Community Infrastructure and Development Infrastructure contributions in respect of each lot created by the subdivision of the Subject Land before the issue of a Statement of Compliance in respect of any plan of subdivision rather than at the time a building permit is issued.
- F. The parties have agreed to enter into this Agreement to ensure that a fair contribution is made by the Owner towards capital works identified in the Dennington North Structure Plan.
- G. As at the date of this Agreement, the Subject Land is encumbered by Mortgage No. AD883729T in favour of the Mortgagee. The Mortgagee has consented to the Owner entering into this Agreement with respect to the Subject Land.
- H. The parties enter into this Agreement to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

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THE PARTIES AGREE

1. DEFINITIONS

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

Approved DCP means an development contribution plan approved pursuant to Part 3B of the Act.

Community Infrastructure includes but is not limited to community facilities.

Development Infrastructure includes but is not limited to drainage and sewerage facilities and works, water facilities, underground electricity and gas facilities and associated works, roads and road works (including upgrading of roads and installation of traffic lights), footpaths.

North Dennington Structure Plan means the structure plan pertaining to North Dennington and contained in the North East Warrnambool and North Dennington Structure Plan prepared by Connell Wagner Pty Ltd dated 29 January 2007.

Residential Lot means each lot created by the subdivision of the Subject Land where that lot is intended to ultimately be used for a dwelling.

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 Subject Land or any part of it. The Mortgagees as at the date of this Agreement are set out in Schedule 1 to this Agreement.

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.

Planning Scheme means the Warrnambool Planning Scheme and any other planning scheme that applies to the Subject Land.

Southwest means Southwest Property Developments Pty Ltd, ACN 114 194 580.

Statement of Compliance has the same meaning as in the *Subdivision Act 1988*

Subject Land means the land at Dennington Rise, Harrington Road, Warrnambool being the land referred to in Certificate of Title Volume 10992 Folio 689 to this Agreement and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

2. INTERPRETATION

In this Agreement unless the context admits otherwise:

2.1 The singular includes the plural and vice versa.

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- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5 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.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 2.8 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 Subject Land provided that if the Subject 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.

3. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that

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3.1 Contribution

- 3.1.1 prior to the issue of a statement of compliance in respect of any plan of subdivision concerning the Subject Land which creates a Residential Lot, the Owner must pay to Council a development contribution for each Residential Lot in an amount:
 - 3.1.1.1 as specified in any applicable Development Contributions Plan incorporated into the Planning Scheme; or
 - 3.1.1.2 where a Development Contributions Plan is not incorporated into the Planning Scheme, the sum of \$7,000;

(Contribution) in respect of both the Community Infrastructure and Development Infrastructure referred to in the North Dennington Structure Plan;
- 3.1.2 the amounts set out at 3.1.1.2 must be indexed by the CPI from the date of this Agreement and subsequently will be adjusted at 1 July each year for rises in the CPI until it is paid;
- 3.1.3 the amounts set out at 3.1.1.1 and 3.2.1.3 are exclusive of any Goods and Services Tax (GST) payable on the amount, for which the Owner will be liable if such GST is payable
- 3.1.4 where a Development Contributions Plan (which includes the Subject Land) is incorporated into the Scheme within 5 years from the date of this

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Agreement and where the development contribution payable per Residential Lot is less than the amount specified in this Agreement, Council will pay the difference between the two amounts to Southwest;

- 3.1.5 where Council is required to make a payment to Southwest pursuant to clause 3.1.4 of this Agreement, Council must make the payment to the Southwest within 90 days from the date that the Approved DCP is incorporated into the Scheme;
- 3.1.6 where an Approved DCP (which includes the Subject land) is incorporated into the Scheme within 5 years from the date of this Agreement and where the development contribution payable per Residential Lot is greater than the amount specified in this Agreement, the Southwest will pay the difference of the two amounts to Council;
- 3.1.7 where Southwest is required to make a payment to Council pursuant to clause 4.3.1 of this Agreement, Southwest must make the payment to Council within 90 days from the date that the Approved DCP is incorporated into the Scheme.

4. SPECIFIC OBLIGATIONS OF COUNCIL CONCERNING THE DEVELOPMENT CONTRIBUTIONS

Council agrees that:

- 4.1 it will, in respect of any development contributions received pursuant to this Agreement, keep proper records and accounts in accordance with its obligations under the *Local Government Act 1989*; and
- 4.2 it will apply the development contributions received pursuant to this Agreement for the purposes described in this Agreement.

5. COUNCIL ACKNOWLEDGEMENT

5.1 Payment is to be regarded as compliance

Council acknowledges and agrees that payment by the Owner of the Contribution will be deemed by Council to be compliance with any obligation to pay a contribution in respect of any development infrastructure and community infrastructure imposed by a condition on a planning permit for the development of the Subject Land and as required under any Development Contribution Plan Overlay applying to the Subject Land.

6. FURTHER OBLIGATIONS OF THE OWNER

6.1 Notice and Registration

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.

6.2 Further actions

The Owner further covenants and agrees that:



- 6.2.1 the Owner will do all things necessary to give effect to this Agreement;
- 6.2.2 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 Subject 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, acknowledgment 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.

7. AGREEMENT UNDER SECTION 173 OF THE ACT

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act and the obligations of the Owner under this Agreement are obligations to be performed by the owner as conditions subject to which the Subject Land may be developed.

8. OWNER'S WARRANTIES

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 Subject Land which may be affected by this Agreement.

9. SUCCESSORS IN TITLE

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 Subject Land, successors in title shall be required to:

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

10. GENERAL MATTERS

10.1 Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

- 10.1.1 by delivering it personally to that party;
- 10.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- 10.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.



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10.2 Service of Notice

A notice or other communication is deemed served:

- 10.2.1 if delivered, on the next following business day;
- 10.2.2 if posted, on the expiration of two business days after the date of posting;
or
- 10.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

10.3 No Waiver

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.

10.4 Severability

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.

10.5 No Fettering of Council's Powers

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 Subject Land or relating to any use or development of the Subject Land including a condition or requirement in respect of any item of infrastructure which Council considers is necessary having regard to the proposed use and development of the Subject Land or any part of it.

11. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

12. ENDING OF AGREEMENT

- 12.1 This Agreement ends when the Owner has complied with all of the obligations imposed on the Owner under this Agreement.
- 12.2 If this Agreement relates to more than 1 lot and the owner of that lot has complied with all of the obligations in relation to that lot, the owner of that lot may request Council to end this Agreement in relation to that lot.

SIGNED, SEALED AND DELIVERED as a Deed by the parties on the date set out at the commencement of this Agreement.

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The Common Seal of the Warrnambool City Council was hereunto affixed on the day of , in the presence of:



LINDSAY A MERRITT
CHIEF EXECUTIVE
WARRNAMBOOL CITY COUNCIL

Chief Executive

EXECUTED by SOUTHWEST)
PROPERTY DEVELOPMENTS PTY LTD)
ACN 114 194 580 by being signed by those)
persons who are authorised to sign for the)
company:

Director

NEIL ANDREW KEYTE

Full name

53 CADBORNS LN MANDURAH 3551

Usual address

Director (or Company Secretary)

ALISTAIR GRAHAM SMITH

Full name

710 STRATHFIELDSAYE RD

Usual address

STRATHFIELDSAYE 3551

Mortgagee's Consent

Bendigo Bank Ltd as Mortgagee of registered mortgage No. AD883729T consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

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APPENDIX F

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EXISTING CONDITIONS PHOTOS



View of site from Harrington Road, near the north-east corner of the site



View looking west along the north boundary of the site.

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Harrington Road near the north-east corner of the site looking south.



Harrington Road near the north-east corner of the site looking north.

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View from current eastern end of Pappas Drive, looking north-east.



View from current eastern end of Pappas Drive, looking south-east.

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Subject site from current end of Dennington Rise looking north-west.



Subject site from current end of Dennington Rise looking north-west.

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View from current end of Dennington Rise looking South.



View from current end of Dennington Rise looking South.

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Pappas Drive looking west from site's western boundary.



Drummond Street footpath looking east.

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View from current end of Dennington Rise looking towards Pappas Drive.



View from Dennington Rise looking north up Armytage Avenue.

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Existing pedestrian link at southern end of Cowie Close to Drummond Street.



View from Darwinia Street looking west towards Dennington Rise.

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View from intersection of Dennington Rise and Harrington Road looking west along Dennington Rise.

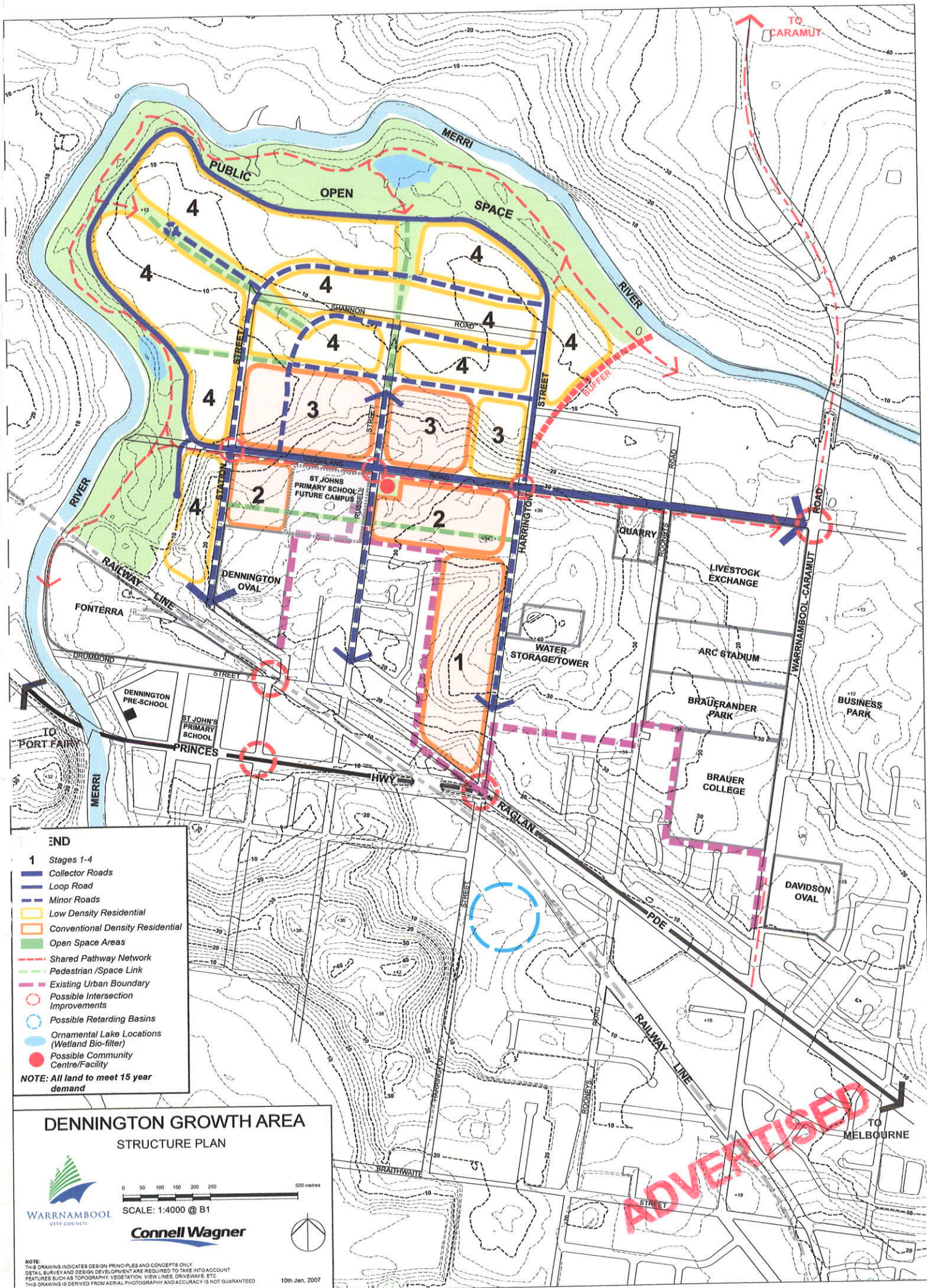


Intersection of Drummond Street and Harrington Road looking west.

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APPENDIX G

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APPENDIX H

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CLARKEOLOGY

30 Steddy Road Lethbridge VIC 3332
Ph/Fax (03) 5281-7427; Mobile (0418) 548-559



A.B.N. 42 149 493 608

20th November 2007

The Directors
Southwest Property Developments
PO Box 2016
Bendigo VIC 3554
Attn: Mr Alistair Smith
Ph 0407-393-628
Email: ags@impulse.net.au

Dear Sir

DENNINGTON RISE, WARRNAMBOOL (part of Crown Allotment 55 and Crown Allotment 57, Parish of Wangoom, Township of Dennington)

Following receipt of information and your direction to do so, I have carried out background historical and Aboriginal heritage research and made an inspection of the proposed development area, adjacent to Drummond Street and Harrington Road, Dennington.

I am writing to provide a summary of my findings and to reiterate my earlier advice that there are no Aboriginal or European heritage issues and further, that there is no requirement to prepare an Aboriginal Cultural Heritage Management Plan prior to seeking planning approval for this project.

1. Topography, soils and Aboriginal landuse

The proposed Dennington Rise development is on a south facing slope and exposed crest of a hill, the surface of which is comprised of thin soils and limestone/calcarene ridges overlying basalt clays. In terms of past Aboriginal landuse of the region, the proposed development area was most unsuited to Aboriginal occupation. Aboriginal people in the past are more likely to have occupied lower lying areas such as the flats close to the Merri River: these areas were sheltered from the prevailing winds, have deeper soils which support taller vegetation, and were close to the food source areas along the River. The deeper soils along the Merri River also supported staple food plants such as Daisy Yam and were easier to dig – for both earth-ovens and for burying the dead. If undiscovered Aboriginal burials occur in the region, they will be along the areas of soft, easily dug soil, close to the Merri River.

2. Heritage Victoria and Aboriginal Affairs Victoria Site Registers

On your behalf, I checked the Heritage Victoria Site Register and Site Inventory and the Aboriginal Affairs Victoria Register of Sites and examined all of the previous archaeological survey reports for the region. There are no sites recorded on the Heritage Victoria Register/Inventory that are on or near the property¹, so historical sites are not an issue.

¹ The site of the former Nestle workers' cottages, further west on Drummond Street Dennington is listed on both the Victorian Heritage Register and the Register of the National Estate. The Dennington Rise development is approximately 750 metres further east, so there is no risk to those European heritage values.

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In terms of Aboriginal heritage, previous investigations in the locality indicate that Aboriginal occupation in the region was focused on the areas adjacent to Merri River. The nearest recorded Aboriginal site (AAV Site No. 7321-0003) is approximately 942 metres southwest of the Drummond Street frontage, and therefore not at risk. Given the topography and soils of the proposed development area, it is extremely unlikely that previously unrecorded Aboriginal sites (including sub-surface sites such as burials) would occur.

3. Field survey and results

On the 29th of October 2007 I met with yourself, Kirsty Miller, Neil Keyte and Aboriginal Community representative Mr Robbie Lowe (Maar Land Council). Together we inspected selected areas of the proposed development including exposed cut and fill areas where houses are currently being constructed. There was no indication of any Aboriginal heritage material: there are no trees of sufficient age to bear Aboriginal bark-removal scars and no artefacts or sites were located. Mr Lowe and I agreed that there was negligible risk of previously undiscovered Aboriginal heritage material occurring on the proposed development area for the reasons already discussed. Mr Lowe indicated that he had no particular Aboriginal heritage concerns with the proposed development and had no objections to the project proceeding.

4. Aboriginal Heritage Regulations 2007 as they apply to the proposed subdivision

Under the *Aboriginal Heritage Regulations 2007*, there are two triggers, which if activated, require an Aboriginal Cultural Heritage Management Plan to be prepared and approved. These triggers are:

- a) that the proposed works are a *high impact activity* and
- b) that the proposed works are in a defined *area of cultural heritage sensitivity* which **has not** been subject to *significant ground disturbance*.

The proposed subdivision is a *high impact activity* in that it involves construction of 3 or more dwellings or the works for construction of 3 or more dwellings on a lot or allotment.

The proposed development area is more than 50 metres from a recorded Aboriginal site (the closest is 942 metres distant) and more than 200 metres from the closest named waterway (Merri River). Consequently, the proposed development is not in an area of cultural heritage sensitivity as defined in the Regulations, so the second trigger is not activated. **There is no requirement to prepare an Aboriginal cultural heritage management plan.**

Aboriginal Community consultation

Prior to conducting the fieldwork, I contacted Mr Neil Martin at the Framlingham Aboriginal Cooperative about the project. He was familiar with the area and we discussed the likely risks of Aboriginal sites occurring, which we agreed were minimal. He nominated Mr Robbie Lowe of the Maar Land Council as the most appropriate local person to liaise with on this project, and Mr Lowe subsequently met us on site to carry out inspections and discuss the issues. Mr Lowe indicated he had no particular concerns and that he saw no reason why the project should not proceed. He has since conveyed these views to Mr Neil Martin at Framlingham.

Comments/Recommendations

1. On the basis of an examination of the Aboriginal Affairs Victoria Register, the Victorian Heritage Register/Heritage Inventory (European heritage), field inspection and consultation with the relevant Aboriginal Community representative, there are no statutory impediments from cultural heritage that

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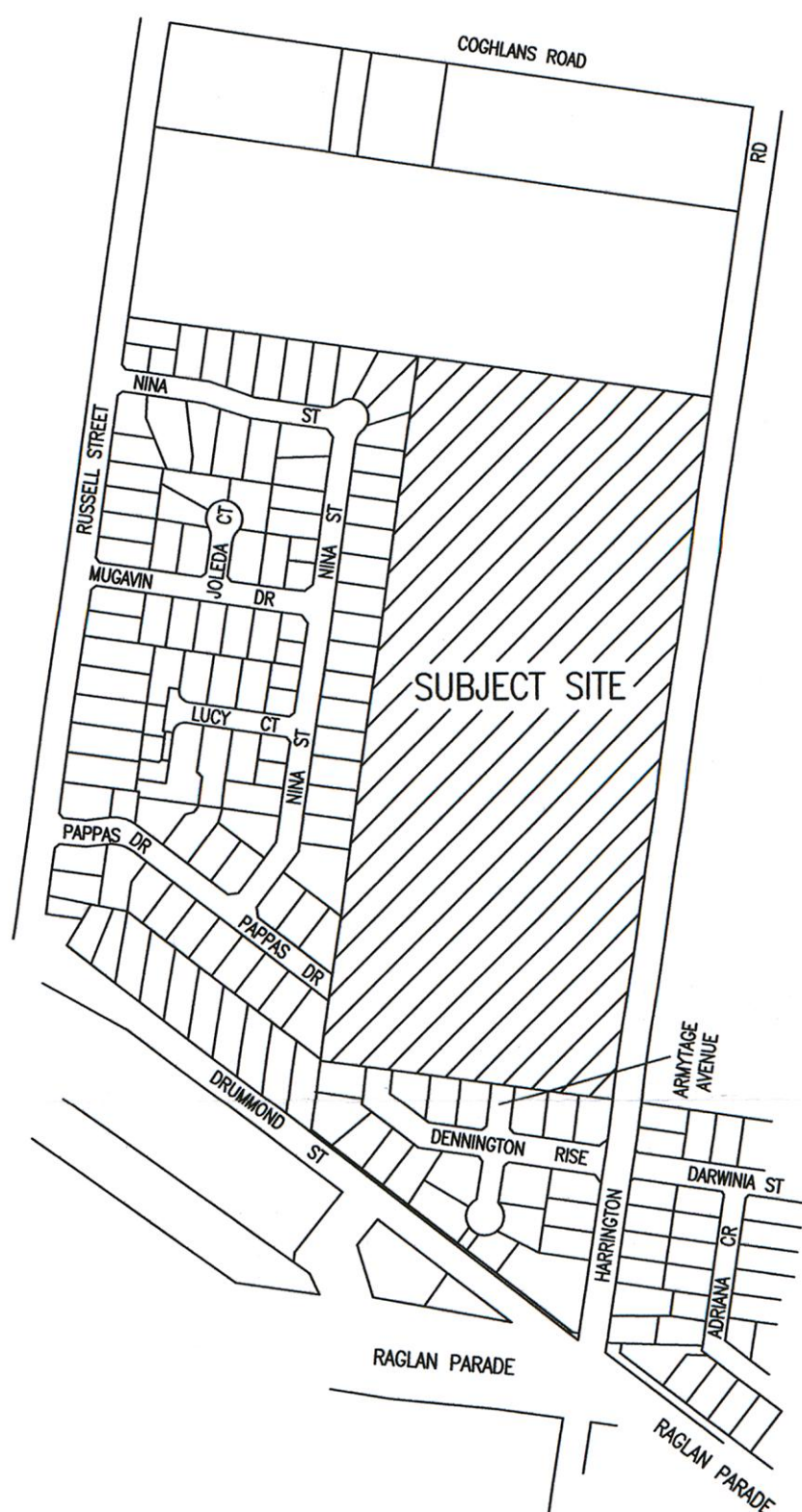
- would prevent the development work proceeding. In relation to Aboriginal and European heritage, no permits are required.
2. As the proposed development area is not in an area of *cultural heritage sensitivity* as defined in the *Aboriginal Heritage Regulations 2007*, there is no requirement to prepare or have approved, an Aboriginal cultural heritage management plan prior to seeking planning approval for any part of this project.
 3. The Aboriginal Community representative, Mr Robbie Lowe, indicated that he had no particular concerns in relation to Aboriginal heritage issues and saw no reason that the project should not proceed.
 4. In relation to the unlikely possibility that an Aboriginal burial is located during works, the excavation/construction contractors, their agents or subcontractors involved in this project should be made aware of their legal obligation to report the discovery of human remains to the State Coroner's Office (03-9684-4444), and of the appropriate procedures to be followed in such circumstances. These include:
 - that work should cease in the vicinity of where the remains were observed and machinery be moved well clear (leave a 20 metre buffer)
 - that the remains should be safeguarded from further disturbance
 - that the project archaeologist should be notified without delay (Nicholas Clark 0418-548-559)
 - that the police or Coroners Office (03-9684-4444) should be notified of the discovery without delay.

If you require further information in relation to this or other matters, please contact me any time on phone/fax (03) 5281-7427, mobile (0418) 548-559 or email to clarkeology@bigpond.com

Yours faithfully

Nicholas Clark

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LOCALITY DIAGRAM

EXISTING LAND PARCEL: LOT 98 PS 547503W
TOTAL SITE AREA: 9.8308 hectares
PUBLIC OPEN SPACE REQUIREMENT SATISFIED BY PRIOR SUBDIVISION



Dennington Rise
A great place to call home

EXISTING CONDITIONS PLAN

SOUTHWEST PROPERTY DEVELOPMENTS

PARISH OF WANGOOM
TOWNSHIP OF DENNINGTON
CROWN ALLOTMENT 55 (PART) &
CROWN ALLOTMENT 57
LOT 98 - PS 547503W

NOTATIONS

SURVEY DATUM IS MGA ZONE 54 VIDE WANGOOM PM 115 AND WANGOOM PM 474
LEVEL DATUM IS TO AHD VIDE WANGOOM PM 115 RL 11.304m

LEVELS ARE SHOWN THUS:

MAJOR CONTOUR INTERVAL IS 2.00m, MINOR CONTOUR INTERVAL IS 0.20m.
DATE OF INITIAL GROUND SURVEY: 8 / 07 / 2005
PLAN PREPARED: 28 / 02 / 2007

DIMENSIONS AND AREAS SHOWN HEREON ARE SUBJECT TO VERIFICATION BY SURVEY.

PLAN SUBJECT TO APPROVAL BY AUTHORITIES.

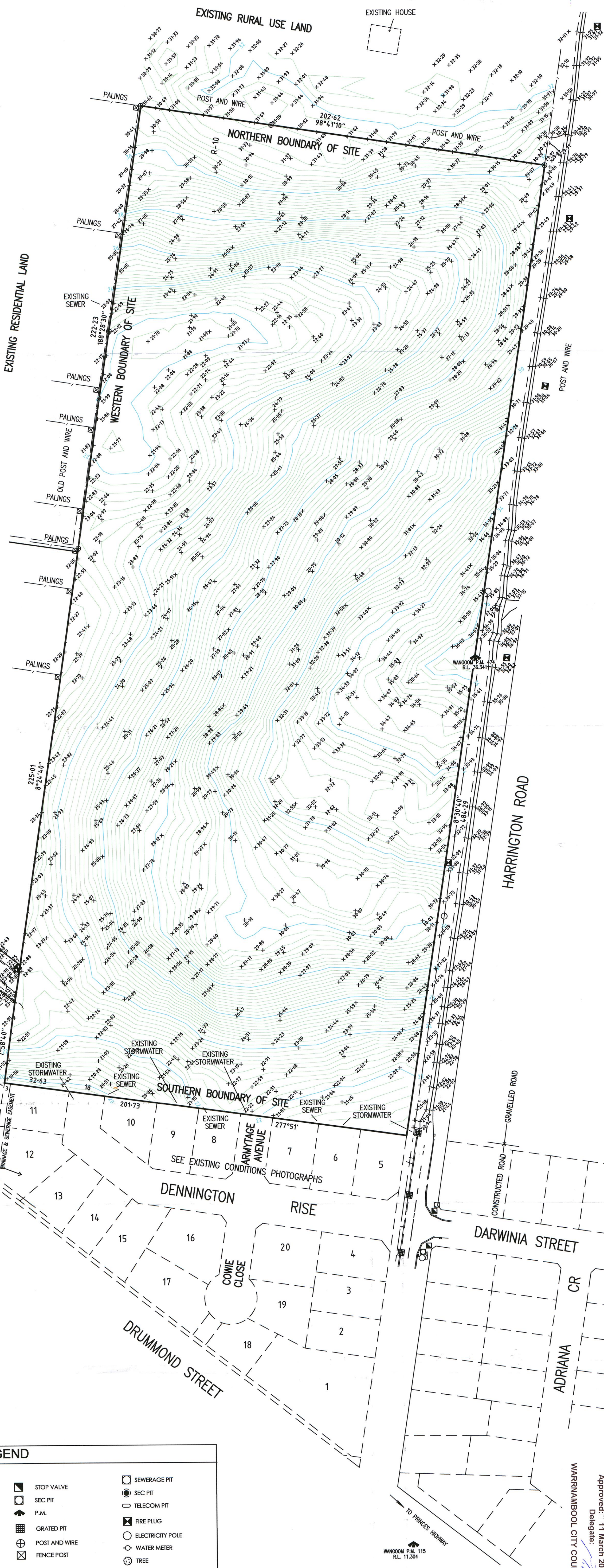
ALAN H. SIMPSON
LAND SURVEYOR
A.S.N. 25 367 042 659
P.O. BOX 421, WARRNAMBOOL 3280
PHONE (03) 55611846 FAX (03) 55621775

SURVEYORS REF.
1447C
VERSION 2
1447C_EXISTINGCONDITIONS_V2_A1.DWG
1447A.SEE

ORIGINAL
SCALE SHEET
SIZE
1 : 1000
A1

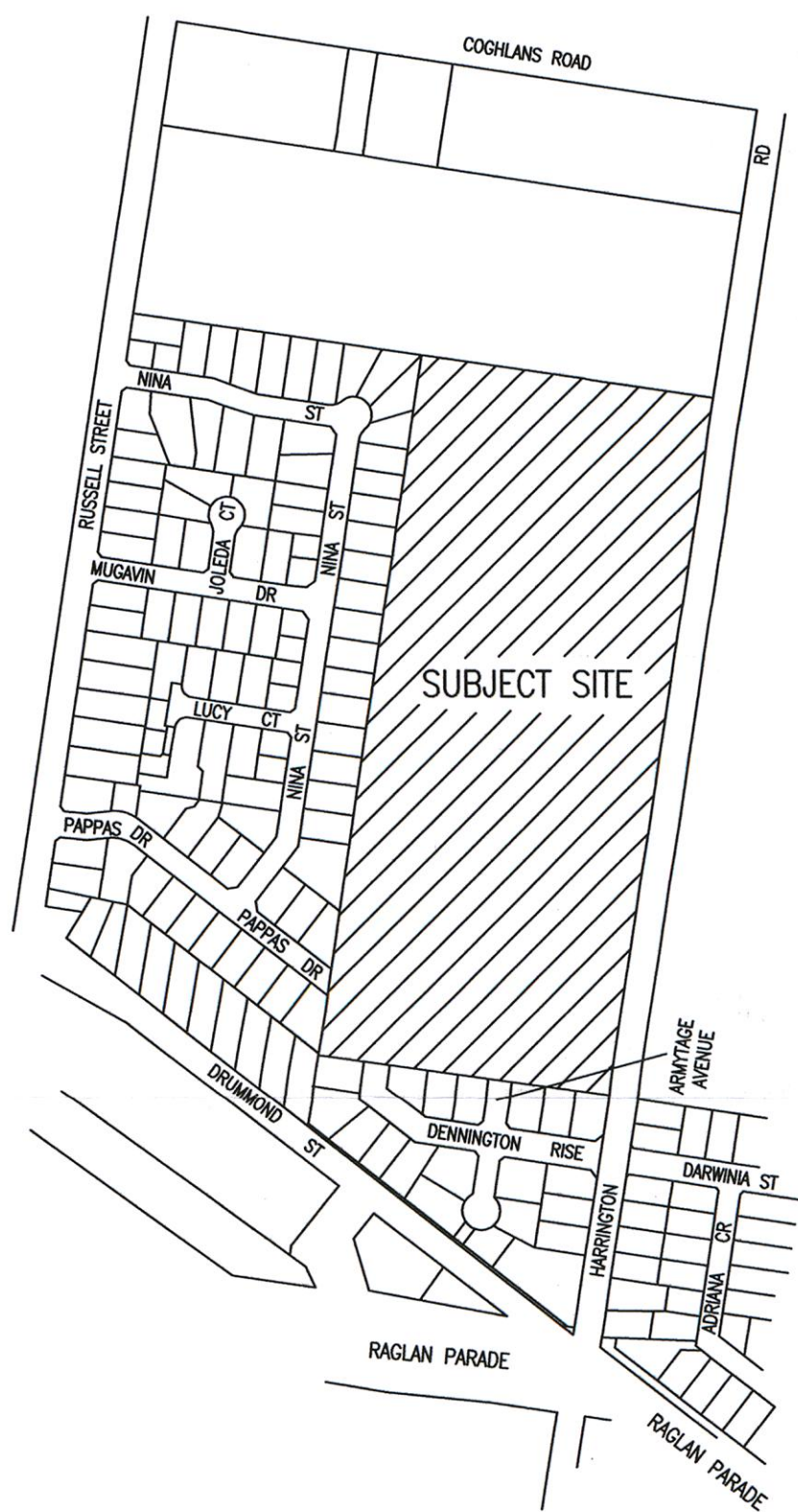
LEGEND

- | | | |
|-----------------------|-----------------|--------------------|
| — INVERT OF KERB | □ STOP VALVE | ○ SEWERAGE PIT |
| — BACK OF KERB | □ SEC PIT | ● SEC PIT |
| — EDGE OF BITUMEN | ▲ P.M. | ○ TELECOM PIT |
| — CENTRE-LINE BITUMEN | ■ GRATED PIT | ⊠ FIRE PLUG |
| — EXISTING FENCING | ⊕ POST AND WIRE | ○ ELECTRICITY POLE |
| — BUILDING | ⊗ FENCE POST | ○ WATER METER |
| — OVERHEAD POWERLINE | | ○ TREE |



WARRNAMBOOL PLANNING SCHEME
Plans approved for:
Dennington Rise Stage B
Outline Development Plan
In accordance with the requirements under
Development Planning Scheme 6
Warrnambool Planning Scheme
Approved: 11 March 2008
Delegate:

WARRNAMBOOL CITY COUNCIL



LOCALITY DIAGRAM

EXISTING LAND PARCEL: LOT 98 PS 547503W
TOTAL SITE AREA: 9.8308 hectares
NO EXISTING BUILT DEVELOPMENT – PASTURE & ANIMAL GRAZING.
PUBLIC OPEN SPACE REQUIREMENT SATISFIED BY PRIOR SUBDIVISION.
NEW ROADS & RESERVES TO VEST IN COUNCIL ON TITLE ISSUE.
LAND TO BE DEVELOPED BY VARIOUS STAGES GENERALLY AS INDICATED.
ACCESS PLACE – 5.5m PAVEMENT – SINGLE FOOTPATH.
ACCESS STREET LEVEL 1 – 7.2m PAVEMENT – FOOTPATH BOTH SIDES.
M/S POTENTIAL MULTI-DWELLING / FURTHER SUBDIVISION SITES.



Dennington Rise
A great place to call home

DEVELOPMENT PLAN

SOUTHWEST PROPERTY DEVELOPMENTS

PARISH OF WANGOOM
TOWNSHIP OF DENNINGTON
CROWN ALLOTMENT 55 (PART) &
CROWN ALLOTMENT 57
LOT 98 – PS 547503W

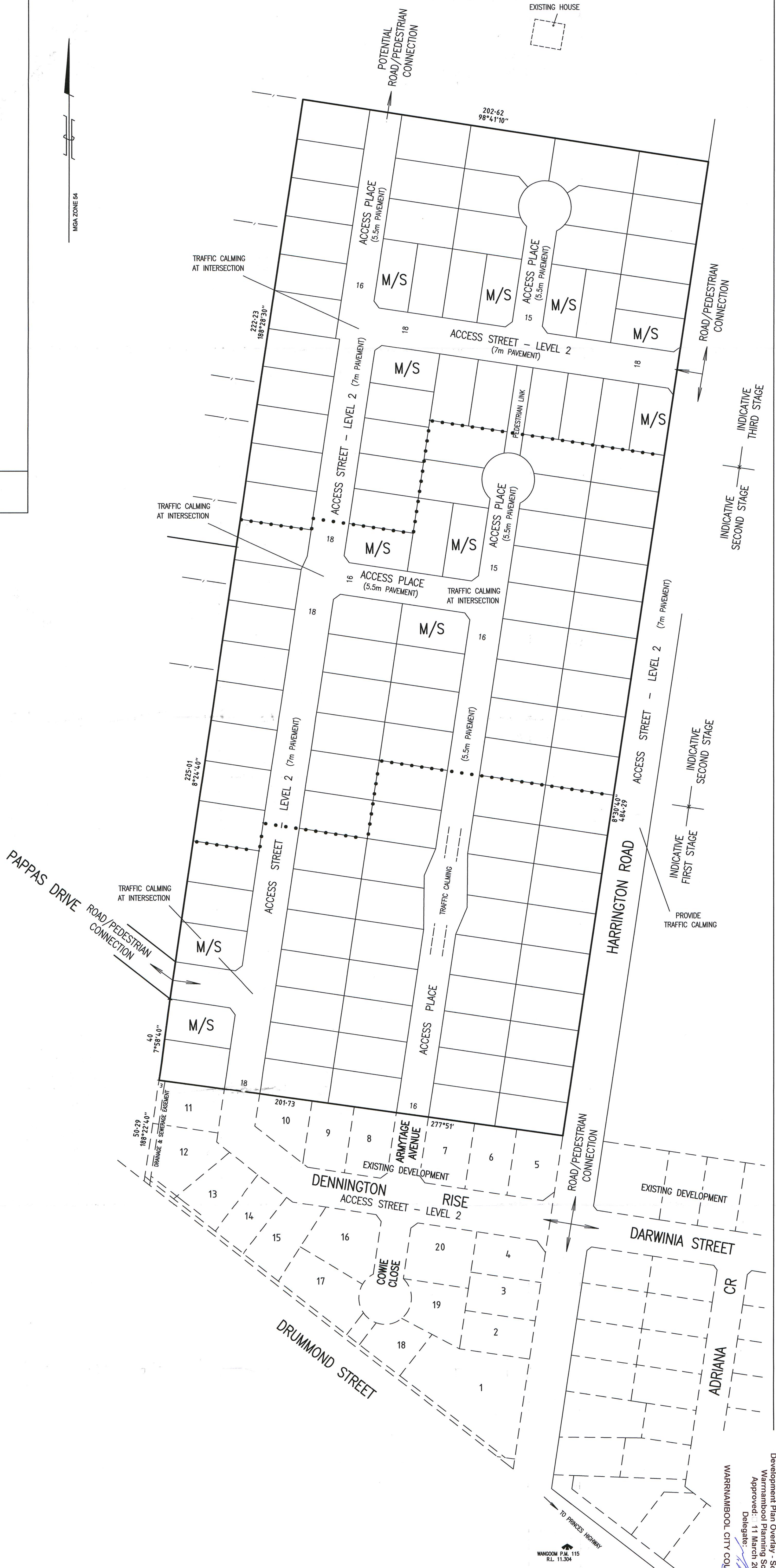
NOTATIONS

SURVEY DATUM IS MGA ZONE 54 VIDE WANGOOM PM 115 AND WANGOOM PM 474
LEVEL DATUM IS TO AHD VIDE WANGOOM PM 115 RL 11.304m
DATE OF INITIAL GROUND SURVEY: 8 / 07 / 2005
PLAN PREPARED: 04 / 12 / 2007
DIMENSIONS AND AREAS SHOWN HEREON ARE SUBJECT TO VERIFICATION BY SURVEY.
PLAN SUBJECT TO APPROVAL BY AUTHORITIES.

ALAN H. SIMPSON
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PHONE (03) 55611846 FAX (03) 55621775

SURVEYORS REF.
1447C
VERSION 2
1447C_DEVELOPMENTPLAN_V2_A1.DWG
1447A.SEE

ORIGINAL
SCALE SHEET
SIZE
1 : 1000
A1



WARRNAMBOOL CITY COUNCIL

In accordance with the requirements under
Development Plan Overlay - Schedule 6
Approved: 11 March 2008
Delegate: [Signature]

WARRNAMBOOL PLANNING SCHEME 3/4

Plans approved for:
Dennington Rise Stage B
Outline Development Plan

