

DALES ROAD MIXED-USE PRECINCT DEVELOPMENT PLAN

15 DALES ROAD

Warrnambool | Victoria

November 2021

MYERS
PLANNING GROUP



WARRNAMBOOL PLANNING SCHEME
Amended Development Plan for: North East
Warrnambool Growth Area D (15 Dales Road)
Approved in accordance with the requirements of DPO7

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1. Introduction

The Dales Road Mixed-Use Precinct Development Plan has been prepared by Myers Planning Group on behalf of BNAA Investments Pty Ltd. The Development Plan encompasses approximately 9,384 square metres of land located approximately 500 metres north-west (as the crow flies) of Gateway Plaza.

Warrnambool is an important town within the Great South Coast Region which is currently experiencing above-trend population growth.

The Warrnambool North East Structure Plan (2008) provides the land use and development framework to guide residential growth in the City in the short and medium term. The Structure Plan nominates the site for conventional density residential development, but recognises that the use of the site for community or educational purposes servicing the local area is consistent with the desired form of development within the North East Warrnambool precinct.

Having regard to the strategic role of Warrnambool to the broader region, the purpose of the Dales Road Mixed-Use Precinct Development Plan is to guide future land use and development, comprising an appropriate mix of community and residential uses consistent with the desired future land use and built form vision for the North East Warrnambool precinct. The proposal for a childcare centre will meet much needed existing and future demand for childcare services within North East Warrnambool.

The development plan incorporates a response to the relevant requirements of Schedule 7 of the Development Plan Overlay, commensurate with the scale and intensity of the intended use and development of the site.

The Dales Road Mixed-Use Precinct Development Plan includes the following features:

- Nominated residential parcel comprising ~4,694 square metres to be set aside as a 'medium density' development site, including the provision of one (1) townhouse for 'affordable housing'. Town Planning Drawings demonstrating a typology for the proposed 'medium density' development site have been supplied at **Appendix D**.
- Nominated education development parcel comprising ~4,729 square metres to be set aside as a childcare and early learning centre.
- Streetscape improvements to Aberline Road, including widening of the Aberline Road road reserve and incorporation of on-street car parking.
- Streetscape improvements to the Dales Road road reserve, including improved footpath connections.
- Pedestrian infrastructure Improvements and a key link between the Aberline Road and Dales Road pedestrian networks.

1.2 Structure of the Development Plan

The Development Plan is structured in a format which responds to the features of the area. The development plan is structured as follows:

- **Planning context** which provides an overview of the Planning Policy Framework, the Municipal Planning Strategy, zones and overlays affecting the development plan area.
- **Site analysis** which explores property ownership, surrounding land uses, topography, views and vistas, natural features, existing infrastructure and access.
- **Design response** which details the proposed movement network, open space, density of development, infrastructure and staging.

2. Site description

2.1 Site location and context

The subject site is located on the northeast corner of the Dales Road and Aberline Road intersection, near major arterial routes (Princes Highway), bus routes and local employment centres (Gateway Plaza) (see **Figure 1**).

Warrnambool's population growth is forecast to grow steadily at 0.8% (Victoria in Future, 2019), with above trend population growth (1%) experienced between 2019-2020 (Australian Bureau of Statistics, 2019-20 Regional Population)

Demand for social and education services is likely to increase commensurate with population growth. At the time of writing this report, four (4) out of five (5) child care centres and two (2) of three (3) early learning centres within North East Warrnambool have no vacancies (data accessed via www.careforkids.com.au and www.childcarefinder.gov.au, November 2021).

To accommodate population growth, Warrnambool City Council has identified a number of areas within the North East Warrnambool precinct as locations for conventional residential development.

This Development Plan relates to the area on the north-eastern corner of the Dales Road and Aberline Road intersection. The Development Plan encompasses the entire site and is bound by Dales Road (south), Aberline Road (west) and adjoining residential development (north and east).

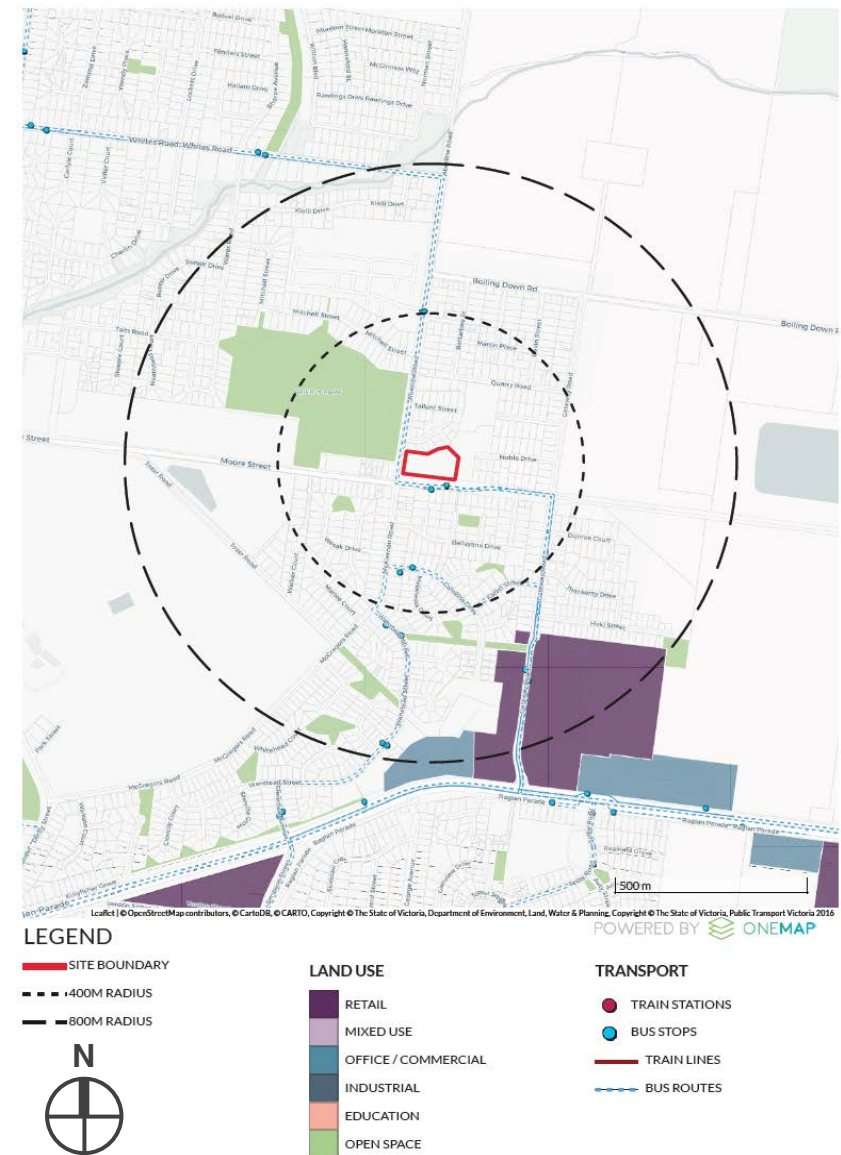


Figure 1: Locality Plan

2.2 Subject site and surrounds

The site is approximately 9,384 square metres and comprises an irregular polygon shape. The site has a cross fall of approximately 2 metres descending gradually from the northwest and northeast towards the southwest corner of the site.

The site has been maintained as an englobo residential lot, with a shed to store machinery to maintain the property. There is a dwelling on the south-eastern corner of the lot with associated fencing and landscaping within the dwelling curtilage.

The site has access to typical urban development services including reticulated water, sewer, stormwater, power, NBN™ and telecommunications within the Aberline Road and Dales Road road reserves.

The subject site is located within a residential precinct predominantly consisting of conventional residential lots. The existing dwelling typology consists of typically single-storey brick and rendered dwellings with front setbacks comprising between 6 metres - 10 metres. Most dwellings are single detached, but the precinct also includes several dual occupancies. Site frontages are generally developed with a mix of low fencing and no fencing. Plantings within front setbacks are modest for the most part, except for a landscape screen on land adjoining the subject site's eastern boundary.

Land to the east of the subject site comprises a large residential lot of one hectare. Land to the north comprises several lots between 300-450 square metres accessed via Timms Crescent. Land to the south comprises the Dales Road road reserve. Beyond this land to the south are residential lots between 1,200 square metres and 600 square meters. Land to the west comprises the Aberline Road road Reserve. Beyond this land to the west is the Brierly Recreation Reserve and residential development accessed via Dales Road.



LEGEND

- SITE BOUNDARY
- EASEMENTS (ACTUAL)
- PARCELS
- PROPERTIES

POWERED BY ONEMAP



Figure 2: **Subject site**

2.3 The proposal

The Development Plan proposes to develop the site with an education / community use on the western half of the site and medium density residential uses on the eastern half of the site.

Education and community

The education / community use will be suitable for a child care and early learning centre comprising:

- A site area of approximately 4,729 square metres.
- Frontages of approximately 65 metres and 59 metres to Dales Road and Aberline Road, respectively.
- A building footprint of approximately 1,465 square metres with a direct interface with adjoining development to the north and the Dales Road road reserve to the south.
- Twenty-nine off-street car parking spaces.
- Streetscape improvements on Aberline Road, including pedestrian footpath, eight (8) public on-street car parks associated landscaping.
- Landscaping areas interfacing with the Dales Road road reserve and planned streetscape improvements.

Further details on the proposed layout of the proposed child care and early learning centre layout are outlined in **Section 6** of this report.

Medium-density residential

The residential development area will comprise approximately 4,694 square metres and a frontage to Dales Road of approximately 73 metres.

The proposed area to be set aside for residential development will allow for sufficient flexibility in the design and layout of lots and built form for medium-density residential development. The proposed frontage to Dales Road allows for orderly access and connection to typical urban development services, located within the Dales Road road reserve.

The site is suited to a modest extent of medium density housing. It is expected that the site will comprise a variety of two-storey townhouse forms with a mix of single detached and attached dwellings on small-medium sized lots.

Town Planning Drawings demonstrating a typology for the proposed 'medium density' development site have been supplied at **Appendix D**. The plans supplied demonstrate an adequate site layout typology for 'medium density' residential development can be achieved.

Detailed design work relating to functional layout, built form and subdivision design is able to be further considered as part of the future planning of the site at the planning permit application stage.

Key design features relevant to the proposal are outlined in the section below and referred to as part of the assessment detailed in **Section 6** of this report.

Site Layout	<p>The proposed 'medium density' site layout shown in Appendix D incorporates 15 two-storey townhouses and one (1) single detached two two-storey townhouse allocated for 'affordable housing'.</p> <p>Townhouses are oriented towards a central access 'spine' and setback adequately to provide a suitable interface to Dales Road and the internal road.</p> <p>A 2 metre landscape strip is proposed on the edge of the southern boundary to provide for ground cover and canopy tree vegetation as part of the built form interface with Dales Road.</p> <p>The two rows of townhouses are separated by two carriageways and a landscaped median suitable for water sensitive urban design and beautification measures.</p> <p>Buildings will comprise two-storey forms with a curtilage of between 190-250 square metres, based on the typology outlined in the plan supplied at Appendix D.</p> <p>Ample areas are set aside for a mix of ground cover vegetation and canopy trees within the curtilage of each townhouse and within internal common areas.</p> <p>The plans visualise the design intent for a modest number of medium-density townhouses, nestled within a well landscaped setting and providing for an appropriate interface to private and public realms.</p> <p>It is expected that each dwelling curtilage will comprise its</p>
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Site Layout (continued)	<p>own allotment, with the accessway comprising a 'common property' lot. The final building, lot and site layout will be determined at the planning permit application stages.</p> <p>The plans supplied at Appendix D demonstrate an adequate site layout typology for 'medium density' residential development can be achieved.</p>
Connectivity	<p>The access to the 'medium density' site from Dales Road provides suitable connectivity to and from the site for standard and medium rigid vehicles (i.e. rubbish collection vehicles) via an internal road system, ensuring low traffic volumes.</p> <p>A footpath linking the site to land east and west of the 'medium density' area is shown on the plans at Appendix D.</p> <p>The plans supplied at Appendix D demonstrate that adequate vehicle and pedestrian access can be provided as part of a typology for 'medium density' residential development.</p> <p>The plans communicate and visualise the design intent for a safe and convenient access regime, commensurate with the scale of expected development. The functional layout for road access will be determined at the planning permit application stage, and will be to the satisfaction of the responsible authority (Council).</p>

Built Form	<p>The development shown in Appendix D is for two ‘terrace rows’ of two-storey town houses, comprising three different floor plan styles and visualisations of elevation styles.</p> <p>Each townhouse plan is shown to include ample areas for parking, vehicle storage and for domestic services normal to a dwelling.</p> <p>The style of architecture shown includes a mix of modern and traditional forms, employing the use of front gable and skillion roof forms and modern high-quality materials on the exterior. The materials of construction are expected to comprise a mix of concrete brick, Colorbond® and weatherboard and are appropriate for the locality.</p> <p>Where fencing faces the internal accessway, it is expected to be semi-transparent and provide for adequate passive surveillance.</p> <p>The two-storey built forms will be well below ResCode maximum height requirements and are able to be appropriately setback from the street and neighbouring sites.</p> <p>The plans at Appendix D show that the built form and site layout typology can be designed to meet all relevant ResCode standards.</p> <p>Overall, the typology for built form within Appendix D provides for a high standard of liveability, with a diversity of floor plan types to provide for small and medium sized households</p>
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Built Form (continued)	<p>The layout of dwellings across the site will allow for adequate secluded private open space and achieve a sufficient level of solar access.</p> <p>The ultimate dwelling layout and built form to be approved at the planning permit stage will also ensure that a 6-star energy rating can be easily achieved.</p>
Landscaping	<p>The plans at Appendix D demonstrate the built form proposed will be adequately softened by areas to be set aside for landscaping.</p> <p>Specifically, landscaping is shown:</p> <ul style="list-style-type: none"> – within the median of the proposed internal accessway; – within a 2-metre landscape strip along the southern boundary to Dales Road; and – ample areas are provided within the curtilage of each dwelling for ground cover and canopy vegetation. <p>These areas are suitable for both exotic and native vegetation types.</p> <p>The ultimate landscaping layout and species selection will be approved at the planning permit stage, to the satisfaction of the responsible authority (Council).</p>

Affordable Housing

For the purposes of this development plan, the definition of 'affordable housing' is the same as the definition contained within the *Planning and Environment Act 1987*. An agreement regarding the delivery of 'affordable housing' can be provided for at the planning permit application stage.

See **Appendix D** for a copy of the plan illustrating an appropriate location for the provision of 'affordable housing'.

3. Planning context

3.1 Municipal Planning Strategy

The Municipal Planning Strategy (MPS) sets out the City's context, municipal vision, and strategic planning directions, with a focus on specific areas and issues within Warrnambool.

The proposed amendment is appropriate in the context of relevant planning policies as set out below and supports the implements the MPS as per the following:

- Clause 02.01 **Vision**
- Clause 02.03-1 **Settlement**
- Clause 02.03-5 **Built environment and heritage**
- Clause 02.03-6 **Housing**
- Clause 02.03-8 **Transport and infrastructure**

The proposed development plan is consistent with the implementation strategies contained within the MPS and will forward planning for a development which is consistent with Council's land use and built form vision for the municipality.

3.1 Planning Policy Framework

The Planning Policy Framework comprises general principles for land use and development in Victoria. The following clauses of the Planning Policy Framework are relevant to this development plan:

- Clause 11 **Settlement**, including:
 - o Clause 11.01-1S **Settlement**
 - o Clause 11.01-1R **Settlement - Great South Coast**
 - o Clause 11.02-1 **Supply of urban land**
 - o Clause 11.03-2S **Growth areas**
- Clause 13 **Environmental risks and amenity** including:
 - o Clause 13.05-1S **Noise abatement**
 - o Clause 13.07-1S **Land use compatibility**
- Clause 15 **Built Environment and Heritage**, including:
 - o Clause 15.01-L **Urban design**
 - o Clause 15.01-3S **Subdivision design**
 - o Clause 15.014S **Healthy neighbourhoods**
 - o Clause 15.01-5 **Neighbourhood character**
- Clause 16 **Housing** including:
 - o Clause 16.01-1L **Housing supply**
 - o Clause 16.01-2S **Location of residential development**
 - o Clause 16.01-3S **Housing diversity**
 - o Clause 16.01-2S **Affordable housing**
- Clause 18 **Transport**, including:
 - o Clause 18.01-1S **Land use and transport planning**
 - o Clause 18.02-1S **Sustainable personal transport**
- Clause 19 **Infrastructure**, including:
 - o Clause 19.02-2S **Education facilities**
 - o Clause 19.02-2L **Education**
 - o Clause 19.02-2R **Education precincts – Great South Coast**
 - o Clause 19.03-2S **Infrastructure design and provision**
 - o Clause 19.03-2L **Infrastructure design and planning**
 - o Clause 19.02-6S **Open space**
 - o Clause 19.02-6L **Open space**

The proposed development plan is consistent with the objectives and strategies contained within the PPF.

3.3 Zones

General Residential Zone (GRZ1)

The development plan area is zoned for residential purposes (General Residential Zone) which seeks to:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that respects the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

Use

Under the General Residential Zone, a planning permit is not required to use land for a 'Dwelling'.

A planning permit is required for 'education centre' and the nested land uses 'child care centre' and 'kindergarten'.

Subdivision

A planning permit is required to subdivide land. An application to subdivide land must meet the requirements of Clause 56 of the Warrnambool Planning Scheme.

Construction and extension of one dwelling of a lot

A permit is required to construct a dwelling on a lot less than 300 square metres in area. A permit is required to construct or extend a front fence if the fence exceeds the maximum height specified in Clause 54.06-2 of the Warrnambool Planning Scheme.

Construction and extension of two or more dwellings on a lot

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

Buildings and works associated with a section 2 use

A permit is required to construct a building or construct or carry out works for a Section 2 use.

3.4 Overlays

Development Plan Overlay

The Development Plan area is included within Schedule 7 to the Development Plan Overlay.

Schedule 7 to the Development Plan Overlay does not contain any objectives to be achieved, but rather sets out the requirements before a permit is granted, conditions, requirements for permits and requirements for development plans to be endorsed for Development Areas A, B, C and D. These requirements are set out in following section (**Section 4**).

4. Schedule 7 to the Development Plan Overlay

4.1 Requirements for the development plan

The development plan must include the following to the satisfaction of the responsible authority:

- A **Site Analysis Report and Plan** that depicts all relevant site analysis information for Development Area D:
 - o In relation to existing site conditions and features includes details on the topography of the land, the location of existing vegetation, drainage lines, existing buildings, sites of conservation, heritage or archaeological significance and any other features.
 - o Provides a proposed development layout including roads, public open space and other features of subdivision in a manner which is responsive to the identified site features and demonstrates the integration of the development with existing infrastructure within the North East area including access, open space, retailing and schooling.
 - o Provides adequate and usable public open space and demonstrates the suitability and accessibility of the provided open space to form part of the open space network.
 - o Identifies the means by which any sites of conservation, heritage or archaeological significance will be managed during construction and following the development.
 - o Identifies designated areas within the plan area proposed as potentially suitable for medium and higher density housing types based upon accessibility to transport, open space, services and

other factors, as well as potential opportunities (if applicable) for areas suitable for non-car based development.

- o Identifies designated areas to be set aside for single dwelling development only.
- o Provides for community interaction, safety and surveillance by the provision of housing to front streets and/or public open space in the development area.
- o Designates a main north-south transport route along Aberline Road, Boiling Downs Road and Gateway Road. This route must align and provide for linkage to the connection to Raglan Parade (Princes Highway) at the Gateway Road intersection.

Response

A **Site Analysis Plan** identifying features relevant to the proposal is set out in **Section 5** of this report. The **Site Analysis Plan** is to be read in conjunction with the OneMap Site Report (**Appendix B**) and the Approved Cultural Heritage Management Plan (**Appendix C**) accompanying this Development Plan, which provide additional site analysis material on the site's existing conditions, land use context and areas of cultural heritage significance.

These materials are enhanced by **Section 1** and **Section 2** of this report, which provide further strategic and physical context to the proposed development plan.

- An **Open Space / Landscape Master Plan** and accompanying documentation that:
 - o Identifies a preferred character or theme in relation to the proposed development area including general design treatments for streetscapes, roads and boulevards, and open space.
 - o Designates by consideration of slope and accessibility, land suitable for open space provision within development areas, including prevention of direct private ownership and boundaries to watercourses.
 - o Provides for detailed planting scheme including specification of species.
 - o Provides a visual and environmental buffer to continued agricultural land use to the east of Aberline Road.

Response

Appropriate guidance on areas to be set aside for landscaping and species selection is provided in **Section 6** of this report, and should be read in conjunction with the Town Planning Drawings at **Appendix D**.

- An **Environment Report** that:
 - o Identifies the approach to water sensitive urban design in relation to drainage, road and allotment layout design. A theme should be applied to the entire development and should be based upon best practice provisions of water quality and turbidity, coupled with achieving relatively efficient maintenance provisions
 - o Provides information on the biodiversity of the riparian corridor of any watercourses or existing and proposed open space corridors in the development area. Identifies the opportunities for incorporation of 'Third Pipe' stormwater collection including demonstration of consultation with Wannon Region Water Authority or its subsequent equivalent authority.

Response

There are no watercourses traversing the site, or easements across the site in favour of adjoining land. It follows, that the passage and collection of stormwater is a site specific issue.

Appropriate guidance on when details of stormwater should be considered as part of future subdivision and development is provided in **Section 5** of this report.

– An **Infrastructure Report** that:

- Integrates drainage as a part of high quality open space nodes and linear linkages. Where possible integrate stormwater management systems such as Bio filter wetlands as a part of high quality open space network.
- Provides an open space area in each plan that responds to the balance between open space usability and functionality, and the objectives of floodplain management.
- Provides a staging plan for development of the land in relation to efficient infrastructure provision through stages.
- Provides for the provision and funding of physical infrastructure (unless included in any approved Development Contribution Plan or scheme for the area, outline arrangements for the provision and funding of physical infrastructure).
- Provides a timing schedule of public and infrastructure works, and staging of development for the development area.

Response

There are no watercourses traversing the site, or linear open space areas which connect with the subject site.

Appropriate guidance on when public open space contributions, development contributions and stormwater design should be considered as part of future subdivision and development is provided in **Section 5** of this report.

- A Review period that identifies measures for the removal of the Development Plan Overlay from the land once the implementation of the development has been completed (requirement applicable to Development Areas A, B, C & D).

Response

It is recommended the removal of the Development Plan Overlay from the land be undertaken by the Responsible Authority, following implementation of the development and at a time when other sites affected by redundant Development Plan Overlay Schedules can be included within a 'corrections' planning scheme amendment.

The following reports and assessments have also informed the preparation of the development plan:

Approved Cultural Heritage Management Plan

Compass Heritage Services, October 2021

Town Planning Drawings

Form and Function Building Design, July 2022

5. Site analysis

5.1 Site Analysis

Site Area	The site is approximately 9,384 square metres and comprises an irregular polygon shape.
Frontages	The site has a frontage to Dales Road (south) of approximately 138 metres and a frontage to Aberline Road of approximately 60 metres.
Topography	The site is at grade with the neighbouring property to the east, and below the level of the new subdivision to the north. The site has a cross fall of approximately 2 metres descending gradually from the northwest and northeast towards the southwest corner of the site.
Vegetation and waterways	There is no planted or remnant native vegetation located on the subject site. Several large mature exotic trees in the cypress family (<i>Cupressaceae</i>) are located on the southern and eastern boundary. No waterways or drainage lines are located on the subject site.
Existing buildings	The site has been maintained as an englobo residential lot, with a shed to store machinery to maintain the property. There is a dwelling on the south-eastern corner of the lot with associated fencing and landscaping within the dwelling curtilage.

Easements and covenants There are no easements located on the subject site. The Copy of Title (**Appendix A**) identifies that a:

- public open space contribution has not been made under Section 18 of the Subdivision Act.
- Section 173 Agreement is registered on title as Instrument AH879259U.

Of note, the Section 173 Agreement obliges the owner to:

- pay to Council a development infrastructure contribution in the amount of \$75,360 ex. GST (adjusted at a rate of 6% per annum from the date of the Agreement) either:
 - o before the expiry of any planning permit which authorises the subdivision of the subject land (other than a two-lot subdivision to create a lot for the existing dwelling); or
 - o prior to a Statement of Compliance for any other subdivision of the land that creates more than two lots.
- Either:
 - o vest in Council not less than 5% of the area of the subject land in any plan of subdivision as a public open space contribution; or

Easements and covenants (continued)	○ make a monetary contribution to Council in the amount of 5% of the site value of the subject site included in any plan of subdivision for either residential or commercial purposes.
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Construct, carry out and complete the widening and upgrade of Aberline Road for the length of the frontage of the subject site to Aberline Road.

Design considerations:

- The development plan should provide for the road widening of Aberline Road, to ensure future development does not prejudice future opportunities to provide for the road widening of Aberline Road.
- The development plan should identify suitable areas to be aside for associated streetscape upgrades (i.e. landscaping, on-street car parking, and footpath infrastructure).
- Future development according to this Plan should include the need for an open space contribution, with that funding used to improve existing parkland in the area.

Application requirements:

Applications for subdivision and/or development must be accompanied with the following information as relevant:

- A Functional Layout Plan and Landscaping Plan, or similar, which demonstrates development will not prejudice the outcomes sought by this development plan and which is generally in accordance with the Town Planning Drawings at **Appendix D**.
- Any Landscaping Plan to accompany an application must ensure street tree themes incorporate native species plantings derived from Warrnambool City Council Street Tree Planting and Management Guidelines.
- A Transport/Traffic Impact Assessment which demonstrates use and development will not prejudice the outcomes sought by this development plan.

Cultural Heritage	<p>The development plan is within an area of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2018. A Cultural Heritage Management is required to be prepared and approved by the relevant Registered Aboriginal Party (Eastern Maar Aboriginal Corporation) prior to land being subdivided or developed.</p> <p>An approved Cultural Heritage Management Plan for the development plan area has been received from Eastern Maar Aboriginal Corporation. The approved Cultural Heritage Management Plan has not identified any archaeological sites within the development plan area.</p> <p>Once approved, the Cultural Heritage Management Plan will set out actions in the event any Aboriginal cultural heritage sites are located during construction, which will be followed during construction of the development.</p>
Infrastructure services	<p>The site has access to typical urban development services including reticulated water, sewer, stormwater, power, NBN™ and telecommunications accessible from within the Aberline Road and Dales Road road reserves.</p> <p>Footpaths are not provided along the Dales Road and Aberline Road frontages of the subject site. Pedestrian footpaths are located on the northern boundary within the Aberline Road road reserve and east of the eastern boundary within the Dales Road road reserve.</p>

Infrastructure services (continued)	<p>The site is located on the north-eastern corner of a roundabout linking Dales Road and Aberline Road. Dales Road is a sealed and kerbed collector road with a 50 km/h speed limit.</p> <p>Aberline Road is a sealed and kerbed collector road, except for the section with frontage to the subject site, with a 60 km/h speed limit. An existing swale drain is located on the eastern side of the Aberline Road road reserve, where it adjoins the subject site.</p> <p>A bus-stop is located adjacent to the southern boundary of the subject site within the Dales Road road reserve, which is serviced by the Warrnambool to Gateway Plaza bus (Route 2) and Warrnambool to Deakin bus (Route 3).</p>
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Design considerations:

- The development plan should provide for suitable road access to both Dales Road and Aberline Road from their respective frontages.
- The development plan should provide for a variable landscape strip along the frontage to the Dales Road road reserve generally in accordance with the Town Planning Drawings at **Appendix D**.
- The development plan should identify suitable areas to be set aside for associated streetscape upgrades (i.e. landscaping, footpath infrastructure).

Application requirements:

Applications for development and/or subdivision must be accompanied with the following information as relevant:

- A Functional Layout Plan and Landscaping Plan, or similar, which demonstrates development will not prejudice the outcomes sought by this development plan and which is generally in accordance with the Town Planning Drawings at **Appendix D**.
- A Transport/Traffic Impact Assessment which demonstrates use and development will not prejudice the outcomes sought by this development plan.
- A Stormwater Management Plan, which demonstrates the approach to Water Sensitive Urban Design measures.

Neighbourhood character	The subject site is located within a residential precinct predominantly consisting of conventional residential lots. The existing dwelling typology consists of typically single-storey brick and rendered dwellings with front setbacks comprising between 6 metres - 10 metres. Most dwellings are single detached, but the precinct also includes a number of dual occupancies. Site frontages are generally developed with a mix of low fencing and no fencing. Plantings within front setbacks are modest for the most part, with the exception of a landscape screen on land adjoining the subject site's eastern boundary.
Interfaces	<p>Land to the east of the subject site comprises a large residential lot of one hectare.</p> <p>Land to the north comprises a number of lots between 300-450 square metres accessed via Timms Crescent.</p> <p>Land to the south comprises the Dales Road road reserve. Beyond this land to the south are residential lots between 1,200 square metres and 600 square meters.</p> <p>Land to the west comprises the Aberline Road road Reserve. Beyond this land to the west is the Brierly Road reserve and residential development accessed via Dales Road.</p>

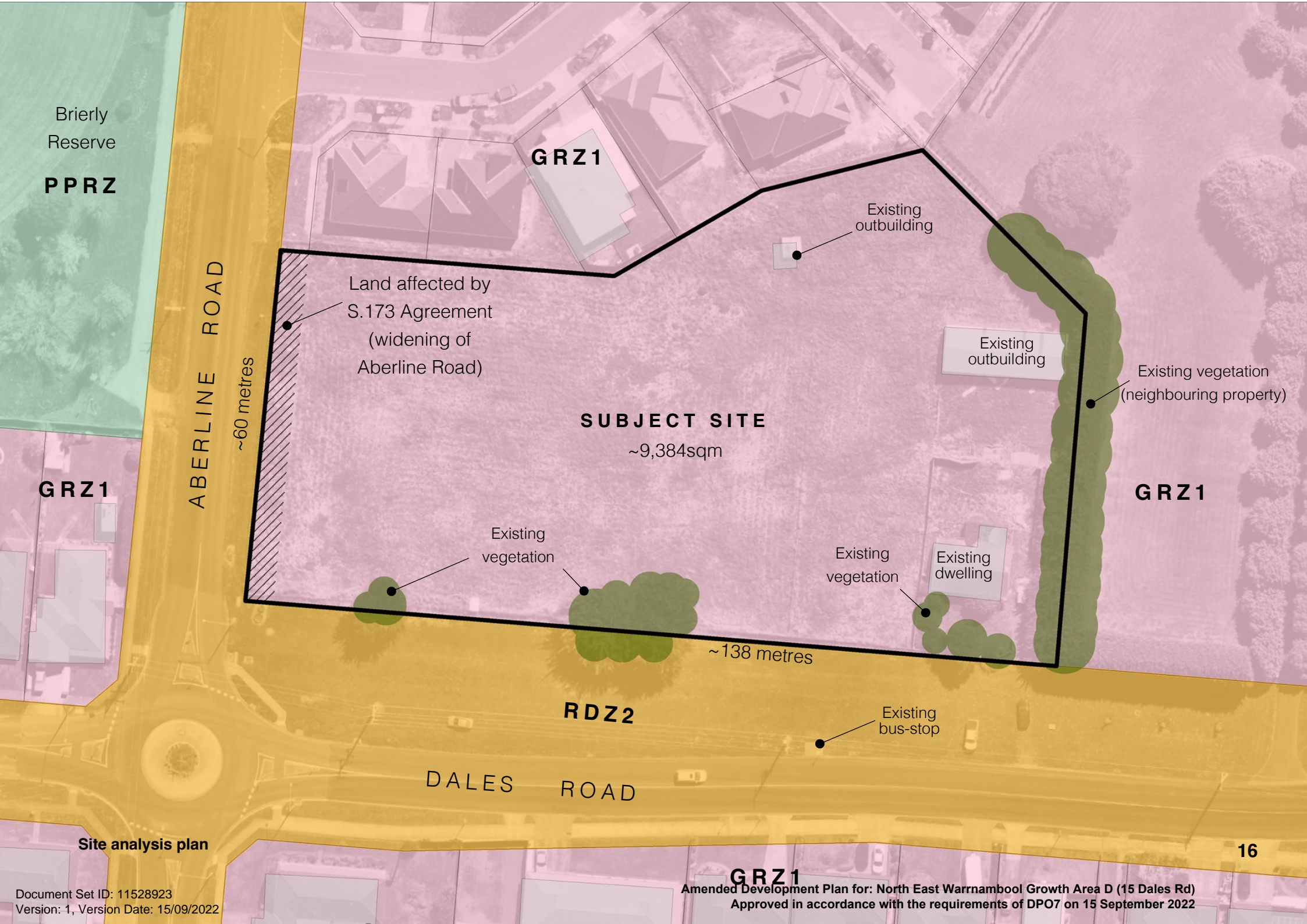
Design considerations:

- The development plan should set aside areas required for interface treatments between any proposed non-residential and residential uses to reduce noise and provide an attractive appearance to adjoining residential development, generally as shown in the Town Planning Drawings contained at **Appendix D**.

Application requirements:

Applications for development of non-residential uses must be accompanied with the following information:

- Site Plan and Elevation Plans which demonstrates development will not prejudice the outcomes sought by this development plan and which are generally in accordance with the Town Planning Drawings at **Appendix D**.



Brierly Reserve
PPRZ

GRZ1

ABERLINE ROAD

~60 metres

Land affected by
S.173 Agreement
(widening of
Aberline Road)

SUBJECT SITE
~9,384sqm

Existing
outbuilding

Existing
outbuilding

Existing vegetation
(neighbouring property)

GRZ1

GRZ1

Existing
vegetation

Existing
vegetation

Existing
dwelling

~138 metres

RDZ2

DALES ROAD

Existing
bus-stop

Site analysis plan

GRZ1

6. Design response

The Dales Road Mixed Use Precinct Development Plan provides a design which responds to the Design Considerations contained in the site analysis section of this report.

The development plan seeks to:

- Provide for a mixed-use precinct comprising community / education and medium-density residential uses in a compatible and coordinated manner.
- Provide for the road widening of Aberline Road, to ensure future development does not prejudice future opportunities to provide for the road widening of Aberline Road.
- Identify suitable areas to be set aside for associated streetscape upgrades (i.e. landscaping, on-street car parking and footpath infrastructure).
- Nominate potential areas to be set aside for internal road access to both Dales Road and Aberline Road from their respective frontages.
- Provide for an attractive, variable landscape strip along the frontage to the Dales Road road reserve.
- Identify suitable areas to be set aside for interface treatments between any proposed non-residential and residential uses to provide an attractive appearance to adjoining residential development.
- Identify areas suitable for the provision of 'affordable housing', as defined by the Planning and Environment Act 1987.

6.1 Staging

The community / education sub-precinct and residential sub-precincts will be delivered in separate stages.

The childcare and early learning centre is expected to be delivered as part of the first stage, with stage 2 comprising the proposed medium density residential development, including opportunities to deliver affordable / community housing.

Infrastructure works planned for Aberline Road will be undertaken at the time the community / education sub-precinct is developed and infrastructure works planned for Dales Road will be undertaken at the time the residential sub-precinct is developed.

6.2 Affordable Housing

See **Appendix D** for a copy of the plan illustrating an appropriate location for the provision of 'affordable housing'.

For the purposes of this development plan, the definition of 'affordable housing' is the same as the definition contained within the *Planning and Environment Act 1987*.

An agreement regarding the delivery of 'affordable housing' can be provided for at the planning permit application stage.

Widen Aberline Road,
including allowance for
on-street parking.

ABERLINE ROAD

New footpath

Carparking
(around 29 spaces)

Landscaping

**CHILDCARE
SITE**

~4,729sqm

Landscaping

Landscaping

**MEDIUM-DENSITY
RESIDENTIAL SITE**

~4,694sqm

Landscaping

Landscaping

Improved footpath
connections

New footpath

Retain
bus-stop

Vehicle access and
road treatment to be
finalised by traffic
assessment at time of
subdivision and to be
generally in
accordance with
Appendix D.

DALES ROAD

MYERS PLANNING GROUP

182B Lava Street
Warrnambool VIC 3280

T 03 5562 9443

www.myersplanninggroup.com.au

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

Page 1 of 2

VOLUME 10244 FOLIO 193

Security no : 124093319816V

Produced 26/10/2021 11:19 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 334785V.

PARENT TITLES :

Volume 10192 Folio 406 Volume 10235 Folio 843

Created by instrument PS334785V 03/08/1995

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

BNAA GROUP PTY LTD of 7 STAUGHTON ROAD GLEN IRIS VIC 3146

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

DALES RD PTY LTD of 7 STAUGHTON ROAD GLEN IRIS VIC 3146

AU926352J 18/10/2021

ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 Planning and Environment Act 1987

AH879259U 05/04/2011

DIAGRAM LOCATION

SEE PS334785V FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AU902372M (E)	NOMINATION OF ECT TO LC	Completed	12/10/2021
AU912193F (E)	CAVEAT	Registered	14/10/2021
AU926348Y (E)	WITHDRAWAL OF CAVEAT	Registered	18/10/2021
AU926349W (E)	WITHDRAWAL OF CAVEAT	Registered	18/10/2021
AU926350N (E)	DISCHARGE OF MORTGAGE	Registered	18/10/2021
AU926351L (E)	WITHDRAWAL OF CAVEAT	Registered	18/10/2021
AU926352J (E)	TRANSFER	Registered	18/10/2021
AU926353G (E)	WITHDRAWAL OF CAVEAT	Registered	18/10/2021
AU926354E (E)	WITHDRAWAL OF CAVEAT	Registered	18/10/2021
AU926355C (E)	WITHDRAWAL OF CAVEAT	Registered	18/10/2021
AU926356A (E)	WITHDRAWAL OF CAVEAT	Registered	18/10/2021

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

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

Street Address: 15 DALES ROAD WARRNAMBOOL VIC 3280

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

Page 2 of 2

ADMINISTRATIVE NOTICES

NIL

eCT Control 18029X KEOGH & CO. PTY LTD
Effective from 18/10/2021

DOCUMENT END

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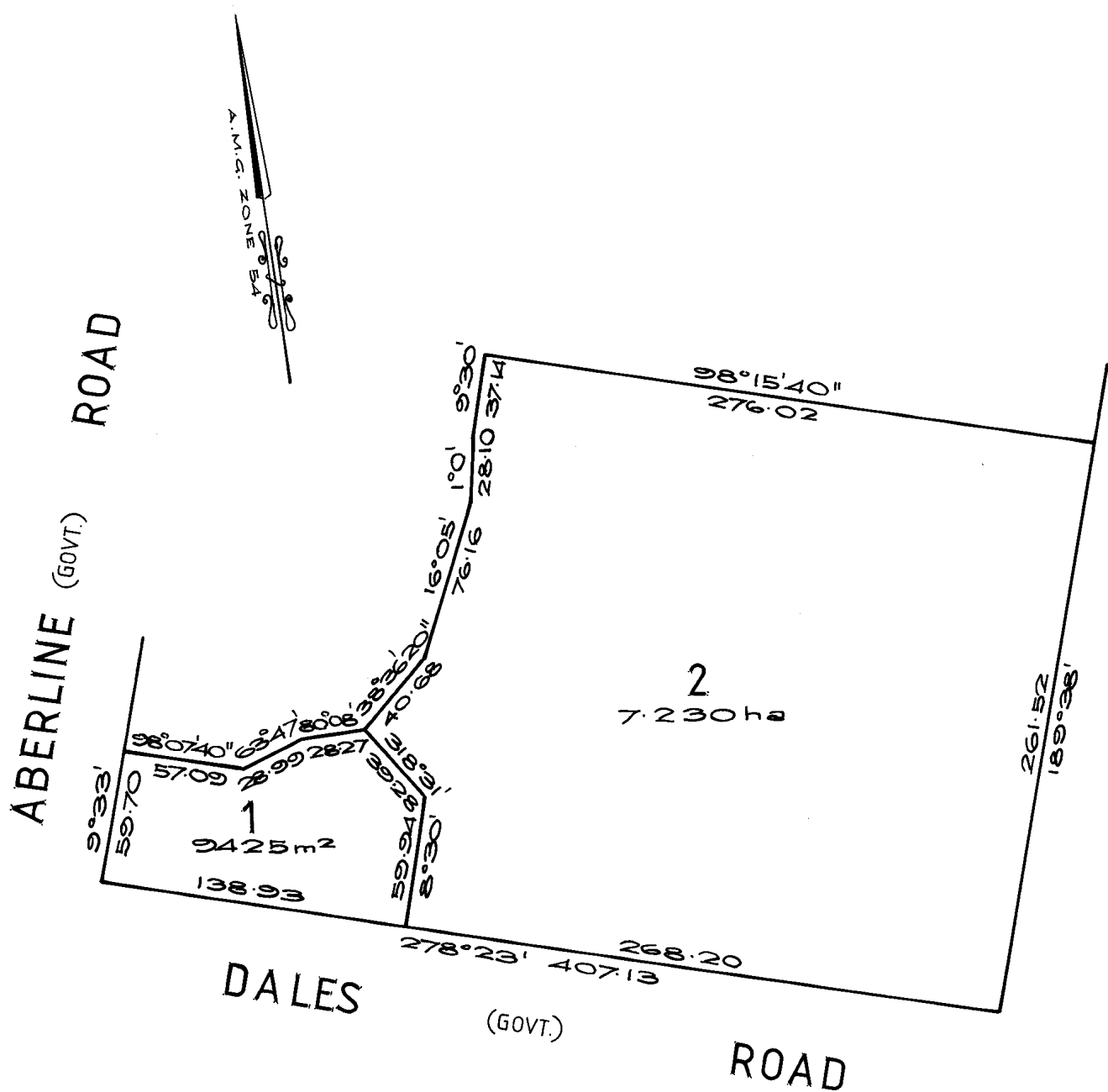
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PLAN OF SUBDIVISION				STAGE NO.	LTO use only EDITION 3	Plan Number PS 334 785 V
Location of Land Parish: WANGOOM Township: _____ Section: E Crown Allotment: 1 (PART) Crown Portion: _____ LTO Base Record: LITHO (SHEET 1) (3729) Title Reference: V. 10192 F. 406 V. 10235 F. 843 Last Plan Reference: LOT 1 ON TP. 2045E & LOT 3 ON TP. 4349W Postal Address: DALES ROAD (at time of subdivision) WARRNAMBOOL 3280 AMG Co-ordinates E 632610 Zone: 54 (of approx. centre of land in plan) N 5751330				Council Certificate and Endorsement Council Name: SHIRE OF WARRNAMBOOL Ref: 63/SA/94 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. <u>OPEN SPACE</u> (ii) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. (iii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage..... Council delegate Council seal Date 14 / 4 / 94 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
Vesting of Roads and/or Reserves						
Identifier		Council/Body/Person				
				Notations		
				Staging This is/is not a staged subdivision Planning Permit No. 3724		
				Depth Limitation DOES NOT APPLY		
Survey This plan is/is not based on survey This survey has been connected to permanent marks no(s) 206, 207, 322 In Proclaimed Survey Area No. 23						
Easement Information					LTO use only	
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)					Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date 18 / 07 / 95	
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	LTO use only PLAN REGISTERED TIME 12.40 PM DATE 3 / 8 / 95  Assistant Registrar of Titles Sheet 1 of 2 Sheets	
ADSHEAD & McQUIE P/L LAND SURVEYORS & PLANNERS 63 KEPLER ST. WARRNAMBOOL 3280 TEL. 623752 FAX. 611659 A.C.N. 005064960				LICENSED SURVEYOR (PRINT) JOHN CROFTS TURNER SIGNATURE..... DATE 22 / 3 / 94 REF 755/3 VERSION 01		DATE 14 / 4 / 95 COUNCIL DELEGATE SIGNATURE Original sheet size A3

	PLAN OF SUBDIVISION	Stage No.	Plan Number PS 334785 V
--	----------------------------	-----------	-----------------------------------



ADSHED & MCQUE PTY. LTD.
LAND SURVEYORS & PLANNERS
63 KEPLER ST. WARRNAMBOOL
3280
TEL. 623752 FAX. 611659
A.C.N. 008064960

ORIGINAL SCALE 1:2000 SHEET SIZE A3	SCALE 20 0 40 80 LENGTHS ARE IN METRES
--	--

LICENSED SURVEYOR (PRINT) JOHN CROFTS TURNER
SIGNATURE..... DATE 22 / 3 / 24
REF 755/3 VERSION 01

Sheet 2 of 2 sheets
DATE 14 / 4 / 95 COUNCIL DELEGATE SIGNATURE

PLAN NUMBER

PS 334785 V

[illegible]

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Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 Planning and Environment Act 1987

AH879259U



Form 18

Lodged by:

Name: MADDOCKS
Phone: 9288 0555
Address: Level 6, 140 William Street, Melbourne, Victoria, 3000
Ref: TGM:KNP:5581240
Customer Code: 1167E

The Responsible Authority having made an agreement referred to in section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register.

Land: Volume 10244 Folio 193

Responsible Authority: Warrnambool City Council of 25 Liebig Street, Warrnambool, Victoria

Section and Act under which agreement made: Section 173 of the *Planning and Environment Act 1987*

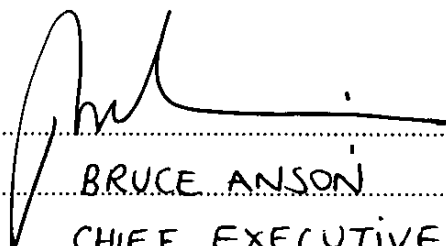
A copy of the Agreement is attached to this Application

Date: 30/3/2011

Signature for Responsible Authority:

Name of officer:

Position Held:


BRUCE ANSON
CHIEF EXECUTIVE

AH879259U

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Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia

Telephone 61 3 9288 0555
Facsimile 61 3 9288 0666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

Date 30 / 3 / 2011

**Agreement under Section 173
of the Planning and Environment Act 1987**
Subject Land: 15 Dales Road, Warrnambool

Warrnambool City Council
and

Carmel Ellen Lanigan

Interstate office
Sydney

Affiliated offices around the world through the
Network of the Asia Pacific region



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Agreement under Section 173 of the Planning and Environment Act 1987

Dated 30 / 3 / 2011

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Parties

Name	Warrnambool City Council
Address	25 Liebig Street, Warrnambool, Victoria
Short name	Council

Name	Carmel Ellen Lanigan
Address	15 Dales Road, Warrnambool, Victoria
Short name	Owner

Background

- 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 C61 to the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Amendment has been split into part two parts, comprising Amendment C61 Part 1 and Amendment C61 Part 2 (**C61 Part 2**). When C61 Part 2 is approved, the Subject Land will be rezoned from Farming Zone to a residential zone and a Design and Development Overlay and Development Plan Overlay applied to the Subject Land.
- D. In anticipation of adopting C61 Part 2, Council has resolved to adopt the Amendment subject to the execution of this Agreement.
- E. The parties have agreed to execute this Agreement, which requires the Owner to pay development infrastructure contributions in respect of the Subject Land.
- F. The parties enter into this Agreement:
 - F.1 to ensure that a fair contribution is made by the Owner towards the capital works identified in Schedule 1 to this Agreement; and
 - F.2 to achieve and advance the objectives of planning in Victoria.

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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.

Agreed Value means \$9,000 as adjusted in accordance with the Consumer Price Index or if that index ceases to exist the nearest equivalent index each year from the date of this Agreement.

Approval Date means the date on which C61 Part 2 comes into operation under section 37 of the Act.

Building Permit means a building permit issued under the Building Act 1993 or any regulations or code made under the Building Act 1993.

Credit means the actual cost of a Project being the total amount of tax invoices paid by the Owner in respect of a Project.

Existing Dwelling means the dwelling which exists on the Subject Land as at the date of this Agreement.

Localised Infrastructure means works, services or facilities necessitated by the subdivision or development of land including but not limited to the provision of utility services such as water supply, stormwater drainage, sewerage, gas and electricity services, telecommunications infrastructure and local roads, bridges, culverts and other water crossings, any required associated traffic control measures and devices. For the purposes of this Agreement, Localised Infrastructure does not include the infrastructure required for the Projects listed in Schedule 1 to this Agreement.

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.

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.

Project means an infrastructure project described in column 2 of the table in Schedule 1 to this Agreement and identified by a combination of numbers and letters in the corresponding row in column 1 of the same table.

Project Cost means the total cost of any project identified in column 1 of the table in Schedule 1 to this Agreement as set-out in the corresponding row in column 4 of the same table.

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Project Land means the land to be acquired by Council for the delivery of various Projects as identified in Schedule 1 of this Agreement.

Residential Lot means a lot which is created from the subdivision of the Subject land and is by virtue of its size and dimensions, is intended for final use for the purpose of a dwelling.

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

Subject Land means the land situated at 15 Dales Road, Warrnambool being the land referred to in Certificate of Title Volume 10244 Folio 193 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.

Warrnambool City Council Subdivision Guidelines means the subdivision guidelines adopted by Council from time to time. A copy of the Warrnambool City Council Subdivision Guidelines is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 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

3.1 Development Contribution

The Owner agrees that:



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- 3.1.1 the Owner must pay to Council a development infrastructure contribution in the amount of \$75,360 (**Development Contribution**) by no later than:
- (a) the expiry of one year after the grant of any planning permit which authorises the subdivision of the Subject Land other than a two lot subdivision to create a lot for the Existing Dwelling; or
 - (b) prior to the issue of a Statement of Compliance in respect of any plan of subdivision relating to the Subject Land that creates Residential Lots other than where the subdivision is a two lot subdivision to create a lot for the Existing Dwelling;
- whichever occurs first;
- 3.1.2 the Development Contribution must be adjusted upwards each year at a rate of 6% per annum from the date of this Agreement until the Development Contribution is paid;
- 3.1.3 the Development Contribution is exclusive of any Goods and Services Tax (**GST**) payable on the amount and the Owner further agrees that it will be liable for such GST if such GST is payable;
- 3.1.4 the Development Contribution comprises the sum of the contributions payable by the Owner identified in the columns headed "Column 3 Contributions payable by Owner" in Schedule 1 to this Agreement less a 16% discount (**Discount**);
- 3.1.5 the Discount has been calculated on the basis that 84% of the Subject Land is developable land.

3.2 Works

The parties agree that:

- 3.2.1 where the Owner obtains the prior written approval of Council (which approval shall not be unreasonably withheld), the Owner may construct or carry out a Project;
- 3.2.2 any request for Council's consent to construct or carry out a Project pursuant to clause 3.2.1 of this Agreement must be made in writing and accompanied by:
- (a) detailed plans and specifications for the works to be constructed or carried out for the Project; and
 - (b) a detailed estimate of the cost of constructing or carrying out the Project including the cost of any items or components required in order to carry out the works and including any contingencies;
- to the satisfaction of Council for approval by Council;
- 3.2.3 where the Owner has commenced a Project with the prior written approval of Council the Owner must complete the Project in accordance with the plans and specifications approved by Council pursuant to clause 3.2.2 of this Agreement;
- 3.2.4 upon completion by the Owner of a Project in accordance with clause 3.2.3 of this Agreement to the satisfaction of Council and presentation of all invoices in respect of that Project, the sum of the invoices paid will be credited against the Development Contribution payable by the Owner under this Agreement.

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3.3 Agreed Value and Acquisition of Project Land

The parties agree that:

- 3.3.1 the Owner will transfer to or vest in Council the Project Land in return for a cash payment by Council to the Owner equal to the Agreed Value within 30 days of the Project Land being transferred to Council;
- 3.3.2 unless Council and the Owner agree to a different time, the Project Land will be transferred to or vested in Council immediately upon or within 7 days of the date of the registration of the plan of subdivision containing the Project Land or if there is no plan of subdivision then within 60 days of the issue of a Building Permit for a building on the Subject Land;
- 3.3.3 the provisions of this Agreement in relation to the Agreed Value are intended to replace the market value and any other method of calculating compensation payable to the Owner under the *Land Acquisition and Compensation Act 1986* and the Act in respect of Project Land; and
- 3.3.4 upon payment by Council pursuant to clause 3.3.1 of this Agreement, no other compensation is payable for the effect of severance or for solatium as those terms or concepts are understood in the context of the *Land Acquisition and Compensation Act 1986* or for any other category of or form of loss or compensation in respect of Project Land.

3.4 Public Open Space Contribution

The Owner agrees that:

- 3.4.1 the Owner must either:
 - (a) vest in Council not less than 5% of the area of the Subject Land in any plan of subdivision which is intended to be used for residential or commercial purposes for public open space concurrently with that subdivision at no cost to Council; or
 - (b) make a monetary contribution to Council in the amount of 5% of the site value of the area of the Subject Land included in any plan of subdivision which is intended to be used for residential or commercial purposes before the issue of a Statement of Compliance in respect of that subdivision;
- 3.4.2 all land transferred to Council pursuant to clause 3.4.1 of this Agreement must be:
 - (a) a contiguous area; or
 - (b) an area of a configuration which is to the satisfaction of Council;

and must not be liable to flooding;
- 3.4.3 where the site value is not agreed by the parties for the purpose of clause 3.4.1 of this Agreement, the value must be determined in accordance with the procedures set out in section 19 of the *Subdivision Act 1988*;
- 3.4.4 in addition to making a public open space contribution pursuant to clause 3.4.1 in this Agreement the Owner is also liable to pay a contribution for Project number OPW1 in the amount specified in column 3 in Schedule 1 of this Agreement.

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\$105.20

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3.5 Council Acknowledgement

Council acknowledges that the Owner's compliance with clause 3.4 of this Agreement precludes Council from requiring any additional public open space contribution in respect of the Subject Land, whether pursuant to the *Subdivision Act 1988* or the Planning Scheme.

3.6 Refund by Council

Council agrees that:

3.6.1 where the Owner is entitled to one or more Credits pursuant to clause 3.2.4 of this Agreement and sum of the Credits exceeds the Development Contribution the owner is required to pay pursuant to clause 3.1 of this Agreement, the Owner will be entitled to a refund to the extent of the difference between the sum of the Credits and the Development Contribution in cash;

3.6.2 where the Owner is entitled to a cash refund pursuant to clause 3.6.1 of this Agreement Council will pay the cash refund to the Owner within 6 months of the date of the issue of a Statement of Compliance in respect of the Subject Land.

3.7 Road Widening Works

The parties agree that:

3.7.1 the Owner must construct, carry out and complete the widening and upgrade of Aberline Road for the length of the frontage of the Subject Land to Aberline Road (**Road Widening Works**) at no cost to Council;

3.7.2 before commencing the Road Widening Works, the Owner must prepare and submit to Council for its approval detailed plans and specifications for the Road Widening Works to the satisfaction of Council. The plans and specifications must provide for the widening of Aberline Road for the length of the frontage of the Subject Land to Aberline Road in accordance with Warrnambool City Council Subdivision Guidelines including (but not limited to) road construction and sealing, drainage, footpath and bicycle lane;

3.7.3 the Road Widening Works must be carried out in accordance with all plans and specifications approved by Council pursuant to clause 3.7.2 of this Agreement to the satisfaction of Council.

3.8 Interest on late payment

The Owner agrees that where the Owner does not pay Council the Development Contribution or public open space contribution within the time stipulated in clauses 3.1.1 and 3.4.1 of this Agreement respectively, the amount of the Development Contribution or open space contribution outstanding shall incur interest at the rate prescribed under section 172 of the *Local Government Act 1989* and any payment made in satisfaction of the amount outstanding shall be first directed to the payment of interest and then the principal amount owing.

4. Acknowledgement by parties

4.1 Provision of infrastructure

The parties acknowledges and agree that:

AH879259U



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- 4.1.1 this Agreement is intended to relate only to infrastructure that is commonly funded by a development contribution plan and not Localised Infrastructure;
- 4.1.2 payment by the Owner of the Development Contribution does not relieve the Owner of any obligation imposed by Council or a Tribunal to provide Localised Infrastructure which obligation may be imposed as a requirement in a planning permit for the subdivision or development of the Subject Land;
- 4.1.3 payment by the Owner of the Development Contribution will be deemed by Council to be compliance with any obligation imposed by Council or a Tribunal or the Planning Scheme to pay a contribution in respect of the development infrastructure projects listed in Schedule 1 to this Agreement which obligation may be imposed by a condition on a planning permit for the development of the Subject Land.

5. Council's obligations

5.1 Treatment of development contributions

Council agrees that it must:

- 5.1.1 in respect of any amount received pursuant to clause 3 of this Agreement, keep proper records and accounts in accordance with its obligations under the *Local Government Act 1989*;
- 5.1.2 apply any amount received pursuant to clause 3 of this Agreement towards the funding of infrastructure described in Schedule 1 of this Agreement.

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.

6.3 Council's Costs to be Paid

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 Council by the Owner.

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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 used and developed for specified purposes.

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.

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 7 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.

AH879259U



Maddocks

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.

11. Commencement of Agreement

This Agreement commences on the Approval Date.

12. Ending of Agreement

- 12.1 This Agreement ends when the parties have complied with all of the obligations imposed on them under this Agreement.
- 12.2 Notwithstanding clause 12.1 of this Agreement, the Owner may request in writing Council's consent to end the Agreement in respect of all Residential Lots in any stage of a staged subdivision.
- 12.3 Council will not unreasonably withhold its consent to a written request made pursuant to clause 12.2 of this Agreement if it is satisfied that the balance lot or lots resulting from the subdivision is likely to be further subdivided and having regard to the amount of any outstanding Development Contribution payable by the Owner under this Agreement.
- 12.4 As soon as reasonably practicable after the Agreement has ended, Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under Section 183(1) of the Act to cancel the recording of this Agreement on the register.

AH879259U

05/04/2011 \$105.20

173



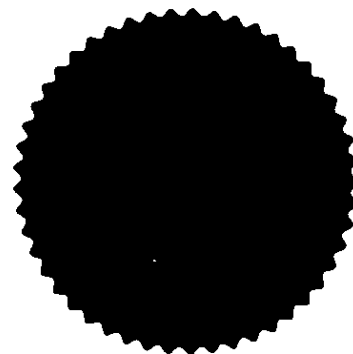
Maddocks

Signing Page

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

The Common Seal of Warrnambool City Council was affixed in the presence of:-

)
)



.....
Chief Executive Officer
Being a delegated officer pursuant to
Local Law 1/9.1 of the Council.

Witness

.....
Wendy Clark

Signed Sealed and Delivered by Carmel
Ellen Lanigan in the presence of:

)
)
)

.....
C. E. Lanigan

Witness

.....
R. Spring

AH879259U

05/04/2011 \$105.20 173



Schedule 1

Column 1 Project number	Column 2 Project Description	Column 3 Contribution payable by Owner	Column 4 Total Cost of Project
NER02a	Aberline Road - Wangoom Road to part way Whites Road (Porter Land) - West side	\$3,003	\$1,618,888
NER02b	Aberline Road - Part Way South of Wangoom Road to Whites Road (Cove Land) - West side	\$1,751	\$943,853
NER02d	Aberline Road - Russells Creek to Boiling Down Road - East Side	\$184	\$118,932
NER02e	Aberline Road - Wangoom Road to Russells Creek - East Side	\$392	\$222,120
NER03a	Boiling Down Road - Aberline Road to Gateway Road - North Side	\$18,057	\$962,124
NER03b	Boiling Down Road - Aberline Road to Gateway Road - South Side	\$386	\$20,592
NER04a	Gateway Road - Dales Road to Boiling Down Road - West Side	\$18,582	\$1,455,989
NER04b	Gateway Road - Dales Road to Boiling Down Road - East Side	\$1,180	\$92,456
NERI01	Intersection of Wangoom Road and Mortlake Road	\$166	\$587,648
NERI02	Intersection of Wangoom Road and Aberline Road	\$198	\$581,168
NERI03	Intersection of Aberline Road and Whites Road	\$51	\$145,419
NERI04	Intersection of Aberline Road and Boiling Down Road	\$658	\$302,687
NERI05	Intersection of Gateway Road and Boiling Down Road	\$435	\$197,087
NERI06	Intersection of Gateway Road and Dales Road	\$766	\$197,087
NERI07	Intersection of Aberline Road and Moore/Dales Street	\$1,762	\$197,087
NERI08	Intersection of Mortlake Road and Whites Road	\$28	\$166,972
NERI09	Intersection of Mortlake Road and Botanic/Moore	\$734	\$593,344
LA01a LA01g LA01b	Land Acquisition at Aberline Road, Gateway Road, and Boiling Down Road	\$3,150	\$461,235
NEW04B	Main Drains at 28 Aberline Road, 8 Aberline Road, 15 Dales Road 25 Dales Road and 27 Dales Road	\$22,623	\$934,626
NEPL01	Planning costs	\$2,208	\$200,000
OPW1	Open space works at Brierly Recreation Reserve including basic improvements to the open space	\$13,401	\$303,462

Total Cost of all projects (\$)			\$10,302,776
Total contribution payable by Owner (\$)			\$89,714

A \$75,360 h
B. & L.

AH879259U

05/04/2011 \$105.20 173





Department of Environment, Land, Water & Planning

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Produced: 26/10/2021 11:40:16 AM

Dealing Number: AU902372M

Status: Completed

Date and Time Lodged: 12/10/2021 09:59:46 AM

Responsible Subscriber: KNIGHTSBRIDGE LEGAL PARTNERS

Customer Code: 24025W

Reference:

APPLICATION TO NOMINATE AN ELECTRONIC CERTIFICATE OF TITLE TO AN ELECTRONIC INSTRUMENT

The Subscriber authorises the nomination of the following electronic Certificate(s) of Title to the instruments contained in the Lodgement Case shown below:

Certificate(s) of Title:
Volume 10244 Folio 193

Lodgement Case ID: 254446991

Following the registration of the instruments in the Lodgement Case, do not return the eCT Control to the nominating Subscriber

Signed by:
Rhys Robert Graham
(for KNIGHTSBRIDGE LEGAL PARTNERS)
Customer Code: 24025W
Dated: 12 October 2021

File Notes:
NIL

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Statement End.



Department of Environment, Land, Water & Planning

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Produced 26/10/2021 11:40:18 AM

Status	Registered	Dealing Number	AU912193F
Date and Time Lodged	14/10/2021 12:55:52 PM		

Lodger Details

Lodger Code	18429F
Name	MICHAEL SUTTON LAWYERS
Address	
Lodger Box	
Phone	
Email	
Reference	Walder Caveat 15 Dal

CAVEAT

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Land Title Reference

10244/193

Caveator

Given Name(s)	HEATH BENJAMIN
Family Name	WALDER

Grounds of claim

Agreement with the following Parties and Date.

Parties

The Registered Proprietor(s)

Date

12/11/2018

Estate or Interest claimed

Interest as Mortgagee

Prohibition

Absolutely



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Name and Address for Service of Notice

Michael Sutton

Address

Property Name	EIGHTH AVE SHOPS
Unit Type	SHOP
Unit Number	38
Street Number	2
Street Name	EIGHTH
Street Type	AVENUE
Locality	PALM BEACH
State	QLD
Postcode	4221

The caveator claims the estate or interest specified in the land described on the grounds set out. This caveat forbids the registration of any instrument affecting the estate or interest to the extent specified.

Execution

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.

Executed on behalf of	HEATH BENJAMIN WALDER
Signer Name	MICHAEL SUTTON
Signer Organisation	MICHAEL SUTTON LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	14 OCTOBER 2021

File Notes:

NIL

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Statement End.



Department of Environment, Land, Water & Planning

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Produced 26/10/2021 11:40:19 AM

Status	Registered	Dealing Number	AU926348Y
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

WITHDRAWAL OF CAVEAT

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

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Land Title Reference

10244/193

Land and Recorded Caveator

Given Name(s)	ROSEMARY
Family Name	GREEN

Caveat Number

AU186850N

The caveator withdraws the caveat specified over the land described.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Execution

1. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	ROSEMARY GREEN
Signer Name	JUSTIN BELLINO
Signer Organisation	MACPHERSON KELLEY PTY LTD
Signer Role	LAW PRACTICE
Execution Date	13 OCTOBER 2021

File Notes:

NIL

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Statement End.



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Produced 26/10/2021 11:40:20 AM

Status	Registered	Dealing Number	AU926349W
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

WITHDRAWAL OF CAVEAT

Jurisdiction	VICTORIA
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Land Title Reference

10244/193

Land and Recorded Caveator

Name	KOALA CHILDCARE & EARLY LEARNING CENTRE'S PTY LTD
ACN	156243560

Caveat Number

AU459302C

The caveator withdraws the caveat specified over the land described.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Execution

1. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	KOALA CHILDCARE & EARLY LEARNING CENTRE'S PTY LTD
Signer Name	JAMES MICHAEL KEOGH
Signer	KEOGH & CO. PTY LTD
Organisation	
Signer Role	LAW PRACTICE
Execution Date	14 OCTOBER 2021

File Notes:

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Produced 26/10/2021 11:40:22 AM

Status	Registered	Dealing Number	AU926350N
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

DISCHARGE OF MORTGAGE OR CHARGE

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

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Land Title Reference

10244/193

Mortgagee or Annuitant

Name	STERLING & FREEMAN ADVISORY PTY LTD
ACN	606745340

Mortgage or Charge Number

AU186849W

The mortgagee or annuitant discharges the land described from the moneys or annuity secured by the mortgage(s) or charge(s) specified.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Execution

1. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to verify the identity of the mortgagee or his, her or its administrator or attorney.

Executed on behalf of	STERLING & FREEMAN ADVISORY PTY LTD
Signer Name	RHYS ROBERT GRAHAM
Signer Organisation	KNIGHTSBRIDGE LEGAL PARTNERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	14 OCTOBER 2021

File Notes:

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Produced 26/10/2021 11:40:22 AM

Status	Registered	Dealing Number	AU926351L
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

WITHDRAWAL OF CAVEAT

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

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Land Title Reference

10244/193

Land and Recorded Caveator

Name	STERLING & FREEMAN ADVISORY PTY LTD
ACN	606745340

Caveat Number

AU194582R

The caveator withdraws the caveat specified over the land described.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Execution

1. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	STERLING & FREEMAN ADVISORY PTY LTD
Signer Name	RHYS ROBERT GRAHAM
Signer Organisation	KNIGHTSBRIDGE LEGAL PARTNERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	12 OCTOBER 2021

File Notes:

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Produced 26/10/2021 11:40:25 AM

Status	Registered	Dealing Number	AU926352J
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

TRANSFER

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

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Land Title Reference

10244/193

Transferor(s)

Name	REID DEVELOPMENTS PTY LTD
ACN	158279460

Estate and/or Interest being transferred

Fee Simple

Consideration

\$AUD 1700000.00

Transferee(s)

Tenancy (inc. share)	TENANTS IN COMMON 1 / 2
Name	BNAA GROUP PTY LTD
ACN	164264162
Address	
Street Number	7
Street Name	STAUGHTON



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Street Type	ROAD
Locality	GLEN IRIS
State	VIC
Postcode	3146

Tenancy (inc. share)	TENANTS IN COMMON 1 / 2
Name	DALES RD PTY LTD
ACN	653639779
Address	
Street Number	7
Street Name	STAUGHTON
Street Type	ROAD
Locality	GLEN IRIS
State	VIC
Postcode	3146

Duty Transaction ID
5234972

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	REID DEVELOPMENTS PTY LTD
Signer Name	ANDREW JOHN LORD
Signer Organisation	LORD COMMERCIAL LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	18 OCTOBER 2021

Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	BNAA GROUP PTY LTD
Signer Name	DALES RD PTY LTD
Signer Organisation	JAMES MICHAEL KEOGH
Signer Role	KEOGH & CO. PTY LTD
Execution Date	LAW PRACTICE
	18 OCTOBER 2021

File Notes:
NIL



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Produced 26/10/2021 11:40:27 AM

Status	Registered	Dealing Number	AU926353G
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

WITHDRAWAL OF CAVEAT

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

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Land Title Reference

10244/193

Land and Recorded Caveator

Given Name(s)	TAMARA LEANNE
Family Name	O'KEEFE

Caveat Number

AU214134Q

The caveator withdraws the caveat specified over the land described.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Execution

1. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	TAMARA LEANNE O'KEEFE
Signer Name	ZEESHAAN NORDIEN
Signer Organisation	DGI LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	13 OCTOBER 2021

File Notes:

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Statement End.



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Produced 26/10/2021 11:40:29 AM

Status	Registered	Dealing Number	AU926354E
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

WITHDRAWAL OF CAVEAT

Jurisdiction	VICTORIA
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Privacy Collection Statement

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Land Title Reference

10244/193

Land and Recorded Caveator

Name	G & L MCCAIG PTY LTD
ACN	164928625

Caveat Number

AU186852J

The caveator withdraws the caveat specified over the land described.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Execution

1. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	G & L MCCAIG PTY LTD
Signer Name	ZEESHAAN NORDIEN
Signer Organisation	DGI LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	13 OCTOBER 2021

File Notes:

NIL

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Statement End.



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Produced 26/10/2021 11:40:29 AM

Status	Registered	Dealing Number	AU926355C
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

WITHDRAWAL OF CAVEAT

Jurisdiction	VICTORIA
--------------	----------

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Land Title Reference

10244/193

Land and Recorded Caveator

Given Name(s)	LORRAINE GAE
Family Name	MCCAIG

Caveat Number

AU186851L

The caveator withdraws the caveat specified over the land described.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Execution

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2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	LORRAINE GAE MCCAIG
Signer Name	ZEESHAAN NORDIEN
Signer Organisation	DGI LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	13 OCTOBER 2021

File Notes:

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Statement End.



Department of Environment, Land, Water & Planning

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Produced 26/10/2021 11:40:31 AM

Status	Registered	Dealing Number	AU926356A
Date and Time Lodged	18/10/2021 04:46:13 PM		

Lodger Details

Lodger Code	18029X
Name	KEOGH & CO. PTY LTD
Address	
Lodger Box	
Phone	
Email	
Reference	

WITHDRAWAL OF CAVEAT

Jurisdiction	VICTORIA
--------------	----------

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Land Title Reference

10244/193

Land and Recorded Caveator

Given Name(s)	HEATH BENJAMIN
Family Name	WALDER

Caveat Number

AU912193F

The caveator withdraws the caveat specified over the land described.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Execution

1. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	HEATH BENJAMIN WALDER
Signer Name	MICHAEL SUTTON
Signer Organisation	MICHAEL SUTTON LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	18 OCTOBER 2021

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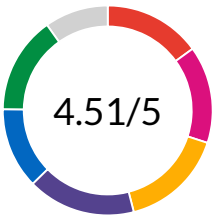
15 DALES ROAD WARRNAMBOOL
VIC 3280

CREATED ON 18-05-2021

POWERED BY  ONEMAP



ONEMAP AMENITY SCORE



EDUCATION	<div><div></div><div></div><div></div><div></div><div></div></div>
HEALTH	<div><div></div><div></div><div></div><div></div><div></div></div>
COMMUNITY	<div><div></div><div></div><div></div><div></div><div></div></div>
RETAIL	<div><div></div><div></div><div></div><div></div><div></div></div>
TRANSPORT	<div><div></div><div></div><div></div><div></div><div></div></div>
RECREATION	<div><div></div><div></div><div></div><div></div><div></div></div>

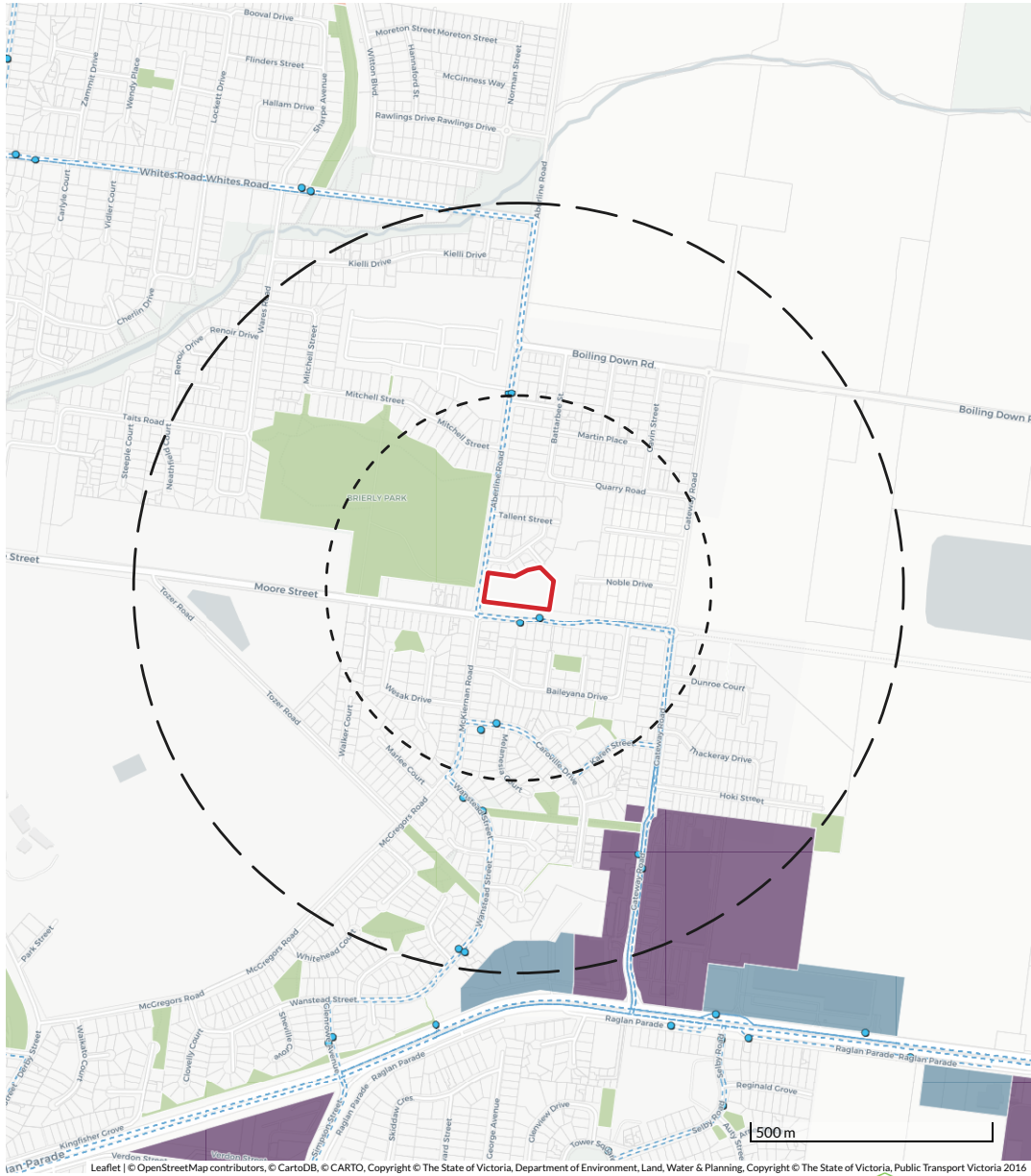
ACCESS

TRAIN	- 3.07km
BUS	- <50m
MAJOR SUPERMARKETS	- 896.4m
GOVT. PRIMARY SCHOOLS	- 2.52km
GOVT. SECONDARY SCHOOLS	- 1.59km

ADDITIONAL INFORMATION

CLOSEST GOVERNMENT PRIMARY SCHOOL
Warrnambool East Primary School (2.52km)
CLOSEST GOVERNMENT SECONDARY SCHOOL
Warrnambool College (1.59km)

SITE CONTEXT MAP



LEGEND

SITE BOUNDARY

400M RADIUS

800M RADIUS

LAND USE

RETAIL

MIXED USE

OFFICE / COMMERCIAL

INDUSTRIAL

EDUCATION

OPEN SPACE

TRANSPORT

TRAIN STATIONS

BUS STOPS

TRAIN LINES

BUS ROUTES

FUTURE TRAIN STATIONS

FUTURE TRAM STOPS

FUTURE TRAIN LINES

FUTURE TRAM ROUTES

POWERED BY ONEMAP

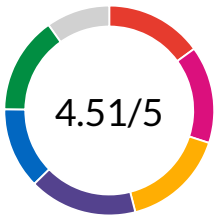
Document Set ID: 1526928

Version: 1, Version Date: 15/09/2022

Amended Development Plan for: North East Warrnambool Growth Area D (15 Dales Rd)
Approved in accordance with the requirements of DPO7 on 15 September 2022

2/15

AMENITY DETAILS MAP



EDUCATION



SECONDARY SCHOOL >= 10KM

PRIMARY SCHOOL >= 10KM

TAFE >= 10KM

UNIVERSITY >= 10KM

HEALTH



HOSPITAL >= 10KM

CLINIC >= 10KM

COMMUNITY



CHILD CARE >= 10KM

AGED CARE >= 10KM

HALL >= 1KM

LIBRARY >= 10KM

CIVIC >= 10KM

RETAIL



FOOD >= 1KM

SUPERMARKET >= 1KM

BIGBOX STORE >= 10KM

PETROL STATION >= 10KM

TRANSPORT



BUS >= 1KM

RAIL >= 10KM

AIRPORT >= 25KM

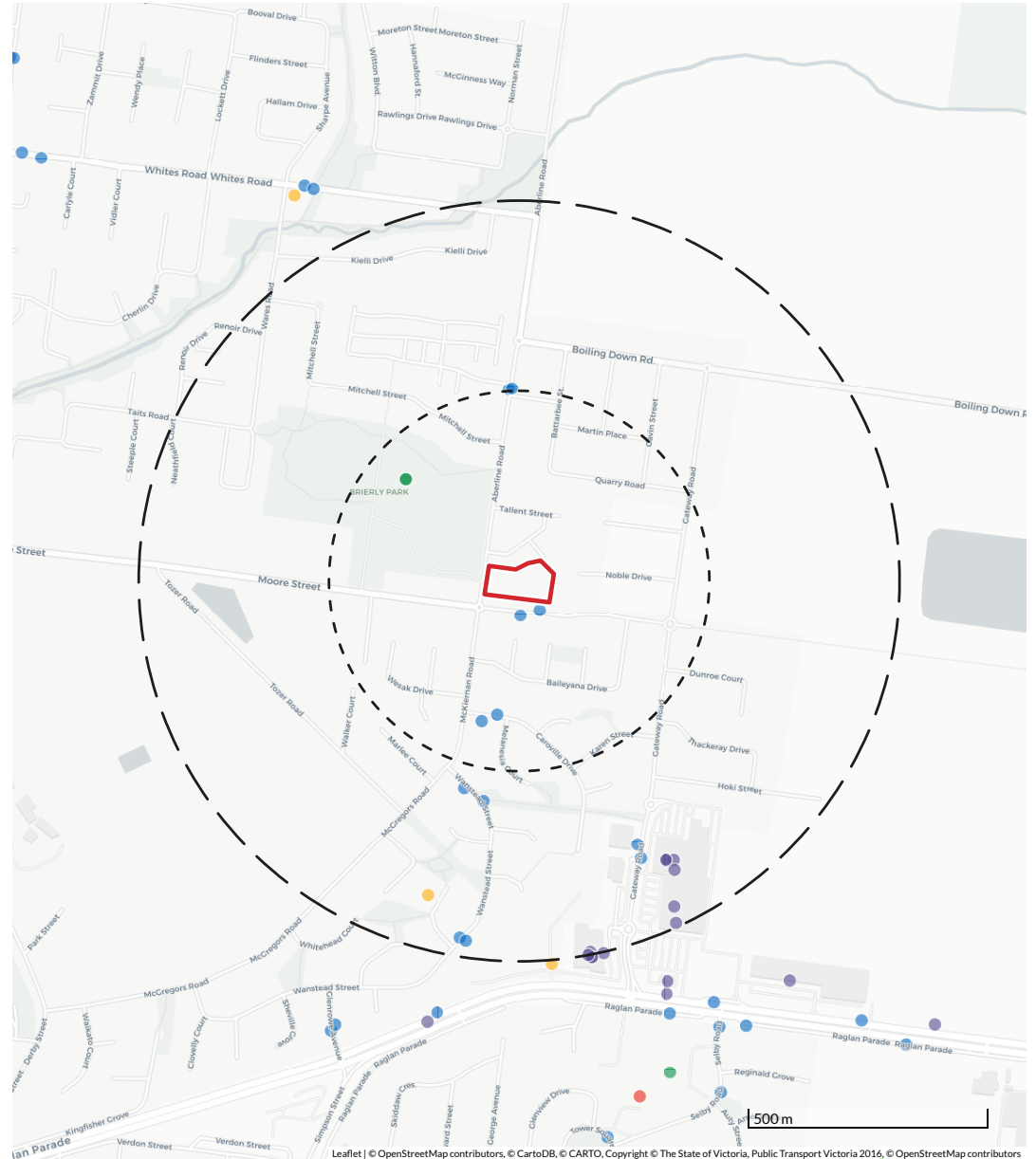
RECREATION



PARK >= 1KM

ENTERTAINMENT >= 10KM

NATURAL OPEN SPACE/PARK >= 25KM



LEGEND

— SITE BOUNDARY

- - - 400M RADIUS

— 800M RADIUS

AMENITY



EDUCATION

TRANSPORT

COMMUNITY

RETAIL

HEALTH

RECREATION

POWERED BY ONEMAP

SITE PLAN

AREA: 9,426M²

NO. OF PARCELS: 1

MUNICIPALITY:
WARRNAMBOOL

SUBURB:
WARRNAMBOOL

PARCEL SPI:
1\PS334785

MEDIAN HOUSE PRICE
(SUBURB):
\$370K

MEDIAN UNIT PRICE
(SUBURB):
\$278K



LEGEND

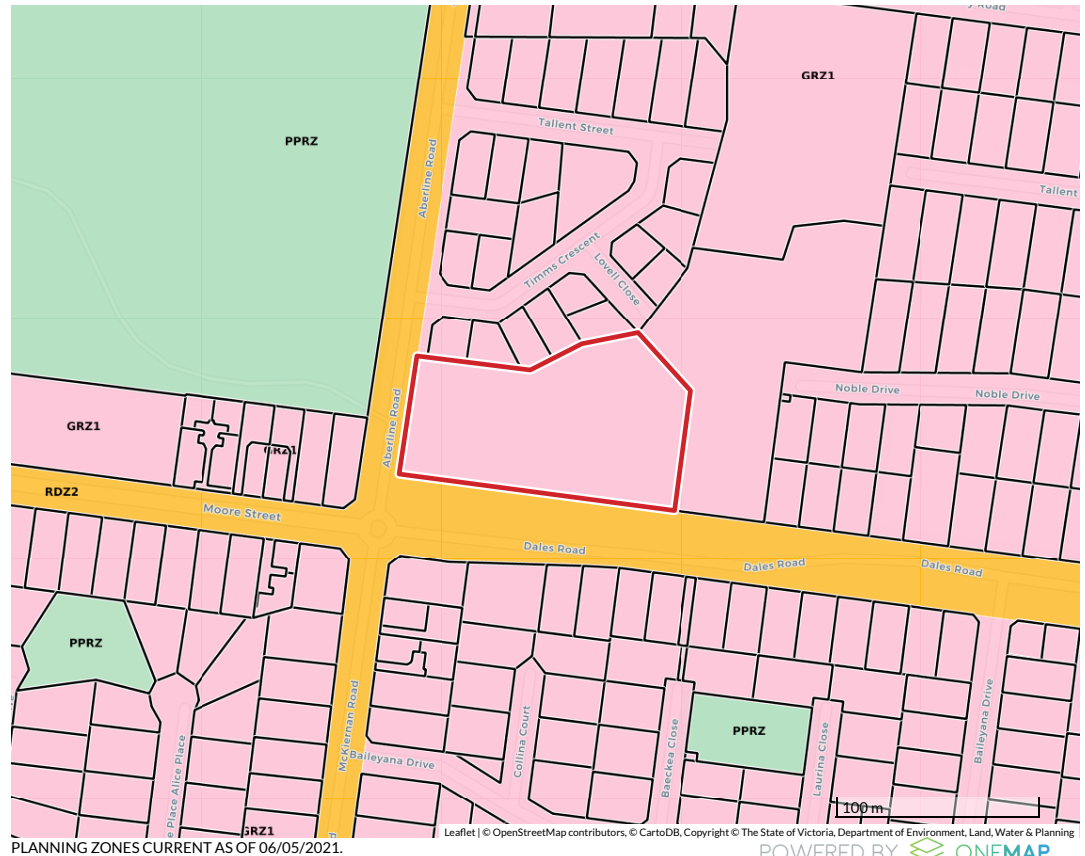
- SITE BOUNDARY
- CONTOURS
- EASEMENTS (ACTUAL)
- EASEMENTS (PROPOSED)
- PARCELS
- PROPERTIES

POWERED BY ONEMAP

PLANNING ZONES

GRZ1

GENERAL RESIDENTIAL ZONE
 WARRNAMBOOL - GENERAL
 RESIDENTIAL ZONE - SCHEDULE 1



LEGEND

RESIDENTIAL ZONES

- RGZ - RESIDENTIAL GROWTH
- R2Z - RESIDENTIAL 2
- NRZ - NEIGHBOURHOOD RESIDENTIAL
- GRZ - GENERAL RESIDENTIAL / R1Z - RESIDENTIAL
- R3Z - RESIDENTIAL 3
- LDRZ - LOW DENSITY RESIDENTIAL
- MUZ - MIXED USE
- TZ - TOWNSHIP

COMMERCIAL / BUSINESS ZONES

- C1Z - COMMERCIAL 1 / BUSINESS 1
- B2Z - BUSINESS 2
- C2Z - COMMERCIAL 2
- B3Z - BUSINESS 3
- B4Z - BUSINESS 4
- B5Z - BUSINESS 5

SPECIAL DEVELOPMENT ZONES

- ACZ - ACTIVITY CENTRE
- CCZ - CAPITAL CITY
- DZ - DOCKLANDS
- CDZ - COMPREHENSIVE DEVELOPMENT
- PDZ - PRIORITY DEVELOPMENT
- UGZ - URBAN GROWTH

INDUSTRIAL ZONES

- IN1Z - INDUSTRIAL 1
- IN2Z - INDUSTRIAL 2
- IN3Z - INDUSTRIAL 3

RURAL ZONES

- RLZ - RURAL LIVING
- RAZ - RURAL ACTIVITY
- FZ - FARMING / RUZ - RURAL
- GWAZ - GREEN WEDGE A
- GWZ - GREEN WEDGE
- ERZ - ENVIRONMENTAL RURAL
- RCZ - RURAL CONSERVATION

OTHER ZONES

- SUZ - SPECIAL USE
- CA - COMMONWEALTH LAND
- PZ - PORT
- RDZ1 - ROAD - CATEGORY 1
- RDZ2 - ROAD - CATEGORY 2
- UFZ - URBAN FLOODWAY
- PPRZ - PUBLIC PARK AND RECREATION
- PCRZ - PUBLIC CONSERVATION AND RESOURCE
- PUZ4 - PUBLIC USE - TRANSPORT
- PUBLIC USE - PUZ1 - SERVICE & UTILITY / PUZ2 -
- EDUCATION / PUZ3 - HEALTH COMMUNITY / PUZ 5 -
- CEMETARY / CREMATORIUM / PUZ 6 - LOCAL
- GOVERNMENT / PUZ7 - OTHER PUBLIC USE
- MUNICIPALITY BOUNDARIES
- URBAN GROWTH BOUNDARY

HERITAGE AND BUILT FORM OVERLAYS

DPO7
DEVELOPMENT PLAN OVERLAY
WARRNAMBOOL - DEVELOPMENT
PLAN OVERLAY - SCHEDULE 7



PLANNING OVERLAYS CURRENT AS OF 06/05/2021.

LEGEND

- Heritage (HO)
- Design & Development (DDO)
- Neighbourhood Character (NCO)
- Incorporated Plan (IPO)
- Development Plan (DPO)

ENVIRONMENTAL
AND LANDSCAPE
OVERLAYS

NONE



LEGEND

- Environmental Significance (ESO)
- Vegetation Protection (VPO)
- Significant Landscape (SLO)

LAND MANAGEMENT
OVERLAYS
NONE



PLANNING OVERLAYS CURRENT AS OF 06/05/2021. Leaflet | © OpenStreetMap contributors, © CartoDB, Copyright © The State of Victoria, Department of Environment, Land, Water & Planning

LEGEND

Erosion Management (EMO)

Floodway (FO/RFO)

Land Subject To Inundation (LSIO)

Special Building (SBO)

Salinity Management (SMO)

State Resource (SRO)

Bushfire Management (BMO)

OTHER OVERLAYS

NONE



LEGEND

- Specific Controls Overlay (SCO)
- Airport Environs Overlay (AEO)
- City Link Project Overlay (CLPO)
- Development Contributions Plan Overlay (DCPO)
- Environmental Audit Overlay (EAO)
- Infrastructure Contributions Overlay (ICO)
- Melbourne Airport Environs (MAEO)
- Public Acquisition (PAO)
- Parking (PO)
- Restructure Overlay (RO)
- Road Closure Overlay (RXO)
- Other Overlays (OTHERS)

AREAS OF CULTURAL
HERITAGE
SENSITIVITY

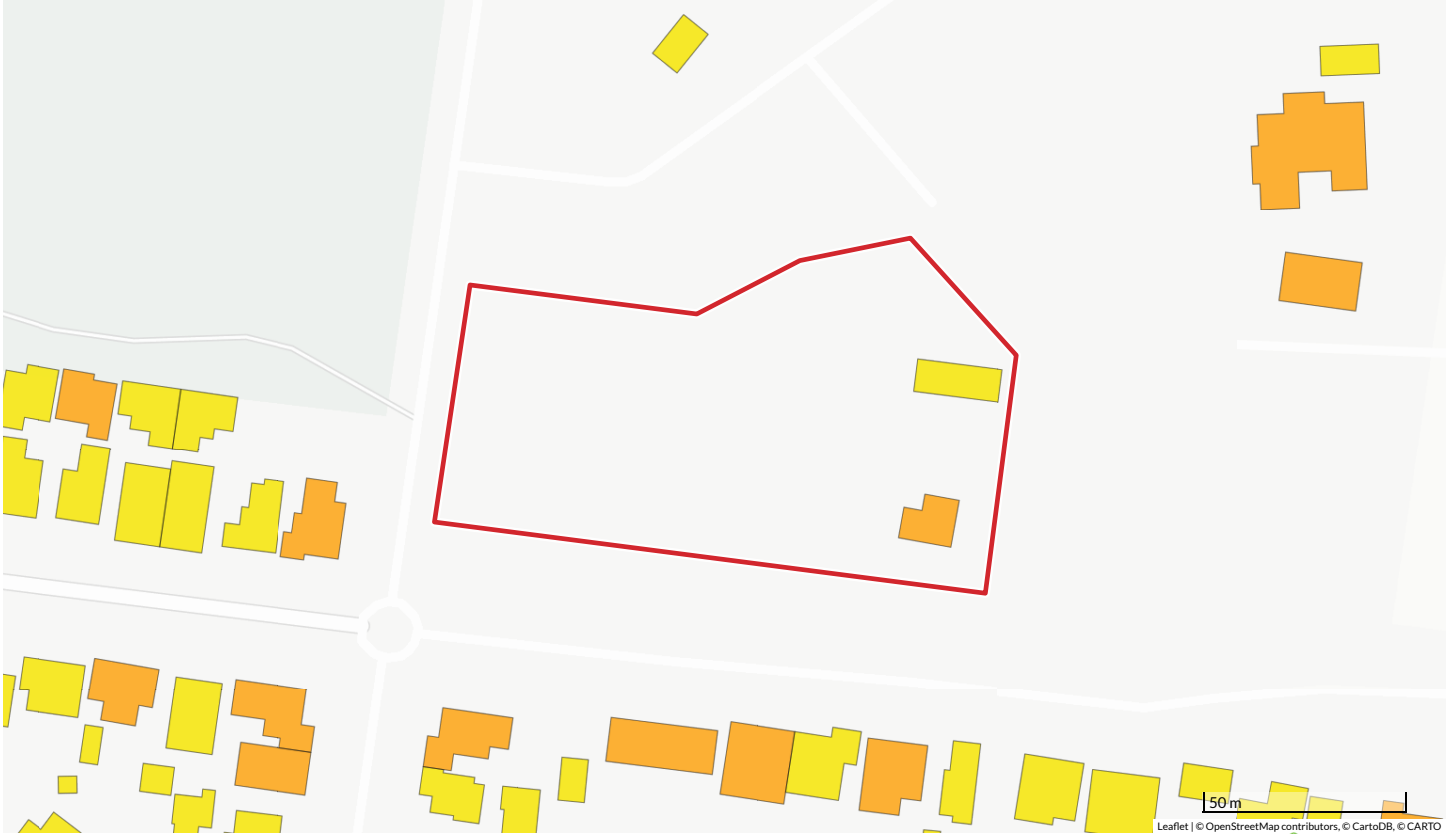
This property is within, or is affected by, one or more 'areas of cultural heritage sensitivity' as described in the Aboriginal Heritage Regulations 2018.



LEGEND

AREAS OF CULTURAL HERITAGE SENSITIVITY

GEOSCAPE BUILDINGS



LEGEND



GEOSCAPE SURFACE COVER



LEGEND

- BARE EARTH
- ROAD AND PATH
- GRASS
- TREES
- UNSPECIFIED VEGETATION
- WATER
- BUILT-UP AREAS
- BUILDINGS
- SWIMMING POOL
- CLOUD
- SHADOW

Data Capture Dates: 23-Dec-2015

GEOSCAPE TREE & OTHER VEGETATION



LEGEND

0 - 2M

2 - 8M

8 - 16M

16 - 24M

24 - 32M

32M +

UNSPECIFIED VEGETATION

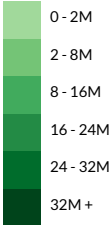
TREES (UNKNOWN HEIGHT)

Data Capture Dates: 23-Dec-2015

GEOSCAPE TREE COVER (KNOWN HEIGHTS)



LEGEND



Data Capture Dates: 23-Dec-2015



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Cultural Heritage Management Plan
15 Dales Road, Warrnambool
Housing Subdivision & Childcare Centre Construction
Plan Number: 18043



Sponsor: Koala Childcare and Early Learning Centre's Pty Ltd
Heritage Advisor: Edward East
Author: Edward East
Date: 24/11/21



Title Page

15 Dales Road, Warrnambool

Housing Subdivision & Childcare Centre Construction

Plan Number: 18043

No registered Aboriginal cultural heritage is present in the activity area.

Activity size: Small

Assessment: Complex

Sponsor: Koala Childcare and Early Learning Centre's Pty Ltd (ACN: 156 243 560)

Heritage advisor: Edward East

Author: Edward East

Date: 09/11/21

Front page photo shows 15 Dales Road, Warrnambool (Landchecker 17/03/2021).

Acknowledgements

Compass Heritage Services would like to thank the following people and organisations:

Eastern Maar Aboriginal Corporation Pty Ltd

John Clarke. Craig Edwards. Samantha Fidge. Tylah Merriman. Bernie Clark.

Koala Childcare & Early Learning Centre's Pty Ltd

Brent Wilson.

Myers Planning Group Pty Ltd

Steve Myers.

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Document Control

Document Version	Reviewer	Date	Review Type
V. 01	Edward East (Compass Heritage Services) Brent Wilson (Koala Childcare and Early Learning Centre's) Steve Myers (Myers Planning Group)	20/08/2021	Proofread
V.02	Edward East (Compass Heritage Services)	28/09/21	Submission to RAP
V.03	Edward East (Compass Heritage Services)	24/11/21	Re-submission to RAP





**Eastern Maar
Aboriginal Corporation**

PO Box 546
Warrnambool VIC 3280

25.11.2021

CULTURAL HERITAGE MANAGEMENT PLAN – NOTICE OF APPROVAL

The Eastern Maar Aboriginal Corporation, trading as Eastern Maar Aboriginal Corporation RNTBC, acting as the Registered Aboriginal Party, hereby approve the Cultural Heritage Management Plan as referred to below:

CHMP Name:	15 Dales Road, Warrnambool: Housing Subdivision & Childcare Centre Construction	
CHMP Number:	18043	
Sponsor:	Koala Childcare and Early Learning Centre's Pty Ltd	ACN: 156 243 560
Heritage Advisor (s):	Edward East	
Author(s):	Edward East	
Cover Date:	24 November 2021	Pages: i-x/1-94

Eastern Maar Aboriginal Corporation are satisfied that the CHMP has been prepared in accordance with the standards prescribed for the purposes of Section 53 of the *Aboriginal Heritage Act 2006*, and the CHMP adequately addresses the matters set out in Section 61.

Pursuant to Section 64 [1] of the *Aboriginal Heritage Act 2006* this Cultural Heritage Management Plan takes effect upon the granting of this approval and once a copy is logged with the Secretary*.

Yours Sincerely,

Marcus Clarke
CEO Eastern Maar Aboriginal Corporation RNTBC

*This notice of approval should be inserted after the title page and bound with the body of the cultural heritage management plan.

www.easternmaar.com.au

Executive Summary

Compliance requirements are set out in Part 1 of the Cultural Heritage Management Plan (CHMP). Upon approval by the Registered Aboriginal Party (RAP) of CHMP 18043, this document becomes a compliance document. Failure to comply with a condition is an offence under section 67A of the Aboriginal Heritage Act 2006. The RAP is the Eastern Maar Aboriginal Corporation.

A CHMP is mandatorily required as the activity area is located in an identified area of cultural heritage sensitivity under the Aboriginal Heritage Regulations 2018 (r.36 Stony Rises – stony rises associated with the Mt Eccles, Mt Napier, and Mt Rouse lava flows) and the proposed development is a high impact activity (Reg 46: Buildings and works for specified uses [v], Reg 48: Dwellings, Reg 49: Subdivision of land).

The proposed activity is the construction of a childcare centre across the east of the activity area, a surfaced car park and to subdivide and construct fifteen residential dwellings across the west of the activity area with associated subsurface services such as electricity, gas and water. The activity area is located at 15 Dales Road, Warrnambool, Lot 1\PS334785 (Warrnambool City Council) (Map 1 – 2). All of the activity area will be impacted, which current consist of one vacant paddock and a lot with an unoccupied dwelling and shed. A full description of the activity is contained in Section 4.

A desktop assessment was undertaken that assessed the geology, environment, previous archaeological studies and registered Aboriginal places within the surrounding geographic region. The geology of the activity area is mapped as consisting of Tower Hill Tuff (Nept) a volcanic geologic deposit associated with Aboriginal cultural heritage material. No previously registered Aboriginal places are recorded in the current activity area (Map 6). The low number of Aboriginal places within 1km of the current activity area is considered as a result of a lack of cultural heritage investigations within 1km of the current activity area. A review of previously registered sites in the region indicates a concentration of Aboriginal places within 500m of permanent water sources, primarily the Hopkins River and coastline. The details of the desktop assessment are found in Sections 7 – 8.

A standard assessment was undertaken across the entire activity area. No surface Aboriginal places or material was identified during the standard assessment. The activity area consists of two open paddocks, roughly rectangle in shape that east to west in orientation, poor ground surface visibility was recorded. The standard assessment contained one landform type: a gentle east to west running hill slope, with the upper slope located on the west border of the activity area. The details of the standard assessment are contained in Section 9.

A complex assessment was undertaken across the entirety of the activity area. No Aboriginal cultural heritage places or material was located during the complex assessment. This consisted of the hand excavation of one 1x1m stratigraphic test pits and ten 50x50cm shovel test pits. A combination of seven 1x1m stratigraphic test pits (TPs) six 50x50cm shovel test pits (STPs) were excavated across the activity area as part of the complex assessment. The primary soil deposit across the activity area comprised an initial deposit of dark grey silty clay, with an indurated dark grey clay forming the sterile horizon B2 deposit. No deposit of Tower Hill Tuff was recorded across the activity area. The details of the complex assessment are found in Section 10.

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PART 1: CULTURAL HERITAGE MANAGEMENT CONDITIONS

Compliance requirements are set out in Part 1 of the Cultural Heritage Management Plan (CHMP). Upon approval by the Registered Aboriginal Party (RAP) of CHMP 17881, this document becomes a compliance document. Failure to comply with a condition is an offence under section 67A of the Aboriginal Heritage Act 2006.

1 SPECIFIC CULTURAL HERITAGE MANAGEMENT CONDITIONS

These conditions become compliance requirements once the Cultural Heritage Management Plan is approved. Failure to comply with a condition is an offence under section 67A of the *Aboriginal Heritage Act 2006*. The Cultural Heritage Management Plan must be readily accessible to the sponsor and their employees and contractors when carrying out the activity. All references to EMAC below relate to the Eastern Maar Aboriginal Corporation.

1.1 Condition 1: Copy of the Cultural Heritage Management Plan to be Retained Onsite

A hard copy of (at least) the following parts of this approved Cultural Heritage Management Plan (CHMP) must be held onsite at all times during works for the activity.

This information must be readily accessible to those undertaking works detailed within this document and must be able to be provided upon request. The Sponsor, site supervisor and all relevant personnel must read the information and be aware of the legal management conditions and contingency plans concerning Aboriginal cultural heritage within the activity area. The Sponsor or delegated person is responsible for ensuring that all personnel onsite are aware of the management conditions and contingency plans, and of the onsite location of the hard copy of the information from the approved CHMP.

1.2 Condition 2: Cultural Heritage Induction

Given Prior to the commencement of the Activity [or any works associated with the Activity], a cultural heritage induction must be undertaken by all personnel involved in the Activity, [including staff/supervisors working permanently within the Activity Area, and the Sponsor]. The induction will be conducted by a representative of the Eastern Maar Aboriginal Corporation (EMAC) and a Heritage Advisor. The induction will take place on site within the Activity Area, or alternatively at quarry

facilities, such as the operations room, located close to the activity area. An inducted Sponsor or supervisor may subsequently provide an in-house induction for contractors and additional staff.

A cultural heritage induction booklet will be produced by the Heritage Advisor and contain all relevant CHMP information, including a summary of the key conditions and contingencies outlined in Part 1 of the CHMP.

The Sponsor/Heritage Advisor will keep a record of induction attendees [e.g. a sign-off sheet] and any induction materials, a copy of which will be made available to EMAC.

The induction will include:

- brief background of the Aboriginal occupation of the Activity Area and broader region;
- summary of the assessments conducted during the CHMP;
- specific details of all Aboriginal places located during the CHMP;
- explanation of the conditions and contingency plans contained within the CHMP; and
- the obligations of the Sponsor and all personnel under the Aboriginal Heritage Act 2006 (Vic).

An important focus of the cultural heritage induction is to present personnel with examples of Aboriginal cultural heritage that may occur in the Activity Area, and to explain the contingency procedures required by the CHMP, should unidentified Aboriginal cultural heritage be found during the conduct of the activity.

EMAC must be provided with at least two weeks' notice of the intended date of the cultural heritage induction. This induction will be organised and paid for by the Sponsor.

1.3 Condition 3: Approval required for Changes to the Proposed Activity

Should changes be necessary to the activity as outline in Section 4 or the activity area, the Sponsor must obtain statutory approval and may be required to submit a new CHMP as per the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2018*. However, it should be noted that amendments to this CHMP can be sought, as per s.45A of the *Aboriginal Heritage Act 2006* and Regulation 69 and Schedule 3 of the *Aboriginal Heritage Regulations 2018*.

1.4 Condition 4: Activity to occur only within Activity Area

Any works associated with the current activity, a basalt quarry expansion, must only be undertaken within the prescribed activity area covered by CHMP 18043 (Map 1). No works associated with the current activity are permitted to occur outside the current activity area.

2 ABORIGINAL CULTURAL HERITAGE MANAGEMENT CONTINGENCIES

2.1 Contingency 1: Unexpected Discovery of Aboriginal Cultural Heritage Material

The Sponsor must at all times avoid unlawful harm to Aboriginal cultural heritage. The following steps must be taken by the Sponsor as a minimum if suspected previously unrecorded Aboriginal cultural heritage material is identified during the activity:

- 1) All works must cease, and temporary safety webbing or fencing erected without ground disturbance at a distance of 10 metres (buffer zone) around the location of the suspected Aboriginal cultural heritage, with signage displayed clearly identifying the location as a 'No-Go-Zone'. The suspected Aboriginal cultural heritage must not be removed. Work may continue in other parts of the Activity Area outside of the buffer zone.
- 2) A suitably qualified Heritage Advisor and the RAP must be notified of the discovery by the Sponsor or site supervisor within two working days.
- 3) A Heritage Advisor and a RAP representative must inspect the reported discovery as soon as possible to determine if it is Aboriginal cultural heritage. If the reported discovery is determined not to be Aboriginal cultural heritage by the Heritage Advisor and the RAP representative, the activity may recommence.
- 4) If the reported discovery is confirmed to be Aboriginal cultural heritage by the Heritage Advisor and the RAP representative, a decision or condition as to the management of the Aboriginal cultural heritage must be made within three working days by the Heritage Advisor in consultation with the Sponsor and RAP representative.
- 5) S.61 matters relating to harm avoidance or minimisation measures must be explored by the Heritage Advisor in consultation with the RAP and the Sponsor. If agreement is not reached between the RAP and the Sponsor in regard to the management and protection of the Aboriginal cultural heritage, this will be classed as a dispute. The procedure for resolution of any disputes between the Sponsor and the RAP in relation to the implementation of the CHMP or the conduct of the activity must be followed.
- 6) If harm to the Aboriginal cultural heritage cannot be avoided, then a program of salvage must be conducted by a suitably experienced and qualified archaeologist prior to the activity proceeding, with the following conditions:
 - a) The methodology and extent of any salvage excavation must be agreed to by the RAP.
 - b) The RAP must be invited to participate in the salvage program.
- 7) Any archaeological salvage collection, excavation, or sub-surface testing must be:
 - a) Culturally appropriate,

- b) Using standard archaeological equipment including a GPS unit to record position and extent of Aboriginal cultural heritage, and archaeological excavations,
 - c) Consider the significance of the Aboriginal cultural heritage in relation to the known archaeological and cultural heritage significance of existing sites in the region surrounding the Activity Area, and
 - d) Carried out in accordance with best archaeological practice, AV guidelines and standards.
 - e) An archaeological report detailing the methodology, analyses, interpretation, and results of any archaeological recovery, testing and dating must be prepared and provided to the Sponsor, the RAP and AV.
- 8) Agreement as to the process to be followed to manage the Aboriginal cultural heritage and how to proceed with activity must be made within a period not exceeding three working days by RAP, the Heritage Advisor and the Sponsor.
 - 9) AV must be notified by the Heritage Advisor of the discovery of Aboriginal cultural heritage through the submission of the appropriate Victorian Aboriginal Heritage Registry forms and (if applicable) a salvage excavation report.
 - 10) The RAP may notify the Heritage Advisor, who may then advise the Sponsor or the Site Supervisor when any suspended activity works can proceed. In general, the activity may recommence:
 - a) When the appropriate management and protective measures have been taken;
 - b) Where the relevant Aboriginal cultural heritage records have been updated and/or completed;
 - c) Where all parties agree there is no prudent or feasible course of action; or
 - d) Upon reaching resolution of a dispute.

The Heritage Advisor, the Sponsor and the RAP must ensure that the above steps are followed, and that legal obligations and conditions are complied with at all times.

2.2 Contingency 2: Protocol for Handling Sensitive Information

Following the approval of this CHMP if any Aboriginal cultural heritage is located during the activity the information regarding this find or finds must be kept confidential by the Sponsor. Before, during and after the activity with the exception of publicly available information, there shall be no communication or public release of information concerning Aboriginal cultural heritage without the written permission of the RAP. No onsite photographs or information concerning Aboriginal cultural heritage located unexpectedly during the course of the activity is to be circulated to the media or via social media by the Sponsor without the written permission of the RAP. Please contact the RAP representative as per Section 2.3.

2.3 Contingency 3: Communication between Parties

If communication about the management of Aboriginal cultural heritage is required during the course of the activity the Sponsor and the RAP shall ensure that all communication and correspondence is responded to within ten working days. The Sponsor must notify the RAP when the activity is to commence, no less than 1 week prior to commencing. The Sponsor must also notify the RAP when the activity has been completed.

Contact details for the Sponsor Delegate and the RAP are as follows:

Sponsors Delegate:

Mr Dan Pech, Associate, Myers Planning Group Pty Ltd

Phone: 0436 016 612 Email: dan@myersplanninggroup.com.au

RAP:

Sammy Fidge, RAP Technical Specialist/ Heritage Advisor, Eastern Maar Aboriginal Corporation

Phone: 0428 961 689 Email: samantha.fidge@easternmaar.com.au

2.4 Contingency 4: Dispute Resolution Process

The Sponsor must at all times avoid unlawful harm to Aboriginal cultural heritage. The following steps must be taken by the Sponsor as a minimum if suspected previously unrecorded Aboriginal cultural heritage material is identified during the activity:

- 11) All works must cease, and temporary safety webbing or fencing erected without ground disturbance at a distance of 10 metres (buffer zone) around the location of the suspected Aboriginal cultural heritage, with signage displayed clearly identifying the location as a 'No-Go-Zone'. The suspected Aboriginal cultural heritage must not be removed. Work may continue in other parts of the Activity Area outside of the buffer zone.
- 12) A suitably qualified Heritage Advisor and the RAP must be notified of the discovery by the Sponsor or site supervisor within two working days.
- 13) A Heritage Advisor and a RAP representative must inspect the reported discovery as soon as possible to determine if it is Aboriginal cultural heritage. If the reported discovery is determined not to be Aboriginal cultural heritage by the Heritage Advisor and the RAP representative, the activity may recommence.
- 14) If the reported discovery is confirmed to be Aboriginal cultural heritage by the Heritage Advisor and the RAP representative, a decision or condition as to the management of the Aboriginal cultural heritage must be made within three working days by the Heritage Advisor in consultation with the Sponsor and RAP representative.
- 15) S.61 matters relating to harm avoidance or minimisation measures must be explored by the Heritage Advisor in consultation with the RAP and the Sponsor. If agreement is not reached between the RAP and the Sponsor in regard to the management and protection of the Aboriginal cultural heritage, this will be classed as a dispute. The procedure for resolution of

any disputes between the Sponsor and the RAP in relation to the implementation of the CHMP or the conduct of the activity must be followed.

- 16) If harm to the Aboriginal cultural heritage cannot be avoided, then a program of salvage must be conducted by a suitably experienced and qualified archaeologist prior to the activity proceeding, with the following conditions:
 - c) The methodology and extent of any salvage excavation must be agreed to by the RAP.
 - d) The RAP must be invited to participate in the salvage program.
- 17) Any archaeological salvage collection, excavation, or sub-surface testing must be:
 - f) Culturally appropriate,
 - g) Using standard archaeological equipment including a differential GPS unit to record position and extent of Aboriginal cultural heritage, and archaeological excavations,
 - h) Consider the significance of the Aboriginal cultural heritage in relation to the known archaeological and cultural heritage significance of existing sites in the region surrounding the Activity Area, and
 - i) Carried out in accordance with best archaeological practice, AV guidelines and standards.
 - j) An archaeological report detailing the methodology, analyses, interpretation, and results of any archaeological recovery, testing and dating must be prepared and provided to the Sponsor, the RAP and AV.
- 18) Agreement as to the process to be followed to manage the Aboriginal cultural heritage and how to proceed with activity must be made within a period not exceeding three working days by RAP, the Heritage Advisor and the Sponsor.
- 19) AV must be notified by the Heritage Advisor of the discovery of Aboriginal cultural heritage through the submission of the appropriate Victorian Aboriginal Heritage Registry forms and (if applicable) a salvage excavation report.
- 20) The RAP may notify the Heritage Advisor, who may then advise the Sponsor or the Site Supervisor when any suspended activity works can proceed. In general, the activity may recommence:
 - e) When the appropriate management and protective measures have been taken;
 - f) Where the relevant Aboriginal cultural heritage records have been updated and/or completed;
 - g) Where all parties agree there is no prudent or feasible course of action; or
 - h) Upon reaching resolution of a dispute.

The Heritage Advisor, the Sponsor and the RAP must ensure that the above steps are followed, and that legal obligations and conditions are complied with at all times.

2.5 Contingency 5: Management of Aboriginal Cultural Heritage Material

If any Aboriginal cultural heritage material is recovered during the course of the CHMP activity the following must be followed by the Sponsor in order to manage the recovered Aboriginal cultural material.

It is the responsibility of the Heritage Advisor to ensure that all Aboriginal cultural heritage recovered from the activity area is fully documented, catalogued, bagged, and labelled (with details, reference to provenance and project), packaged and securely stored with copies of the catalogue and assessment documentation. Aboriginal Victoria (AV) must be advised of this through completion and submission of relevant Victorian Aboriginal Heritage Register forms to the Heritage Registrar, AV, by the Heritage Advisor.

Once any scientific analysis of any Aboriginal cultural heritage has been completed, the Aboriginal artefacts recovered from the assessment, implementation, salvage, and activity phases must be returned to the RAP within six (6) months of the completion of the activity. Aboriginal place registration forms must be updated or completed within four weeks of analysis of cultural heritage material being completed by the Heritage Advisor. The RAP must be the custodian of this material and may choose to rebury it in the activity area.

If the RAP elects to rebury the Aboriginal cultural heritage material the following reburial procedure must be followed. any Object Collection. The reburial is to be organised and recorded by a heritage advisor, with the RAP's participation. At the completion of all ground disturbing works associated with the activity, the cultural heritage material must be reburied at a place that will not be disturbed in the future, as close as possible to the original Place extent boundary. The location for reburial will be chosen in consultation with the RAP, and the cultural heritage material must be reburied in an appropriate container. The Sponsor is responsible for providing the appropriate container, in addition to organising suitable manpower/machinery as needed to inter the cultural materials.

It is necessary that a heritage advisor be present at the reburial. The heritage advisor will record the location details of the reburied material with a differential GPS and supply this information to the Victorian Aboriginal Heritage Registrar along with all other relevant documentation. A Place Collection Form within the site card form must be updated to show the reburial location within four weeks of the Aboriginal cultural materials reburial. The reburial procedure in its entirety must be organised and paid for by the Sponsor or their contractors.

2.6 Contingency 6: Notification in Accordance with the Act of the Discovery of Aboriginal Cultural Heritage Material

If any Aboriginal cultural heritage material is recovered during the course of the CHMP activity the following notification process must be followed by the Sponsor.

Clause 13(1) Schedule 2 of the Regulations requires that the CHMP contains a contingency plan for the notification, in accordance with the Act, of the discovery of Aboriginal cultural heritage during the carrying out of the activity.

In accordance with Section 24 of the *Aboriginal Heritage Act 2006* 'Reporting discovery of Aboriginal places and objects', if a person discovers an Aboriginal place or object; and the person knows that the place or object is an Aboriginal place or object the person must report the discovery to the Secretary as soon as practicable unless, at the time of making the discovery, the person had reasonable cause to believe that the Register contained a record of the place or object. If it is determined that the Aboriginal place is not located on the Register the Sponsor must ensure that any Aboriginal place or object discovered during the course of the CHMP activity is reported to the Secretary within 48 hours of discovery.

If a discovery of an Aboriginal place or object is made in the course of works being carried out on any land, the person in charge of the works is deemed for the purposes of Section 24 of the *Aboriginal Heritage Act 2006* to be the person who discovered the place or object.

2.7 Contingency 7: Unexpected Discovery of Human Remains

The Sponsor must ensure that if any suspected human remains are found during any activity, **works must cease**. The Victorian Police and the State Coroner's Office should be notified immediately. If there are reasonable grounds to believe that the suspected human remains are Aboriginal Ancestral Remains, the **Coronial Admissions and Enquiries** must be contacted on **1300 888 544**. Any such discovery at the activity area must follow these steps:

1. Discovery:

- a) If suspected human remains are discovered, all activity in the vicinity must stop; and,
- b) The remains must be left in place and protected from harm or damage.

2. Notification:

- a) Once suspected human skeletal remains have been found, the Coroner's Office and the
- b) Victoria Police must be notified immediately.
- c) If there is reasonable grounds to believe the remains are Aboriginal Ancestral Remains, the Coronial Admissions and Enquiries hotline must be immediately notified on 1300 888 544; and
- d) All details of the location and nature of the human remains must be provided to the relevant authorities.
- e) If it is confirmed by these authorities the discovered remains are Aboriginal Ancestral Remains, the person responsible for the activity must report the existence of them to the Victorian Aboriginal Heritage Council (the Council) in accordance with section 17 of the Act.
- f) Do not contact the media.
- g) Do not take any photographs of human remains without the express request of the
- h) Coroner's Office, Victoria Police or AV.
- i) Do not circulate information or photographs via social media.

3. Impact Mitigation or Salvage:

- a) The Council, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal Ancestral Remains, will determine the appropriate course of actions required by section 18(2)(b) of the Act;
- b) An appropriate impact mitigation or salvage strategy as determined by the Council must be implemented by the Sponsor.

4. Curation and further analysis:

- a) The treatment of salvaged Aboriginal Ancestral Remains must be in accordance with the direction of the Council.

5. Reburial:

- a) Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked and all details provided to AV.
- b) Appropriate management measures must be implemented to ensure the remains are not disturbed in the future.

2.8 Contingency 8: Resolution of any Disputes between the Sponsor and the RAP

The Sponsor must follow the below in the event of a dispute between the Sponsor and the RAP regarding the implementation of the management plan or the conduct of the activity. Clause 13(1) Schedule 2 of the Regulations requires that the CHMP must contain a contingency plan for the resolution of any disputes between the Sponsor and relevant RAP in relation to the implementation of an approved CHMP or the conduct of the activity.

Disputes may arise at various stages of the activity. Procedures for dispute resolution aim to ensure that all parties are fully aware of their rights and obligations, that full and open communication between parties occurs and that those parties conduct themselves in good faith.

If a dispute arises that may affect the conduct of the activity, resolution between parties using the following dispute resolution procedure is recommended:

- 1) All disputes will be jointly investigated and documented by both the RAP and the Sponsor.
- 2) Where a breach of the CHMP conditions is identified, the RAP and the Sponsor will agree to a suitably appropriate corrective method to remedy the breach by organising a meeting to attempt to resolve the dispute.
- 3) The issue/s in dispute must be clearly understood and stated by the authorised representatives of the RAP and Sponsor at the meeting.
- 4) If sought and agreed to by the RAP and Sponsor, third party mediation may be held during the meeting.
- 5) Any correction or remedial activities required must be:

- a) recorded in writing and signed off by the authorised representatives of the RAP and Sponsor,
- b) supervised by an authorised RAP representative, and
- c) occur in accordance with the RAP representative's instructions.
- 6) The Sponsor, site supervisor, contractor and any relevant personnel will not undertake any such correction or remedial activities without receiving the written consent of the RAP.
- 7) The dispute resolution must be recorded in writing and signed by both parties.
- 8) The RAP will strive to minimise delays to work schedules while not compromising Aboriginal cultural heritage, places or values.
- 9) Issues directly related to cultural heritage management will be handled through the following dispute resolution mechanism:
 - a) Authorised representatives of the RAP and the Sponsor will attempt to negotiate a resolution to any dispute related to the cultural heritage management of the Activity Area within two working days of a notice being received that a dispute between the parties is deemed to exist.
 - b) If the authorised representatives of the parties do not reach agreement, alternative representatives of both parties will meet to negotiate a resolution to an agreed schedule.

The dispute resolution process does not preclude any legal recourse open to the parties being taken but the parties agree the above resolution mechanism will be implemented before such recourse is made. For dispute resolution, the following persons will represent the parties:

Sponsors Delegate:

Mr Steve Myers, Director, Myers Planning Group Pty Ltd

Phone: 0436 016 612 Email: steve@myersplanninggroup.com.au

RAP:

Sammy Fidge, RAP Technical Specialist/ Heritage Advisor, Eastern Maar Aboriginal Corporation

Phone: 0428 961 689 Email: samantha.fidge@easternmaar.com.au

2.9 Contingency 9: Reviewing Compliance with the Management Plan and Mechanisms for remedying Non-Compliance

In order to ensure that there is compliance with the CHMP, a compliance checklist must be developed by the Heritage Advisor for use by the Sponsor. The compliance checklist includes those matters addressed in the CHMP with which the Sponsor must comply. The compliance checklist should be used as a reference in the event that compliance with the plan is questioned (Table 1).

It is possible that cultural heritage material may be uncovered during the proposed works. In order to inform the Sponsor of their legal responsibilities regarding cultural heritage management, specific

legislative requirements are provided below. In addition, a checklist referring to matters that must be complied with under the CHMP by the Sponsor is included below (Table 1).

Table 1: CHMP 18043 Compliance Checklist

Compliance Checklist	Check Box
a) Has an approved copy of this CHMP been kept on site for reference?	
b) Have any changes to the activity or the activity area occurred? If so, preparation of a new CHMP may be needed.	
c) Have all relevant peoples been informed of the: d) Presence of this CHMP e) Purpose of this CHMP f) Appropriate response to discovery of cultural heritage/human remains g) Results of non-compliance with this CHMP	
h) Have measures been followed to ensure that if cultural heritage material is uncovered, it is identified?	
i) Have compliance inspections been undertaken at least at the appropriate intervals?	
j) If cultural heritage is discovered, has construction been stopped in immediate vicinity (within 10m)?	
k) If cultural heritage is discovered, has a heritage advisor been contacted?	
l) If cultural heritage is discovered, has it been recorded by a heritage advisor, AV notified, and records submitted to the VAHR?	
m) If <i>in situ</i> cultural heritage is discovered, has salvage been undertaken by an appropriately qualified archaeologist (e.g., the heritage advisor)?	
n) If skeletal remains are discovered, has the State Coroner's Office - 1300 309 519 (and, if necessary, Coronial Admissions and Enquiries) and Victoria Police been contacted?	
o) Is access to the works site available to the RAP and/or heritage advisor if necessary?	
p) Has sensitive information been treated appropriately?	

2.10 Contingency 10: Compliance review

If a breach of the CHMP is identified the Sponsor must immediately report the breach by contacting the State-wide Compliance & Enforcement Unit, Aboriginal Victoria, via email to: compliance.aboriginalvictoria@dpc.vic.gov.au or by telephoning 1800 762 003.

It is RAP policy that all non-compliance issues must result in a stop works until such a time as a meeting can be held between the RAP, the Sponsor, and a suitably qualified Heritage Advisor. The purpose of the meeting is to discuss the process and address non-compliance issues. A stop works

measure must be implemented even if the non-compliance has not resulted in harm to Aboriginal cultural heritage.

The Sponsor or nominated Sponsors Delegate is responsible for remedying non-compliance with this CHMP. In the event that the conditions or contingencies set out in this CHMP are not adhered to, all works must cease, and the RAP contacted immediately. A record of the breach must be documented, and immediate action taken to remedy the breach, under the direction of the RAP. The record of the breach must include the reasons for non-compliance. The Sponsor or nominated Sponsors Delegate must take immediate action to remedy non-compliance in accordance with the relevant condition or contingency. All acts of non-compliance must be reported to both the RAP and AV, which may result in an investigation by an Authorised Officer or Aboriginal Heritage Officer. A record of CHMP compliance must also be maintained by the Sponsor or nominated Sponsors Delegate at all times and must be available for inspection by either an Authorised Officer or Aboriginal Heritage Officer under the Act or any other representative of the RAP or the Secretary.

2.11 Contingency 11: Limited Interim Retention of Aboriginal Cultural Heritage by Heritage Advisor

If Aboriginal cultural heritage material is recovered a suitably qualified Heritage Advisor must be engaged by the Sponsor to investigate the discovery of Aboriginal cultural heritage. The Heritage Advisor is permitted to retain custody of Aboriginal cultural heritage for the purposes of analyses for an interim period up to six (6) months only.

Before or upon expiry of this period, any Aboriginal cultural heritage must be returned to the owner of that heritage, together with a copy of any relevant catalogue and report. The ownership of any recovered Aboriginal cultural heritage material is as per Contingency 2.11.

Permanent Custody Arrangements must be made before and no later than the expiry of the six-month custody period permitted to the Heritage Advisor. Arrangements for the permanent custody of any Aboriginal cultural heritage must be carried out and completely finalised within that time frame.

2.12 Contingency 12: Assignment of Custody of Aboriginal Cultural Heritage Material

The Sponsor must follow the following assignment protocol numbered below regarding the custody of Aboriginal cultural heritage material if it is discovered during the course of the activity. If Aboriginal cultural heritage (with the exception of Aboriginal human remains or secret or sacred objects) is discovered before, during or after the activity, responsibility for the custody of Aboriginal cultural heritage must comply with the conditions established by the Act and be assigned according to the following order of priority, as appropriate:

- 1) Any relevant RAP that is registered for the land from which the Aboriginal heritage is salvaged.

- 2) Any relevant registered native title holder for the land from which the Aboriginal heritage is salvaged; any relevant native title party (as defined in the *Aboriginal Heritage Act 2006*) for the land from which the Aboriginal heritage is salvaged.
- 3) Any relevant Aboriginal person or persons with traditional or familial links with the land from which the Aboriginal heritage is salvaged.
- 4) Any relevant Aboriginal body or organisation which has historical or contemporary interests in Aboriginal heritage relating to the land from which the Aboriginal heritage is salvaged.
- 5) The owner of the land from which the Aboriginal heritage is salvaged.
- 6) The Museum of Victoria. V

2.13 Contingency 13: Use of the activity area lots.

As per Clause 13(2) Schedule 2 of the Aboriginal Heritage Regulations 2018 the CHMP contingency plans must address how each lot within the activity area is to be utilised by the client. The current activity area is located at 15 Dales Road, Warrnambool (Lot 1\PS334785) and is subject to the General Residential Zone – Schedule 1 of the Warrnambool City Council Planning Scheme (Appendix 4).

The client for this CHMP Koala Childcare and Early Learning Centre's Pty Ltd, intends to utilise the eastern part of the activity area for a fifteen dwelling residential subdivision and the eastern part of the activity area for a child care centre and surfaced car park (Figure 1).

Under Schedule 1 the proposed use of the activity area lot for the construction of a childcare centre and a residential subdivision is permitted provided that all requirements of this planning scheme are adhered to. Koala Childcare and Early Learning Centre's Pty Ltd intends to develop the activity area land only in the manner permitted by General Residential Zone – Schedule 1 of the Warrnambool City Council Planning Scheme and will adhere to all of its requirements.

Part 2: Cultural Heritage Assessment

3 INTRODUCTION

3.1 Background

Compass Heritage Services. Pty Ltd was engaged by Brent Wilson, Director at Koala Childcare and Early Learning Centre's Pty Ltd (ACN: 156 243 560) (the Sponsor) to prepare a cultural heritage management plan (CHMP) in response to the proposed construction of a childcare centre and the proposed subdivision and construction of residential dwellings at 15 Dales Road, Warrnambool (Warrnambool City Council) (Maps 1 – 2. Figure 1). The author of this plan is Edward East. The heritage advisor for this plan is Edward East. Details of the qualifications of all personnel who worked on this CHMP are provided in Section 3.8.

3.2 Name of Sponsor

The Sponsor of this CHMP is Koala Childcare and Early Learning Centre's Pty Ltd (ACN: 156 243 560). The Sponsor's contact for the CHMP is Steve Myers, Director, Myers Planning Group Pty Ltd.

3.3 Name of Owner and Occupier of the Activity Area

The land associated with the activity area is currently privately owned Koala Childcare and Early Learning Centre's Pty Ltd (ACN: 156 243 560), the Sponsor of this CHMP.

3.4 Location of the Activity Area

The proposed activity involves the proposed construction of a childcare centre and the proposed subdivision and construction of residential dwellings at 15 Dales Road, Warrnambool (Lot 1\PS334785) (Warrnambool City Council) (Maps 1 – 2. Figure 1). The activity area is currently zoned under General Residential Zone – Schedule 1 of the Warrnambool City Council Planning Scheme (Appendix 4).

3.5 Reason for Preparing a Cultural Heritage Management Plan

This CHMP has been prepared in accordance with Part 4 of the Victorian *Aboriginal Heritage Act 2006* (the Act). The Act specifies that the Victorian *Aboriginal Heritage Regulations 2018* (the Regulations) determines when a CHMP is required. As per Part 2 (7) of the Regulations a CHMP is required:

A cultural heritage management plan is required for an activity if—

(a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and

(b) all or part of the activity is a high impact activity.

The following regulations of the *Aboriginal Heritage Regulations 2018* apply to the CHMP activity area and the proposed CHMP activity:

Regulation 37: Volcanic cones of western Victoria

(1) Subject to subregulation (2), the volcanic cones of western Victoria are areas of cultural heritage sensitivity.

Regulation 46: Buildings and works for specified uses

(1) The construction of a building or the construction or carrying out of works on land is a high impact activity if the construction of the building or the construction or carrying out of the works—

(a) would result in significant ground disturbance; and

(b) is for, or associated with, the use of the land for any one or more of the following purposes—

(v) a child care centre.

Regulation 48: Dwellings

(1) The construction of 3 or more dwellings on a lot or allotment is a high impact activity.

(2) The carrying out of works for 3 or more dwellings on a lot or allotment is a high impact activity.

Regulation 49: Subdivision of land

(1) The subdivision of land into 3 or more lots is a high impact activity if—

(a) the planning scheme that applies to the activity area in which the land to be subdivided is located provides that at least 3 of the lots may be used for a dwelling or may be used for a dwelling subject to the grant of a permit; and

(b) the area of each of at least 3 of the lots is less than 8 hectares.

3.6 Notice of Intent to Prepare the Cultural Heritage Management Plan

Under s.54 of the *Aboriginal Heritage Act 2006*, the Sponsor of a CHMP must give notice of their intention (NOI) to prepare a CHMP.

In accordance with s.54(1)(a) of the *Aboriginal Heritage Act 2006*, the Sponsor must submit a NOI to the RAP prior to preparing a CHMP. The NOI was submitted to the DPC and the Sponsor on 16 June 2021. The Sponsor submitted the NOI to the RAP on 16 June 2021. The RAP responded to the submission of the NOI on 16 June 2021 and advised that they will evaluate the CHMP.

The management plan identifier number for this CHMP is 18043. The NOI is provided in Appendix 1 and the notice from the Eastern Maar Aboriginal Corporation stating their intention to evaluate the CHMP is provided in Appendix 2.

3.7 Registered Aboriginal Party Responsible for the Activity Area

The activity area is located within the Registered Aboriginal Party (RAP) area of the Eastern Maar Aboriginal Corporation (Eastern Maar) and was appointed as the RAP by the Aboriginal Heritage Council under the *Aboriginal Heritage Act 2006*. The Eastern Maar Aboriginal Corporation advised on 16 June 2021 that it will evaluate this CHMP and participate in the conduct of the assessment.

3.8 Personnel Involved

The Heritage Advisor of this CHMP is Edward East. The author of this CHMP is Edward East. GIS mapping for this CHMP was undertaken by Edward East. Fieldwork for this CHMP was supervised by Edward East with assistance from Jake Osborne.

Edward East

Edward East is the founder and director of Compass Heritage Services. Edward holds a Bachelor of Archaeology, a Post-Graduate Diploma in Arts (Classics & Archaeology), and a Master of Arts (Archaeology). Edwards Master's thesis involved utilising a suite of satellite imagery and GIS software types to remotely map archaeology sites, with aspects of this research published in academic journals. He has studied Australian Aboriginal archaeology and cultural heritage management in detail.

Edward has a great depth of experience in Australian cultural heritage and built heritage management. He has directed large scale projects in the mining, urban development, infrastructure, and land management sectors. He has long term experience in consulting and advising a diverse range of stakeholders and commercial clients. Over his career Edward has managed Aboriginal cultural heritage focused projects across Western Australia, Queensland, New South Wales, and Victoria. In an international context he has worked on commercial archaeology projects in Kuwait, the United Kingdom and Papua New Guinea. Edward is an Associate Member of the Australian Association of Consulting Archaeologists (AACAI). He is also a fully qualified 'heritage advisor' meeting all the requirements of the Victorian Aboriginal Heritage Act 2006.

- Bachelor of Archaeology, La Trobe University.
- Post-Graduate Diploma Arts (Archaeology), The University of Melbourne
- Master of Arts (Archaeology), The University of Durham.

Jake Osborne

Jake Osborne is a current postgraduate student at the University of Melbourne and member of the Australian Archaeological Association. Having completed two undergraduate degrees at the institution in 2012 and 2020, Jake is currently completing an Honours year in Archaeology.

Since 2018, Jake has been involved as an archaeologist with the Tel es-Safi/Gath archaeological project in Israel whilst also working in digital heritage management with the Melbourne-based company Lithodomos VR. Jake has worked as an archaeological assistant on fieldwork associated with cultural heritage management plans across Victoria.

- Bachelor of Arts (Honours) – The University of Melbourne.

3.9 Report Submission

The CHMP was submitted for approval to the Eastern Maar Aboriginal Corporation, on 28/09/21, as per s.62 of the *Aboriginal Heritage Act 2006*.

Following comments received the CHMP was resubmitted for approval to the Eastern Maar Aboriginal Corporation, on 24/11/21, as per s.62 of the *Aboriginal Heritage Act 2006*.

4 ACTIVITY DESCRIPTION

The proposed activity is the construction of a childcare centre across the east of the activity area, a surfaced car park and to subdivide and construct fifteen residential dwellings across the west of the activity area, the activity area is located at 15 Dales Road, Warrnambool, Lot 1\PS334785

(Warrnambool City Council) (Map 1 – 2. Figure 1). This activity will involve:

- Earthworks, including stripping and levelling prior to construction works across the location of the child care centre, a surfaced car park, the fifteen dwelling subdivision and associated access road (Figure 1). A temporary construction shed may also be present on the surface of the activity area.
- Laying of crushed rock base, asphalt surfaces, concrete housing slabs and kerbs at the location of all fifteen residential dwellings and the location of the child care centre (Figure 1).
- Construction of a child care centre across the west of the activity area (Figure 1).
- Construction of fifteen residential dwellings across the east of the activity area (Figure 1).
- The demolition of an existing dwelling, driveway and associated sheds located along the east side of the activity area (Map 2).

The activity will also involve associated infrastructure supply works, including:

- Construction of surfaced roads to provide access to the fifteen residential dwellings from Dales Road, and to provide access to the childcare centre, either from Dales Road, or Aberline Road (Figure 1).
- Construction of surfaced footpaths along sections of the frontage of Dales Road and Aberline Road (Figure 1).
- Construction of a surfaced car park located to the immediate the west of the child care centre, with access from Aberline Road (Figure 1).
- Landscaping of open space areas, with an open green space planned part of an internal area associated with the child care centre layout (Figure 1). A landscaped median strip and pedestrian areas will be part of the residential subdivision (Figure 1).
- Installation of subsurface water mains, sewer mains, electricity mains, gas mains and telecommunication services. This will be run to all residential dwellings and the childcare centre via Dales Road (Figure 1)

The maximum depth of infrastructure and service installation is expected to be 6 metres maximum depth. Cumulative impacts to the activity area will involve maintenance and the ongoing maintenance of the roads, paths and services, including, revegetation, road work maintenance, maintenance to services and installation of road signage. The impact of the proposed works will be limited to the footprint of structures and road ways and parks as indicated in the schematic development (see Figure 1). The likely impact on the surface and subsurface of the activity area will

be considerable, the proposed works will likely destroy any Aboriginal cultural heritage material located within the activity area.

5 EXTENT OF THE ACTIVITY AREA

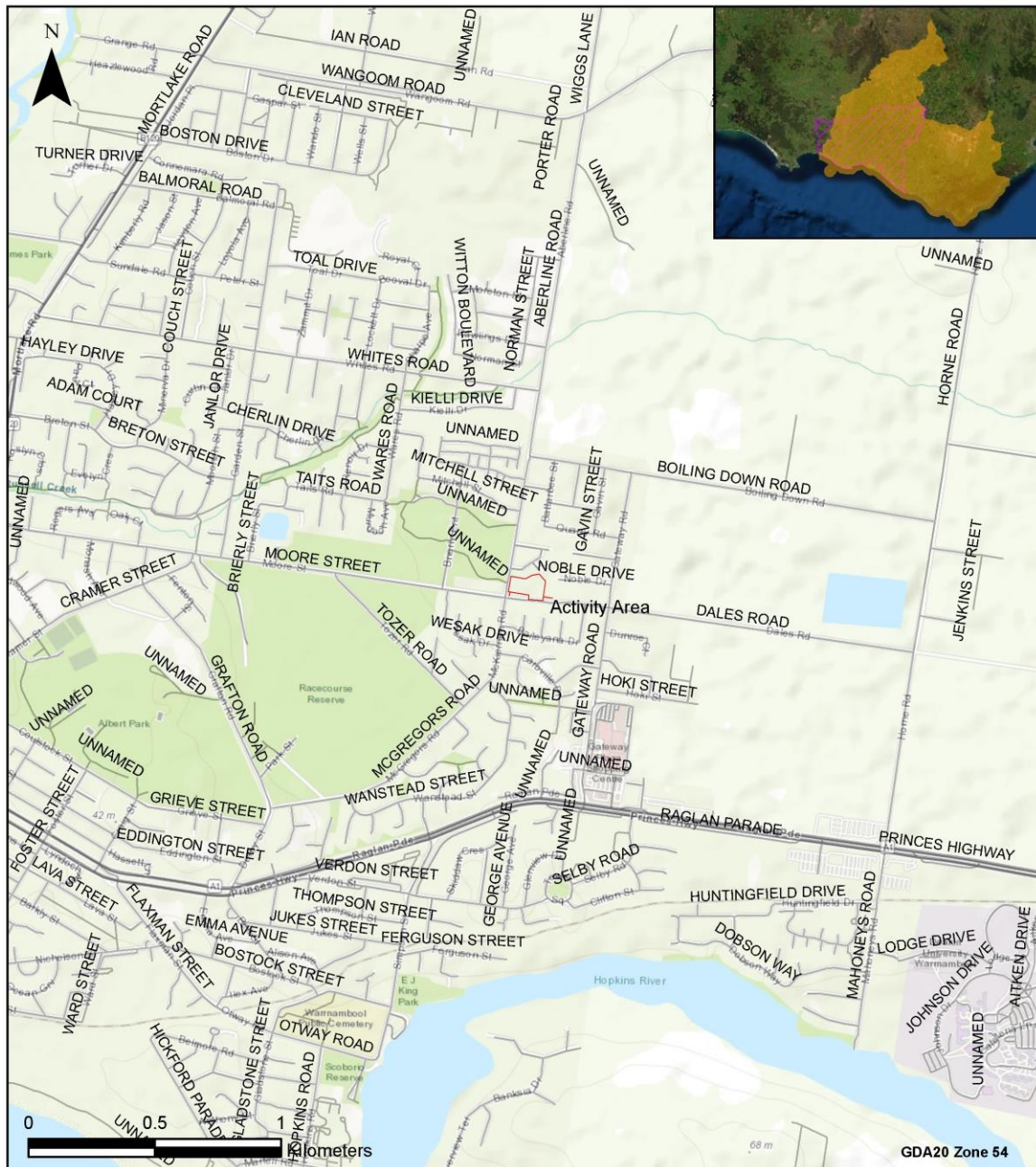
The Sponsor intends to construct a childcare centre and subdivide and construct residential dwellings at 15 Dales Road, Warrnambool (Warrnambool City Council) (Maps 1 – 2. Figure 1. Table 2). Warrnambool is located approximately 257km to the south-west of Melbourne. The activity area is bordered to its north and east by a residential subdivision, to its south by Dales Road and to its west by Aberline Road. The activity area is 10,748.26m² in area and is currently zoned under General Residential Zone – Schedule 1 of the Warrnambool City Council Planning Scheme (Appendix 4). The activity area is currently privately owned by the Sponsor of this CHMP.

Table 2: Cadastral information.

Address	15 Dales Road, Warrnambool
LGA	Warrnambool City Council
Council Property Number	5150309
Parish	Wangoom
Land Parcel Details	1\PS334785
UTM zone	GDA20 Zone 54



Map 1: Location of Activity Area



Legend

- Activity Area
- Shire of Moyne
- Road
- Eastern Maar Aboriginal Corporation

Map 1: Location of the activity area.



Map 2: Activity Area Ground Conditions



Legend

 Activity Area

Map 2: Extent of the activity area and current ground conditions (Landchecker 17/03/2021).



Figure 1: Current development plan.

6 DOCUMENTATION OF CONSULTATION

6.1 Consultation in Relation to the Assessment

The *Aboriginal Heritage Act 2006* requires consultation with any RAP registered under the Act. In accordance with s.54(1)(a) of the *Aboriginal Heritage Act 2006*, the Sponsor must submit a NOI to the RAP prior to preparing a CHMP. The NOI was submitted to the DPC and the Sponsor on 16 June 2021. The Sponsor submitted the NOI to the RAP on 16 June 2021. The RAP responded to the submission of the NOI on 16 June 2021 and advised that they will evaluate the CHMP.

The management plan identifier number for this CHMP is 18043. The NOI is provided in Appendix 1 and the notice from the Eastern Maar Aboriginal Corporation stating their intention to evaluate the CHMP is provided in Appendix 2.

A CHMP inception meeting was held on 20th July 2021. In attendance were Craig Edwards (Eastern Maar Cultural Heritage and NRM Manager), Samantha Fidge (Eastern Maar RAP Technical Specialist), and Edward East (Director, Compass). Topics covered during the inception meeting included outlining the nature of the proposed activity, its impact on the activity area, potential cultural heritage issues within the activity area, previous studies conducted close to and within the activity area. It was decided that, due to the small activity area, the standard and complex assessment was to proceed concurrently. It was agreed that the complex assessment methodology was to consist of a hand excavation of 1x1m test pits and 50x50cm shovel test pits, which were to be opportunistically excavated across the activity area, targeted areas that will be subjected to the proposed development activity.

The standard assessment was conducted on 21st July 2021. The standard assessment was conducted by Edward East (Director, Compass), Jake Osbourne (Compass archaeological assistant), Tylah Merriman (Eastern Maar field representative) and Bernie Clark (Eastern Maar field representative). No surface Aboriginal cultural heritage material or places were identified during the standard assessment.

The complex assessment was conducted on 21st July 2021. The standard assessment was conducted by Edward East (Director, Compass), Jake Osbourne (Compass archaeological assistant), Tylah Merriman (Eastern Maar field representative) and Bernie Clark (Eastern Maar field representative). No Aboriginal cultural heritage material or places were identified during the standard assessment. No subsurface Aboriginal cultural heritage material or places were identified during the complex assessment.

Following the standard assessment, a complex assessment results meeting was held on 03rd August 2021. In attendance to discuss the results of the complex assessments was John Clarke (Eastern Maar cultural landscapes), Davina Taylor (Eastern Maar Strategic Liaison Officer), Steve Myers (Myers Planning Group) and Edward East (Director, Compass Heritage Services). The results of the standard and complex assessment was discussed as well as the CHMP management conditions. As per the meeting notes it was discussed that the activity area had likely previously been graded and cleared in anticipation of construction works. The standard assessment recorded ground visibility due to dense grass coverage. Surface disturbance was observed associated with past construction

events across the activity area. The complex assessment consisted of the excavation of 10 STP's and a 1x1m stratigraphic test pit, which mostly showed a lot of artificial filling and mottled, disturbed filling in the pits. The geomorphology consisted of silty clay onto a deposit of clay, no deposit of Tower Hill Tuff was recorded within the activity area. As no Aboriginal cultural heritage material or places had been located in the activity area Eastern Maar standard cultural heritage management conditions were agreed upon.

6.1.1 *Summary of the Outcomes of Consultation*

All Eastern Maar representatives present during the meetings and field assessment phases of the CHMP discussed and agreed upon the field methodology, interpretation of results during the field program and the CHMP management conditions. Table 3 outlines the dates and details of all personnel who participated in the CHMP.

Table 3: Consultation & Participation in relation to the CHMP assessment.

Date	Personnel	Stakeholder Group	Details of Consultation
16 June 2021	Edward East (Compass)	VAHR (AV)	NOI submitted to AV.
16 June 2021	Edward East (Compass)	Eastern Maar Compass	NOI submitted to Eastern Maar
16 June 2021	Samantha Fidge (Eastern Maar)	Eastern Maar Compass	NOI submitted to Eastern Maar. Eastern Maar confirmed to participate and evaluate CHMP.
20 July 2021	Craig Edwards (Eastern Maar) Samantha Fidge (Eastern Maar) Edward East (Compass)	Eastern Maar Compass	CHMP Inception meeting held.
21 July 2021	Edward East (Compass) Jake Osbourne (Compass) Tylah Merriman (Eastern Maar) Bernie Clark (Eastern Maar)	Eastern Maar Compass	Standard/complex assessments conducted.

03 August 2021	John Clarke (Eastern Maar) Davina Taylor (Eastern Maar), Steve Myers (Myers Planning) and Edward East (Compass)	Eastern Maar Myers Planning Compass	Standard/complex assessment results meeting. No Aboriginal cultural heritage places identified. Standard RAP CHMP conditions agreed too.
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7 DESKTOP ASSESSMENT

This section represents the result of the desktop assessment in accordance with Regulation 61 of the *Aboriginal Heritage Regulations 2018*.

7.1 The Geographic Region

The geographic region of the current activity area falls within the Western Volcanic Plains Geomorphic unit, which stretches from Melbourne to the South Australian border. The volcanic plain is characterised by flat to undulating ground interrupted by volcanoes. The activity area is located on the volcanic plain characterised by flood basalt through which Merri River has carved a gorge to a depth of up to 37m (Map 1). The geographic region north border is formed by the axis of Russell Creek, the west border by the Rowans Lane and Staffords Road, the southern border by meandering course of the Hopkins River and Bass Straight coastline and the west border by Kepler Street, Canterbury Road and Bromfield Street. This 3km geographic region was selected as the most appropriate in order to establish a suitable analysis of the local area.

The selection of this geographic region is appropriate given that the activity area forms part of a much larger geographic region that extends across the entire basalt plain of western Victoria. The previously registered Aboriginal places across this geographic region provides a substantial amount of information as to the places most likely to occur within the activity area and is therefore entirely relevant to the site prediction model provided. The number of previous archaeological studies that have been recorded across this region and close to the current activity area will further enhance the site prediction model provided below.

7.2 The Geology of the Activity Area

A review of the landforms and geomorphology of the activity area provides a context for understanding the pre-Contact Aboriginal land use and occupation patterns that led to the formation of archaeological sites, and also for understanding what subsequent process have affected the integrity and contents of any sites present. An understanding of the geology and environment is fundamental to understanding the pre-European context of Indigenous land use and settlement. It is also important to understand the changes that have occurred to the environment since European arrival, as these have significant implications for site preservation and location.

The current geological landscape of western Victoria was formed during the Quaternary age, 1.6 million years ago to present. Across western Victorian is the Newer Volcanic Plains on which is located at least a dozen extinct volcanoes. Known volcano locations include Mount Cottrell, Mount Kororoit, Mount Cottrell, Spring Hill and Bald Hill. These are four of some 20 volcanic cones in the region which have been identified as the source of the lava flow that created the basalt plain today called the Newer Volcanic's, which characterise the plans of western Victoria. These erupted approximately one to five million years ago resulting in the basalt plain that covers the western plains, including the current activity area. The lava flows range in age from four million to less than two million years old, and have brown clay soils with calcrete development, reflecting the low rainfall of the area (Birch 2003: 560). The present land surface of the activity area has evolved

through the processes of erosion, faulting, and volcanic activity. Palaeozoic bedrock protrudes through Pleistocene-era lava sheets to produce an undulating surface. Lava flows disrupted earlier drainage channels. Post-eruption drainage channels developed a meandering course on a gently sloping surface. Such channels became entrenched into the lava producing deep gorge-like valleys. Channels such as the Merri River, 445 metres to the north of the present activity area, became entrenched along the boundary between the lava and the softer Silurian bedrock (McAndrew & Marsden, 1973: 14) (Map4).

The underlying geology of the activity area is recorded as a deposit of Tower Hill Tuff. This deposit is a Neogene/Pleistocene to Holocene epoch deposit that was laid down by multiple volcanic events associated with the nearby Volcanic maar of Tower Hill. The deposit is comprised of pyroclastic rocks with basaltic and sedimentary clasts (Australian Stratigraphic Units Database 2020: Tower Hill Tuff).

The eruption of Tower Hill is of archaeological significance due to the occurrence of a stone tool beneath the ash layer associated with the most recent eruption of this volcano. An age range of 36.8 ± 3.8 ka (2σ) (95% confidence interval) was determined for the Tower Hill volcanic complex. The Tower Hill eruption age is a potential minimum age constraint for human presence in Victoria, consistent with published optically stimulated luminescence and ^{14}C age constraints for the earliest known occupation sites in Tasmania, New South Wales, and South Australia. If aspects of oral traditions pertaining to this eruption event or its surrounding lava landforms reflect volcanic activity, this could be interpreted as evidence for these being some of the oldest oral traditions in existence (Matchan et al. 2020).

Near to the activity area is the Bridgewater Formation geologic deposit. This geologic formation is a series of Pleistocene calcareous coastal dune ridges generally aligned parallel to the present coastline, extending along the southern Australian coastline from Victoria to South Australia and marking shoreline high stands during glacio-eustatic changes in sea level. The source of the calcareous material for these dunes is the shells and skeletons of shallow marine organisms which have been subject to vigorous wave action, breaking them down into bioclastic sand. The dunes are separated by linear interdune swamps which contain estuarine to lacustrine limestones, dolomites, marls and clays up to 13 m thick. The Bridgewater Formation is mostly between 15 and 25 m thick, but can be up to 45 m (Lipar, M. Webb, J. 2015). The Merri River Estuary is shaped by a core of mid-Pleistocene dunes belonging to the Bridgewater Formation which is mantled by Holocene dunes that formed with sea level stabilisation approximately 6900 years BP (Gill 1988). Aboriginal places have been found in association with dunes that are part of the Bridgewater Formation within the geographic region.

The Moyjil/Point Ritchie site at Warrnambool is also associated with the Bridgewater Formation. This site features burnt shell deposits and stones which have been argued to be evidence of human subsistence activities. The archaeological provenance of the features had not been demonstrated; geochronological determined ages (>60 ka) suggested antiquity greater than the then accepted period of human occupation in Australia (Carey, S. et al. 2018).

The geology of the activity area is important for establishing what stone resources would have been available to Aboriginal people. Silcrete is an important raw stone material used by Aboriginal people and found throughout many drainage lines across the western Volcanic plains. Silcrete is often formed in the presence of basalt and is the result of a chemical reaction during the weathering

process. Basalt is found across the region and occurs on the surface in the region as ‘floaters’. Basalt rock contains large amounts of silica and is easily weathered (Webb 1995: 11 – 12).

The current shoreline of Victoria is located 2.7km south west of the current activity area. The current shoreline was created at the end of the last ice age, when the sea level rose, cutting the link between Victoria and Tasmania. Around 6,000–5,000 years ago, the coastline stabilised to the present conditions (Birch 2003).

7.3 Geomorphology of the Activity Area

The geomorphology of the activity area is indicative of what stone resources may have been available to Aboriginal people in the past. It is also important in establishing the age range of the soil deposit the activity area is situated on.

The department of Agriculture Victoria has mapped the geomorphology of the activity area as consisting of geomorphic unit 6.1 Volcanic Plains. The volcanic plains were built up by sporadic volcanic eruptions over a period of about 5 million years, and are known geologically as the Newer Volcanic's, the deposits which form the Newer Volcanic Province of Victoria. Much of the plains were formed from lobes of lava which flowed from the eruption points, overlapping to form a veneer of basalt lava flows. The flow varies in thickness according to both the underlying topography and the present-day surface. The flows are interleaved in places with pyroclastic deposits (scoria and tuff) and discontinuous buried palaeosoils of variable thickness (VRO 2021: Unit 6.1).

The department of Agriculture Victoria has mapped the specific geomorphology of the activity area as consisting of plains with poorly developed drainage and shallow regolith. The plains developed on the older Newer Volcanic lavas that formed in the Late Pliocene and during the Pleistocene, from about two million year ago and up to one million years ago, are generally characterised by thin regolith development and poorly developed drainage. In these landscapes, flow boundaries are obvious, and corestones (‘floaters’) are often seen at the surface. Shallow drainage lines have developed, often along the boundaries of lava flows. Discontinuous drainage lines may end in ephemeral wetlands and swamps. Examples of this landform occur in the region from Warrambine to Armytage, with the best examples immediately north of the Wingeel Swamp.

Associated soil types are sodic and non-sodic texture contrast (moderately deep to deep) soils (Sodosols) and some gradational (shallow to moderately deep) soils (Dermosols), and gilgai (mound and rise ground surfaces) due to swelling and shrinking clay soils can lead to road and building foundation problems (VRO 2021: Unit 6.1.3) (Map 4).

7.4 Climate

The last world glacial period, which began c. 80,000 years before present (BP), lowered temperatures and sea levels. This cooling period peaked c. 18,000 BP when the sea level receded to 120 metres below its present level and the temperature dropped to between six and ten degrees Celsius colder than present temperatures (Kershaw 1995). During this phase, Tasmania was joined to the mainland by an isthmus of land, and semi-arid grasslands covered large areas of Victoria. As conditions ameliorated, climatic conditions became milder, although wetter. At approximately 5,000

BP, conditions became slightly cooler and drier, similar to the present climate. Vast grasslands continued to dominate Victoria until recently (Kershaw 1995: 656 – 675).

These changes in climatic conditions suggest that the flora and fauna of Victoria, and therefore of the activity area, went through substantial changes during the same period. The changes must have impacted on Aboriginal subsistence and patterns of exploitation in the activity area and the surrounding region. During cooler and windier periods, especially between 18,000 and 5,000 BP, the region was exposed to strong, cold, westerly winds. It can be assumed that if the region was occupied during this period, areas with some protection from those winds were favoured during the colder periods. The generally mild but seasonably variable climate of the past 5,000 years was conducive to Aboriginal occupation throughout the year with possible seasonal movements to more sheltered locations in winter months (Hiscock 2008: 183–198).

The Warrnambool region has a temperate climate with warm summers and cold to mild winters. The mean temperatures in Melbourne vary between a maximum of 25.8°C and minimum of 14°C in summer and a maximum of 13.3°C and minimum of 7.5°C in winter. Modern records record that the average rainfall ranges between 600 and 700 mm per year (Land Conservation Council (LCC) 1991).

7.5 Pre-contact flora and fauna

According to ecological vegetation class (EVC) projections, prior to European contact the activity area would have consisted of two types of EVC categories (Map 6).

Plains Grassy Woodland is mapped as covering the activity area (DELWP 2021: EVC 55). This vegetation class consists of open, grassy eucalypt woodland with an understorey that consists of a few sparse shrubs over a species-rich grassy and herbaceous ground layer. Typically dominated by Forest Red Gum (*Eucalyptus tereticornis*), the understorey may include shrubs of Lightwood Acacia (*Implexa*), Creeping Bossiaea (*Bossiaea prostrata*) and Cranberry Heath (*Astroloma humifusum*). Common grasses include Weeping Grass (*Microlaena stipoides*) and Kangaroo Grass (*Themeda triandra*).

To the south of the activity area was found Damp Sands Herb Rich Woodland (DELWP 2020: EVC 3). This vegetation class is frequently associated with a sand horizon deposited over older more fertile soil/geology such as basalt or limestone. Trees are able to access the deeper material via their root systems while smaller plants are confined to the less fertile upper layer, litter fall from the trees results in higher surface fertility and promoting grassy areas. Typically dominated by isolated trees of Forest Red Gum (*Eucalyptus tereticornis*), the understorey may include shrubs of Lightwood Acacia (*Implexa*), Creeping Bossiaea (*Bossiaea prostrata*) and Cranberry Heath (*Astroloma humifusum*). Grasses that dominate the species list include Weeping Grass (*Microlaena stipoides*) and Kangaroo Grass (*Themeda triandra*).

Along the banks of nearby creeks and swamps, Swamp Scrub and Coastal Headland Scrub was found (DELWP Online. 2021: EVC 21, 161). These habitat consists of woodland of swampy depressions of lowland plains, with a sedgy-herbaceous understorey which includes aquatic species. Below a canopy of river red gum (*Eucalyptus camaldulensis*) following the axis of creeks and rivers, with more isolated trees found across the plains, aquatic plants such as tall spike rush (*Eleocharis sphacelata*), duckweed (*Lemna sp*) and bullrush (*Typha angustifolia*) grow. On creek and riverbanks, terrestrial

plant species such as spiny flat-sedge (*Cyperus gymnocaulos*) can be found (Cochrane et al. 1968: 88–95).

There are many water systems across the geographic region, with large rivers such as the Hopkins River (1.5km south east), and Merri River (2.4km north east) present, as well as smaller creeks present such as Russell Creek (800m north) These rivers have many smaller run offs associated with their meandering routes.

Prior to European arrival, the region supported a wide range of faunal species hunted by the Aboriginal people. Larger species, such as kangaroos, possums, wallabies, and emu, were common. Other species recorded at the time of early European contact, which have since largely or wholly disappeared, included quolls, pademelons, potoroos, fat-tailed dunnart, and eastern barred bandicoot (LCC 1991:107). There is likely to have been seasonal variation, with higher numbers in summer. Aboriginal subsistence activities would also have focused on hunting game across the plains and also exploiting the nearby creek and river systems. These swamps and creeks would have provided a wide range of resources for Aboriginal people and a reliable water source, with freshwater mussels, fish, eels, waterbirds, lizards, and small marsupials a reliable food source throughout most of the year. The Bass Straight coastline is also adjacent to the activity area. The coastline would have provided access to a wide range of marine fish, shellfish, and birds. This would have been a primary source of subsistence resources for Aboriginal people in the geographic region.



Map 3: Geology of Geographic Region



Legend

 Activity Area	 Bridgewater Formation (Qxr)	 Alluvium(Qa1)
 Geographic Region	 Brighton Group (Nb)	 Coastal dune deposits (Qd1)
 25m Contour	 Newer Volcanic Group - basalt flows (Neo)	 Coastal lagoon deposits (Qg)
 Watercourse/Waterbody	 Port Campbell Limestone (Nhp)	 Swamp and lake deposits (Qm1)
 Waterbody	 Tower Hill Tuff(Nept)	

Map 3: Geology of the Geographic Region.



Map 4: Geomorpholgy of Activity Area



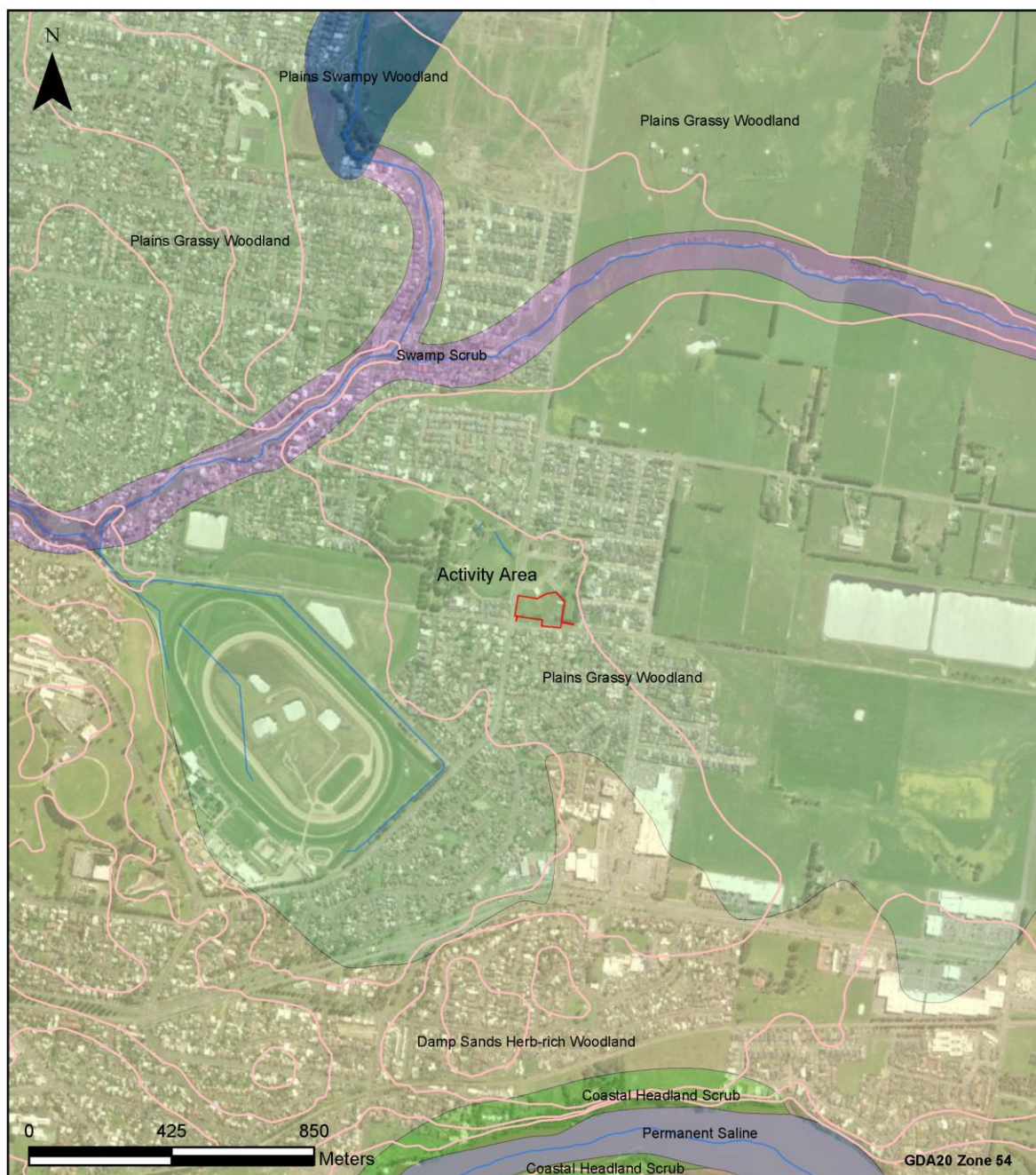
Legend

- | | |
|-----------------------|--|
| Activity Area | Waterbody |
| 25m Contour | Plains with poorly developed drainage and shallow regolith (Wingeel) |
| Watercourse/Waterbody | Plains with ridges (Follett) |

Map 4: Geomorphology of the Activity Area.



Map 5: 1750 EVC of Activity Area



Legend

- | | | |
|---|--|---|
| Activity Area | Coastal Headland Scrub | Plains Grassy Woodland |
| 25m Contour | Damp Sands Herb-rich Woodland | Plains Swampy Woodland |
| Watercourse | Permanent Saline | Swamp Scrub |
| Coastal Dune Scrub | | |

Map 5: 1750 EVC of the Activity Area.

Archaeological evidence suggests that Aboriginal people have occupied south-eastern Australia for at least 40,000 years BP (Flood 1995: 284–7). One of the oldest dated archaeological sites in Victoria is at Keilor in Melbourne where charcoal from a hearth excavated in 1973 has been dated to 31,000 years BP (Flood 1995: 286). The information used to establish pre-settlement Aboriginal spatial organisation is mostly based on observations made by Europeans during the initial period of contact and subsequent settlement of the activity area.

The Dhauwurd Wurrung moved over their country in small, fluid, bands of between 20 and 120 persons (Dawson 1881, Lourandos 1977). A band could be made up of people from several clans, most of whom were related through kinship ties. Each band had its own section of country, its range, which it moved over in a regular seasonal pattern dictated primarily by the presence of food and water resources. It is significant that an eye-witness at Yambuk in the 1840s, Annie Dawbin (as reported by Critchett 1984:14), mentioned “upwards of one hundred Aborigines” passed by on their way to Port Fairy for a corroboree, and Robinson encountered even larger groups in the Moyne lagoon at this time in European settlement at Port Fairy (Robinson in Clark 1998 Vol 2:149-162).)



Aboriginal clans in the Western District lived a hunter-gatherer lifestyle, moving from one locality to another to make use of seasonal resources, trading opportunities and to meet ritual and kinship obligations. Ethno-historical records suggest that in some seasons Aboriginal people of the Western District lived a more settled life than Aboriginal people in other areas of south-east Australia. These beliefs are based on the presence and observations of shelters and 'villages' in the Western District (Schell 1995: 8).

Thomas received a description of a 'village' near Caramut from a local informant:

There was on the banks of the creek between 20 and 30 huts of the form of a beehive or sugar loaf, some of them capable of holding a dozen people ... These buildings were all made of a circular form, closely worked and then covered with mud (Cited in Williams 1984: 174).

Robinson observed the presence of many huts in Western Victoria (Presland 1977: 36, 38, 73, 85). He records that in the stony rises there were "*plenty of huts of dirt and others built of stones*" (Clark 1998b: 19). However, whether these huts or villages were inhabited on a permanent or semi-permanent basis, or were returned to seasonally, is not known.

Critchett (1992) theorises that Tower Hill Lake was an important meeting place for different clan groups and speculates that ceremonial and trading activities took place there. The freshwater source combined with mixed deposits of cultural heritage material (indicating domestic activity) and the number of burial sites in the region supports her theory.

The diet of the Western District Aboriginal people consisted of a wide range of mammals, fish, birds, plant food and fungi (Dawson 1881: 18–22). Ethno- historical accounts suggest the daisy yam was a staple plant food, being available year-round, although less palatable in early winter (Gott 1983: 6–8).

Dawson (1881) refers to a gum which was used by the Aboriginal people near the Hopkins River; his reference reflects how the distribution and availability of a food source was affected by the arrival of the Europeans: Another kind of manna, also called buumbuul, is deposited in considerable quantities by the large dark coloured cicadae on the stems of white gum trees near the River Hopkins. The natives ascend the trees and scrape off as much as a bucketful of waxen cells filled with a liquid resembling honey, which they mix with gum dissolved in cold water and use as a drink. They say that, in consequence of the great increase of opossums, caused by the destruction of the wild dog, they never get any buumbuul now, as the opossums eat it all (Dawson 1881:21).

Eels were seasonally exploited and would have been an important food source in the autumn months. There are numerous accounts of eel fishing and trapping and the eel trapping infrastructure remains in some places including along the Hopkins River (Schell, 1995: 9).

Plants such as myrnong, bracken and tree ferns provided staple foods for Aboriginal people, while medicines could be made from species such as Black Wattle (*Acacia mearnsii*), and the wood or bark from Silver Wattle (*Acacia dealbata*) could be used to manufacture implements. The grasses and water reeds, paperbark trees and Eucalypts all provided raw material for baskets and bark and wooden implements. The bark from stringy bark (yangoro) and mountain ash (yowork) was selected for the manufacture of bark canoes. Apart from the manufacture of implements and access to food and medicinal resources, the bark from these trees would also have been removed for other ceremonial and social non- utilitarian purposes. The roots (rhizomes or tubers) of the Cumbungi

(*Typha orientalis*), Water ribbon (*Triglochin procerum*) and Common Reed (*Phragmites australis*) were harvested and cooked in earth ovens (Gott & Conran 1991: 8–9). In the case of the Cumbungi, after being cooked, the centre part of the rhizome was knotted then chewed to extract starch, and the remaining fibre was used for string (Gott & Conran 1991: 8). These resources would have existed within or adjacent to the activity area.

Some stone resources used by Aboriginal people would have been available in locations near the present activity area. Silcrete, flint and quartz were favoured stone materials for the manufacture of stone implements. These materials would have been readily available from nearby sources. Quartz pebbles were widely available in riverbeds, beaches and alluvial deposits. Flint was readily available in the form of nodules originating from undersea Miocene limestones which could be collected on the beaches. Basalt was used occasionally as it was in plentiful supply along the volcanic plains but was not a preferred material as it is harder to work with due to its porous nature. The most important raw material used in the manufacture of axes was greenstone. There are accessible source points for this material, the most well-known being Mount William, near Lancefield (Coutts et al 1976).

7.6.1 *Post-Contact History*

From 1839–1849 the British Government established an Aboriginal Protectorate to mediate between Aboriginal communities and European colonists, with George Augustus Robinson employed as the Chief Protector of Aborigines. Four Assistant Protectors were employed and each assigned jurisdiction over an area. C. W. Sievwright was assigned to the Western District in 1841 (Cannon 1983: 365).

In 1850 William Gray, the Commissioner of Crown Lands for Portland Bay, provided a census of the Aboriginal population in the district. He recorded 20 adult males, 15 adult females and four children (Clark 1990: 45). In 1858, a select Committee of the Legislative Council was appointed to inquire into the condition of Aboriginal people in the State. Reports from squatters in the area estimated that the Aboriginal population in the area had been reduced by 75 per cent during the 1840s and 1850s (Clark 1990: 197–8).

Violence between Aboriginal groups and European pastoralists was common throughout the region. Aboriginal people were forced off their traditional lands, with many squatters prohibiting Aboriginal people access to their runs (Clark 1998b: 153–155). There are extensive reports of ‘guerrilla warfare; between Aboriginal people and squatters and their employees’ throughout the 1840s. There are stories of Aboriginal people using the stony rises around Eumeralla River as a base for attacking the European settlers who had dispossessed them. This conflict has been called the Eumeralla War (Clark 1989).

Aboriginal people in search of food and other basic items began living on the fringes of Warrnambool, where government rations were available from 1860 onwards (Clark 1990: 40). These people were moved to the Framlingham Aboriginal Mission when it opened in 1861. This Aboriginal reserve covered 3500 acres near the Hopkins River; a large section of land that included the Framlingham forest, the only forested area in the region. In 1867 the Board decided to close Framlingham and move the inhabitants to the new station at Lake Condah, however the people

living on the mission refused to leave and successfully protested: Framlingham was reopened in 1869.

In 1877, a census conducted by the police listed 69 Aborigines at the Framlingham Aboriginal Station (Barwick 1971: Table 20: 2). The number of people at Framlingham represents the gathering together of people at the station rather than an increase in population, as the total Aboriginal population of south-western Victoria decreased from 727 in 1863 to 236 in 1877. By 1863 the Aboriginal population of Victoria was less than 2000, or 13 per cent of the estimated pre-European Aboriginal population (Barwick 1971: 288).

In 1886, the introduction of the Aborigines Protection Act meant that only people considered as 'full-blooded', or 'half-caste' people over 35 years of age, were allowed to remain on the Mission Stations. This led to a decreased labour force on the stations and an increase in fringe-dwelling Aboriginal people in the Melbourne region (Presland 1994: 105, 107).

In 1890 the Colonial government reserved an area of 582 acres for the use of Aboriginal people at Framlingham, but refused to staff the station, or provide assistance such as teachers, equipment, and livestock. In the 1930s public concern was raised regarding conditions of the Aboriginal people at Framlingham. Under mounting pressure, the government agreed to build an additional twelve cottages, and a school was opened, and residents given weekly rations. There were multiple attempts to close Framlingham over the years, however the residents remained strongly attached to their land and defeated attempts to remove them.

European colonisation and cultural integration stripped the Aboriginal people of their traditional way of life (Broome, 2002). Prior to European arrival, the Aboriginal population of Victoria was estimated at 10,000–20,000 people (Presland, 2010: 90). By 1861, some 540,000 Europeans immigrants were living in Victoria and fewer than 2,000 Victorian Aboriginal people remained (Presland, 2010: 90). Thirty years after the foundation of Melbourne in 1835, it is known that the combined population of the Melbourne area tribes, the Woi wurrung and Boon wurrung, had been reduced to 28 individuals (Presland, 2010: 90). At the beginning of the 20th century, when the colonies of Australia became a federation, the reported number of Aboriginal people in the entire state of Victoria was estimated to be 650 (Presland, 2010: 90). European Contact had taken a deathly toll on the Aboriginal peoples of Victoria.

In 1970, under the Aboriginal Lands Act, Framlingham was handed to the Framlingham Trust and resumed operation under Aboriginal ownership and management. In the 1980s, Land Rights claims were issued for 1,000 acres of the Framlingham Forest surrounding the Mission Station. This continued from 1980–87, when the land was handed over to the Kirrae Whurrong Aboriginal Corporation at Lake Condah and Framlingham. Aboriginal people still live on the mission land and continue to manage the land there (ATNS Database 2020: Framlingham Aboriginal Reserve).

7.7 Land Use History of the Region

Visits by sealers to the coastal regions of south-west Victoria may have begun as early as the late 18th century. These visits appear to have been almost entirely restricted to the coastal area. Periodic visits by whalers may have begun as early as 1810. The first shore-based whaling station appears to

have been that of William Dutton, who established a station at Portland in 1828 (Townrow 1997: 11).

Thomas Mitchell's account of his explorations of 'Australia Felix' provided a significant impetus to the movement of squatters to the west and south-west of Victoria. As details of his travels became known, there was a rapid influx of settlers to the region. Edmund Henty established his settlement at Portland in 1834 (Kiddle 1963: 31). From 1837 onwards squatting runs were rapidly established throughout the region. Occupation of the country progressed from several directions at once – overland from the north, from Melbourne and Geelong in the east and Portland in the west (Powell 1996). During the 1850–1860 gold rush the European population of Victoria dramatically increased, with demand for land being particularly great among men returning from the diggings. This resulted in widespread clearance of land for sheep grazing and agriculture. This in turn destroyed many traditional hunting areas and led to conflict with Aboriginal people (Powell 1996).

As a result of the districts increasing agricultural settlement, it became necessary that another port in the west should be established. During May 1845, Charles La Trobe, Superintendent of the Port Phillip District, along with a party of other prominent men from the district, visited the area, selecting the site for a township that would become known as Warrnambool. The first lots within the new township area were sold in 1847 (Osbourne 1887: 1). Warrnambool's name is thought to have been derived from an Aboriginal word with several attributed meanings, including place of plenty, running swamps and a growing tree (Victorian Places 2020: Warrnambool).

Warrnambool made little progress during its first years as it was dependent on the sea for the arrival of people and goods, as the overland route to Warrnambool was slow and difficult (Beavis 1993: vii). However, by late 1848, the town had two blacksmiths, a wheelwright, a tailor, carters, carpenters, two butchers, two stonemasons, two general stores, two hotels, the commencement of a postal service and a Sunday school. A National School and a hospital opened in the following two years. The town grew steadily over the coming years and Warrnambool was declared a municipality on 6 December 1855. (O'Callaghan 2004).

Today Warrnambool is the capital city of the south west coastal region of western Victoria, it is the fifth largest city in Victoria. The mainstay of the economy is agriculture and its support industries. Other major industries and services include retail, education, health, meat processing, clothing manufacture and construction (Victorian Places 2020: Warrnambool).

7.8 Land Use History of the Activity Area

Currently available parish maps or certificate of title records do not provide any information on the land use history of the current activity area and no secondary historical sources mention the current activity area specifically. As a result, the current activity area land use history has been broadly established via the analysis of historic aerial imagery (Christopher. et al 2018. Yang, et al. 2014) (Table 1. Map 6). Dial Before You Dig (DBYD) searches have also provided land use information about the activity area. The DBYD shows that subsurface Telstra cables and Wannon Water pipelines are present across the areas associated with footpath construction running along Aberline and Dales Road (Appendix 5).

Table 4: Historic Aerial Imagery Analysis

Date	Activity Area Ground Conditions
1950	Activity area consists of vacant open land. Native vegetation appears to have been cleared, agricultural fences are visible, it is likely the activity area is being utilised for livestock herding. Part of the southern areas of the activity area are part of the axis of Dales Road at this time.
1970	Activity area remains vacant open land, still probably being utilised livestock herding. The surrounding area has been subject to increased residential development.
1968	The west half of the activity area remains open land. A residential dwelling with an associated shed has been constructed across the east half of the activity area.

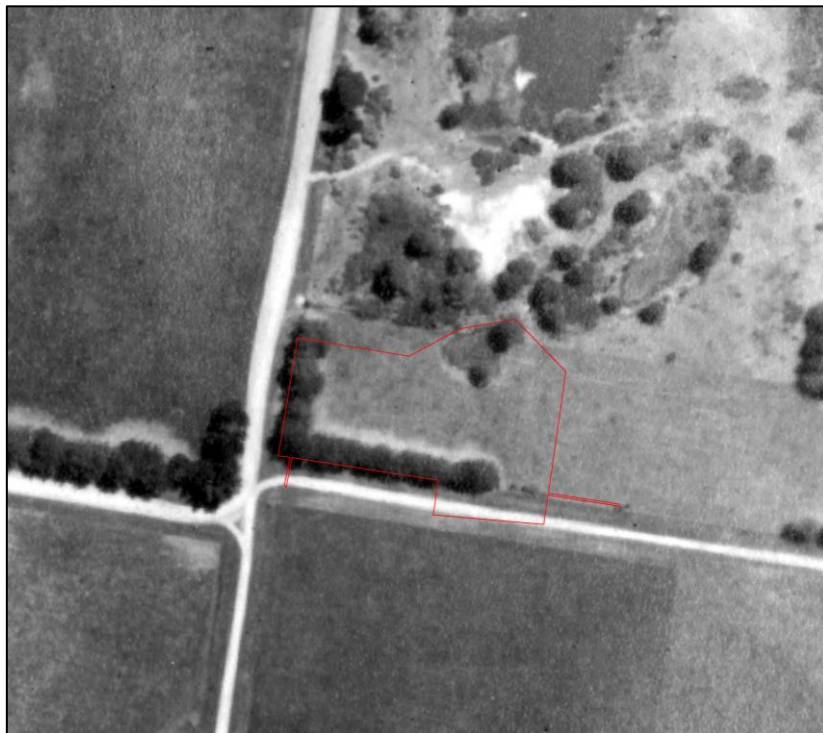


Figure 3: 1950 Historic aerial of activity area (Landata 2021).



Figure 4: 1970 Historic aerial of activity area (Landata 2021).



Figure 5: 1991 Historic aerial of activity area (Landata 2021).

8 ABORIGINAL PLACES IN THE GEOGRAPHIC REGION

Edward East (Compass Heritage Director/ Heritage Advisor) accessed the VAHR initially on 22 June 2021. A search was conducted for previously registered Aboriginal places within the established geographic region. No places listed on the VAHR are located within the current activity area

A total of 51 Aboriginal places are located across the geographic region. Registered VAHR Places in the geographic region consist of 2 low density artefact distributions that comprise 28 individual components (LDAD) (11%), 5 artefact scatters (20%), 11 shell middens (45%) and 6 object collections (25%). It should be noted that Object Collections are the physical location of a collection Aboriginal artefacts that may have come from outside the geographic region. The VAHR places within the geographic region are found widely distributed, however, site patterning across the geographic region shows concentrations of places close the Hopkins River, Russell Creek and the Bass Straight coastline. These diverse place types and their wide distribution reflects the use of both coast and hinterland for subsistence and cultural purposes by Aboriginal peoples, with the access to water, fresh or saline, a clear reason for the location of places (Map 6) (Table 2 – 3).

The closest VAHR place to the activity area is VAHR 7421-0243 Raglan Parade 1, found 1km to the south east of the activity area (Map 6). The place consists of four lithic artefacts, comprised of quartz and coastal flint, located on a volcanic plain landform, reflecting the use of the plains for subsistence activities.

The artefacts that comprise the lithic assemblages found across the geographic region are primarily flakes, and angular fragments, with cores and specific tools, such as blades, found in much smaller numbers. The previously recorded places across the geographic region feature lithic material assemblages that are primarily comprised of artefacts manufactured from coastal flint, silcrete and quartz, with artefacts manufactured from quartzite, chert and basalt found in smaller numbers (Table 2). As discussed in Section 2.2 easy access to basalt was available across the volcanic plains, with access to silcrete available from outcrops found along the alluvial river valleys that dissect the volcanic plains. Quartz, and quartzite could be sourced from across the plains, but also in the creek and river lines themselves. Chert would have been accessible from the Grampian Mountains (Van Waarden, N. 1986).

Table 5: Previously recorded VAHR Places within the geographic region

Aboriginal Place Name	Component Number	Component Type
Warrnambool Rail Warrnambool Shell Midden 1	7321-0513-3	Artefact Scatter
HOPKINS POINT 1	7421-0194-1	Artefact Scatter
Hopkins Rd Path Shell Midden 1	7421-0212-2	Artefact Scatter
Point Ritchie Road Shell Midden 1	7421-0213-2	Artefact Scatter
Granny's Grave Shell Deposit	7421-0214-2	Artefact Scatter

Botanic Road LDAD	7321-0493-1	LDAD
Warrnambool Rail Warrnambool LDAD 1	7321-0512-1	LDAD
Rodgers Road LDAD	7421-0226-1	LDAD
Rodgers Road LDAD	7421-0226-2	LDAD
Rodgers Road LDAD	7421-0226-3	LDAD
Raglan Parade 1	7421-0243-1	LDAD
Raglan Parade 1	7421-0243-2	LDAD
Raglan Parade 1	7421-0243-3	LDAD
Raglan Parade 1	7421-0243-4	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-1	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-2	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-3	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-4	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-5	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-6	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-7	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-8	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-9	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-10	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-11	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-12	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-13	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-14	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-15	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-16	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-17	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-18	LDAD
Warrnambool Rail Warrnambool LDAD 2	7421-0244-19	LDAD
Botanic Road LDAD	7321-0493-2	Object Collection
Moyjil Aboriginal Place	7421-0006-2	Object Collection
Brucknell Creek IA	7421-0218-2	Object Collection

Rodgers Road LDAD	7421-0226-4	Object Collection
Ondit Low Density Artefact Distribution	7621-0423-2	Object Collection
Ondit LDAD 2	7621-0425-13	Object Collection
Warrnambool Rail Warrnambool Shell Midden 1	7321-0513-1	Shell Midden
HOPKINS MOUTH 3	7421-0008-1	Shell Midden
HOPKINS MOUTH 4	7421-0009-1	Shell Midden
HOPKINS MOUTH 5	7421-0010-1	Shell Midden
HOPKINS MOUTH 6	7421-0011-1	Shell Midden
Hopkins Rd Path Shell Midden 1	7421-0212-1	Shell Midden
Point Ritchie Road Shell Midden 1	7421-0213-1	Shell Midden
Granny's Grave Shell Deposit	7421-0214-1	Shell Midden
Hopkins River Path Shell Midden 1	7421-0215-1	Shell Midden
Hopkins River Path Shell Midden 2	7421-0216-1	Shell Midden
Hopkins River East Bank Shell Midden 1	7421-0217-1	Shell Midden

Table 6: Summary of the VAHR Place Components within the geographic region.

Component Type	Amount	Frequency (%)
Artefact Scatter	5	20%
LDAD	3	11%
Shell Midden	11	45%
Object Collection	6	25%
Total	24	100%



Map 6: VAHR Places in Geographic Region



Legend

- | | | | |
|-------------------|------------------------------------|------------------|-------------------|
| Activity Area | Watercourse/Waterbody | Artefact Scatter | Object Collection |
| Geographic Region | Waterbody | LDAD | |
| 25m Contour | Cultural Heritage Sensitivity Area | Shell Midden | |

Map 6: VAHR Places in Geographic Region.

8.1 Previous Studies in the Geographic Region

The results of prior archaeological studies relevant to, or conducted in the vicinity of, the present activity area, along with the current regional model of site distribution, are presented in this section. This information is reviewed in order to assess the archaeological sensitivity of the activity area and to inform the methodology of the field assessment program.

8.1.1 *Regional Investigations*

du Cros, H. 1993

du Cros (1993) investigated two areas located on Merri River closer to the coast and on either side of the existing Warrnambool Golf Course 7km to the south east of the current activity area. Two specific areas were investigated, Area A, the site of a proposed golf course expansion, extended as far west as Kennedy Street, while Area B, the site of a proposed sewerage treatment plant, extended almost to Pertrobe Lane in the east. Approximately 70% of both areas were examined during a pedestrian survey, although ground surface visibility within both survey areas was relatively poor. A midden and surface artefact scatter were recorded within one area, Warrnambool Golf Course 1 (VAHR 7321-0404). The midden contained a variety of materials including charcoal, burnt shellfish, hearth stones and stone tools made of chert that consisted of a retouched flake, a core and debitage. In addition, a sandstone manuport used as a hammer stone was discovered. The study concluded that the banks of the Merri River had the potential to contain Aboriginal cultural heritage material.

Paynter, N., Rhodes, D. 2005

Paynter and Rhodes (2005) completed an archaeological investigation along Wollaston Road that focused on three 'sectors'. The first sector concentrated upon the Merri River corridor and floodplains, the second examined the remaining grazing lands, and the third sector focused on the residences and roads within the area. Due to a lack of pedestrian access in places, the methodology used varied between a vehicle based survey and a pedestrian based survey. The survey resulted in the identification of two isolated artefacts: VAHR 7321-0450 Wollaston Road 1 (2.1km east of the current activity area) and VAHR 7321-0451 Wollaston Road 2 (3.2km south east of the current activity area). Artefacts located included an isolated silcrete angular fragment, a silcrete core, a retouched flake, and an angular fragment. The artefacts were considered to have washed down a bank slope or having been ploughed up in a paddock and as a result were not considered to be in situ of their original depositional location. A number of landforms within the study area were noted as areas of archaeological potential; areas along the Merri River's banks, as well as a floodplain, escarpment, and stony outcrops located on a floodplain. The study noted that Aboriginal places are unlikely to be located in surface contexts due to prior ground disturbance, but that the potential for intact subsurface cultural heritage material remained high.

Schell, P. 2007

Schell (2007) undertook a cultural heritage assessment for a sewer pipe extension along Wangoom Road 6.3km east of the current activity area. The study area identified three geological units; scoria deposits, newer Volcanic's and phreatomagmatic deposits. Scoria deposits were described as being made up of black oxidised red-brown lapilli, while phreatomagmatic deposits were described as

being created from low temperature eruptions where there is a rapid conversion of ground water to steam due to the contact with hot magma. A floodplain and escarpment landform types were identified within the activity area (Schell 2007: 3). The proposed pipeline extension route was assessed by pedestrian survey, no Aboriginal cultural material was located. Ground surface visibility was recorded as poor, and the activity area was found to have low potential to contain archaeological deposits due to modern disturbance. Previous ground disturbances were attributed to vegetation clearance, ploughing and construction activity.

8.1.2 Local Investigations

A number of local archaeological studies have been undertaken across the geographic region of this desktop study.

Schell 2007. Report No. 4003.

Schell undertook a cultural heritage assessment in response to the proposed construction of a sewer pipe extension located along Wangoom Road, 2km north east of the current activity area. A desktop and survey was conducted the entirety of the proposed pipeline extension route was surveyed but no Aboriginal places were located. Poor ground surface visibility was recorded as a possible reason for this. Earth works associated with the construction of a dam had impacted parts of the activity area. It was noted that the activity area had low potential to contain archaeological deposits due to its disturbed nature.

Matic 2008. CHMP 10495.

Matic undertook a CHMP in response to the proposed construction of a pipeline along Russell's Creek, 1.9km north and north west of the current activity area. The pipeline was to extend along the course and tributaries of the creek, between Aberline and Balmoral Roads and extending from Moore Road in the south to beyond Whites Road in the north. A desktop, standard and complex assessment was conducted. The desktop assessment did not locate any previously recorded Aboriginal places in the activity area. The standard assessment did not locate any new Aboriginal places, which was attributed to poor ground surface visibility and areas of disturbance. However, several locations less along the creek, including a rise landform of were identified as areas of archaeological potential.

The complex assessment consisted of the hand excavation of twenty eight 50x50cm shovel test pits across these areas of archaeological potential. Areas of subsurface disturbance were recorded across the activity area. No Aboriginal places were located during the complex assessment.

Luebbers 2010. CHMP 11029.

Luebbers undertook a CHMP in response to a proposed 16 ha residential subdivision located between Aberline and Whites Roads and Russells Creek, 800m north of the current activity area. A desktop, standard and complex assessment was conducted. The desktop assessment did not locate any previously recorded Aboriginal places in the activity area. The activity areas archaeological potential was noted due to its proximity to Russell Creek, which runs across the south west to north east corner of the activity area. The geology of the activity area was recorded as consisting of an unnamed sheet flow basalt (Qno1). This sedimentary unit is extensive beyond the study area to the

north and will be identified later in this plan as an unnamed alluvium that contains buckshot grave, red clay, and volcanic rocks that originate from weathered volcanic materials.

The standard assessment conducted recorded poor ground visibility; due to dense surface grasses, no surface Aboriginal places were located. The standard assessment results recorded that the activity area consisted of cleared grazing land with low undulating ground surfaces that fall generally to the southwest towards the corridors of two channels associated with Russell Creek.

The complex assessment consisted of the hand excavation of a 1x1m test pit and the mechanical excavation of seventeen 2x1m test pits. The recorded stratigraphy consisted of a light brown silty clay onto mottled orange clay. No Tower Hill Tuff was recorded within this activity area. No Aboriginal places were located during the complex assessment. It is possible that the current activity area features a similar geology and geomorphology due to close proximity. However, the present activity area will also potentially feature some differences due to Russells Creek. The dynamic fluvial and alluvial actions of Russells Creek would have had a number of impacts across the land surface and geomorphology of this activity area, that may not be present in the current activity area.

James 2020. CHMP 16539.

James conducted a CHMP in response to the proposed construction of water infrastructure along the road reserves of Mcgregors, Aberline and Wangoom Roads, Warrnambool. The activity area of this CHMP intersects with the current activity area, along the axis of Aberline Road. A desktop, standard and complex assessment was conducted. The desktop assessment did not locate any previously recorded Aboriginal places in the activity area. The activity areas archaeological potential was noted due to its proximity to Russell Creek, which runs across part of the activity area. The desktop assessment also recorded that the majority of the activity area is mapped as Newer Volcanic Group – basalt flows (Neo), which is a deposit generally comprised of shallow deposits of compact silty clay topsoils. The southern section of this activity area is recorded as a deposit of Tower Hill Tuff (Nept), as per the current CHMP activity area.

The standard assessment did not locate any new Aboriginal places, with this attributed to poor ground surface visibility and ground disturbance associated with historic road construction. The standard assessment confirmed one major landform identified within the entirety of the activity area, being undulating plains that constitute predominantly agricultural pastoral land used for grazing and crop production, which is similar to the current activity area. Dissecting this major landform from west to east is Russell's Creek, comprising a creek terrace landform.

The complex assessment consisted of the hand excavation of four 1x1m test pit and twenty six 50x50cm shovel test pits. One of these STP, no 8, was excavated on the west side of Aberline Road, immediate opposite the current activity area. This STP recorded a geomorphologic deposit of brown clayey silt, onto a sterile deposit of clay. No deposits of Tower Hill Tuff was recorded across the activity area. A high degree of subsurface disturbance was recorded across this activity area, attributed to historic road construction activities. No Aboriginal places were located during the complex assessment, this was attributed in part to previous disturbance but also that the density of previously registered Aboriginal places closer to the Merri River to the north west and the coastline to the south indicate more intensive utilisation of these parts of the region. The findings and conclusions of this CHMP provide useful background data for the current CHMP, as both share similar locations and landforms.

Patton & Fiddian 2020. CHMP 16777.

Patton & Fiddian conducted a CHMP in response to a proposed construction of a supermarket and associated surfaced car park at 69 - 83 Raglan Parade, Warrnambool, 1.2km south west of the current activity area. A desktop, standard and complex assessment was conducted. A desktop, standard and complex assessment was conducted. The desktop assessment did not locate any previously recorded Aboriginal places in the activity area. The standard assessment did not locate any new Aboriginal places, with this attributed to poor ground surface visibility.

The complex assessment comprised a total of three 1x1m test pits, seventeen 50x50cm shovel test pits, including eight radial shovel test pits, and 19 mechanically excavated 2x1m test pits. A new Aboriginal place was located during the complex assessment, VAHR 7421-0243 Raglan Parade 1. Lithic artefacts were located in one shovel test pit and in one 2x1m mechanical test pit. These artefacts were all located in a disturbed context, the ground surface having been subjected to ground disturbance through bulldozing and redistribution of soil. No former intact ground surface was detected within the activity area. It was considered unlikely that any additional cultural material was present within the activity area.

Davison et al 2020. CHMP 16908.

Davison et al conducted a CHMP in response to the proposed construction of rail infrastructure and upgrades to the rail of the Melbourne to Warrnambool VLine train line, with the closet part of the activity area found 1.3km south west of the current activity area. While originally part of the activity area for CHMP 16171, the activity area for this CHMP was separated from the original CHMP in October 2019 due to uncertainty about the final design plans for the Warrnambool section of the proposed work. As a consequence, what had originally been Section 8: Warrnambool of CHMP 16171 became a separate CHMP and was given CHMP number 16908. The activity area consists of a section of land in Warrnambool along the railway reservation. The total length of the activity area is 5.4km and its total surface area is 20.5 hectares. A desktop, standard and complex assessment was conducted. The desktop assessment identified 39 Aboriginal places within 2km of the activity area. The activity area runs close to several archaeological sites, including artefact scatters in surface and subsurface contexts, shell middens and near to a number of high significance Aboriginal places, such as Moyjil Aboriginal Place.

The standard assessment surveyed nearly the entire activity area, employing both opportunistic and systematic survey techniques. The standard assessment identified eight specific landform areas of Aboriginal cultural heritage sensitivity throughout the activity area. The sensitivity of each area could not be confirmed during the standard assessment. These are as follows:

- 14 Large rocky rise overlooking The Flume Beach (Very high).
- 15 Top of Canon Hill in Warrnambool (Moderate).
- 16 Rocky Rise, eastern end on Activity Area (Very High).
- 17 Rocky Rise, east of occupation crossing 263.208 (Very High).
- 18 Large Rise, approximately 200m north of Hopkins River (Very High)
- 19 Rise overlooking Hopkins River (Very High).

- 20 Large Rise overlooking Hopkins River (Very High).
- 21 Large Rise overlooking Hopkins River (Very High).

The complex assessment was completed in two stages. The complex assessment involved the excavation of fifteen 1x1m Test Pits and twenty one 50x50cm shovel test pits across two sensitivity areas. Identified sensitivity areas that were not subject to subsurface testing were subject to strict management conditions to avoid harming potential areas of cultural heritage. The geomorphology encountered was primarily black to light grey sandy deposits, however, some areas of reddish brown silty clay to clay deposits were also recorded.

Three new Aboriginal places were identified during the complex assessment three locations, resulting in the registration of three new VAHR Places - VAHR 7321-0513 Warrnambool Rail Warrnambool Shell Midden 1; VAHR 7321-0513 Warrnambool Rail Warrnambool LDAD 1; and VAHR 7421-0244 Warrnambool Rail Warrnambool LDAD 2.

8.1.3 *Site Predictive Model*

The results of the previous local and regional studies can be used to construct a predictive site model for the geographic region and activity area. The findings of the review of previously registered places and prior studies within the geographic region are:

- The current activity area is mapped as consisting of a geologic deposit of Tower Hill Tuff. However, previously studies conducted nearby and within the current activity area have not located any deposits of Tower Hill Tuff (see Section 8.1.2 CHMPs 11029, 16539).
- Previously recorded Aboriginal places across the geographic region are concentrated along water ways and the coastline.
- The most common Aboriginal place types in this region are shell middens followed by artefact scatters.
- Dominant stone artefact types will be waste flakes, flakes, and a small component of formal tool types. These artefacts will be most commonly manufactured from coastal flint, silcrete and quartz/quartzite.
- The activity area is considered to have a low to moderate potential for Aboriginal cultural material due to the impact of land clearance, agricultural activities, construction activities and its distance from a permanent fresh water source.
- Widespread clearance of native vegetation makes the possibility of scarred trees in the study area low, but any mature trees located should be inspected for cultural scarring.
- The activity area has been impacted by land clearance, agricultural activities, and localised construction activities. Aboriginal cultural material located in surface contexts and subsurface contexts at 0 – 300mm deep, should not be considered in situ. At depths greater than this there remains the potential for in situ Aboriginal cultural heritage material.

8.2 Conclusions from the Desktop Assessment

The desktop review has provided salient information from which areas of Aboriginal archaeological potential may be predicted and further tested through standard assessment.

The geology of the activity area is mapped as consisting of Tower Hill Tuff (Nept) a volcanic geologic deposit associated with Aboriginal cultural heritage material, due to the age of its deposition, the middle to late Pleistocene and Holocene. However, previously studies conducted nearby and within the current activity area have not located any deposits of Tower Hill Tuff (see Section 8.1.2 CHMPs 11029, 16539). Aboriginal cultural heritage has been located beneath deposits of Tower Hill Tuff, due to the comparatively young age of its eruption. Dependent on the compaction of any Tuff in the activity area, the complex assessment may need to excavate below the Tuff to adequately achieve the aims of any complex assessment conducted.

No previously registered Aboriginal places are recorded in the current activity area. The low number of Aboriginal places within 1km of the current activity area is not considered an accurate reflection of the geographic regions Aboriginal place distribution patterns but more likely a result of a lack of cultural heritage investigations within 1km of the current activity area. A review of previously registered sites in the region indicates a concentration of Aboriginal places within 500m of permanent water sources, primarily the Hopkins River and coastline. Proximity to water sources appears to be an influential factor in Aboriginal place location, with the frequency and density of places, decreasing with distance to water.

Shell middens are the most common place found across the geographic region, found in close proximity to the coastline, with subsurface lithic artefact scatters and LDADs also present found in smaller numbers. Aboriginal places in the area are primarily located in a subsurface context, with the impacts of modern agricultural and construction activities a likely explanation for this; surface artefacts would have been destroyed or removed from their original locations by such processes. The most common lithic material types in the region are silcrete, followed by quartz and quartzite. Aboriginal places across the geographic region have dated to the mid – late Holocene on the basis of the formal lithic tool types found in assemblages.

The previous land use history across the activity area means it is likely that surface Aboriginal cultural material should not be considered in situ of its original depositional location. Subsurface Aboriginal cultural heritage material would have also been disturbed, particularly at depths between 0 – 300mm below the ground surface across the current activity area. At depths greater than this there remains the potential for in situ Aboriginal cultural heritage material. Due to the history of vegetation clearance, there is low potential for the location of scarred trees within the activity area.

Based on the desktop review, it is considered that the activity area retains low potential for the location of Aboriginal cultural heritage in the form of surface and subsurface lithic artefacts. Due to the history of tree clearance, there is very low potential for the location of scarred trees within the activity area.

As per Regulation 62 (*Aboriginal Heritage Regulations 2018*) a standard assessment is required as the results of the desktop assessment have determined it is reasonably possible that Aboriginal cultural heritage is present in the activity area. Previous research in similar landscapes across the geographic region has indicated there is a low potential for lithic artefacts to be present.

9 STANDARD ASSESSMENT

9.1 Introduction

This section outlines the aims, methods, and results of the pedestrian ground surface survey of the activity area undertaken on 21st July 2021. The standard assessment was conducted by Edward East (Director, Compass), Jake Osbourne (Compass archaeological assistant), Tylah Merriman (Eastern Maar field representative) and Bernie Clark (Eastern Maar field representative).

9.2 Aims of the Standard Assessment

The aims of the standard assessment were to determine the cultural heritage sensitivity of the activity area by identifying the presence of any previously unrecorded surface Aboriginal cultural heritage material or places within the activity area and also to identify areas of significant ground disturbance which have resulted from prior land use history. This information was used to inform the complex assessment testing methodology and identify areas of subsurface archaeological potential.

9.3 Methodology of the Standard Assessment

Of the entire of activity area, 10,748.26m² in area, approximately 10,748.26m² was systematically surveyed during the standard assessment. The standard assessment methodology involved the participants walking in north to south transects with the survey team spaced at approximately 1.5m apart, with the survey team walking as a whole spaced at 6m. Photographs of the landforms as well as areas of archaeological potential and disturbance were taken throughout the standard assessment. Detailed notes were taken in-field to assist in the assessment of ground conditions, landform details and in the assessment of areas of disturbance. This methodology was designed to maximise the opportunity for locating surface Aboriginal cultural material as well as areas of isolated exposure (Table 6. Plates 1 – 8. Map 9).

9.4 Ground Surface Visibility and Exposure

Ground surface visibility (GSV) was considered poor (2%) across the majority of the activity area, due to dense grass coverage. However, across the activity area there were occasional areas of open exposure in areas denuded of grass cover (Plates 1 – 12. Table 7).

Table 7: Effective survey coverage of the activity area.

Landforms	Property Area (m ²)	Area surveyed (m ²)	Percentage Surveyed (%)	Average GSV (%)	Effective Survey Coverage (m ²)
Slope	10,748.26m ²	10,748.26m ²	99.7%	2%	214.96m ²

9.5 Standard Assessment Limitations

The primary limitation to the standard assessment was a lack of GSV across parts of the activity area, associated with pasture grasses and other vegetation. Areas of disturbance were also considered a limiting factor as the likelihood of observing surface cultural material in such areas is greatly reduced. The area of the abandoned dwelling and shed quarry was not surveyable and this was a limitation to the standard assessment.

9.6 Standard Assessment Results

The following section outlines the results of the standard assessment and provides analysis of the landforms, areas of disturbance, areas of archaeological potential and any surface Aboriginal cultural heritage places or material identified within the activity area during the assessment.

9.6.1 *Conditions & Landforms*

The activity area consists of two open paddocks, roughly rectangle in shape that east to west in orientation and areas of road reserve area associated with Dales and Aberline Road (Map 7). The activity area is bordered to its north and east by a residential subdivision, to its south by Dales Road and to its west by Aberline Road. The activity area is 10,748.26m² in area. The activity areas west half consists of a grassed open paddock and a small area associated with a proposed pedestrian pathway axis. The activity areas eastern half consists of a primarily an open paddock, but with an abandoned dwelling, with associated garden, driveway and rear shed present. The area of the dwelling and shed was not subject to survey due to access issues. The south east of the activity area consists of an area associated with the road reserve of Dales Road.

External of areas associated with the shed and dwelling, the majority of the activity area features dense grass coverage. A small chicken coop was present in the north west corner of the activity area. An informal dirt vehicle track provided access to the east paddock of the activity area; this vehicle track has some limited areas of surface exposure. Several piles of cleared basalt floaters were observed across the activity area.

The standard assessment contained one landform types: a gentle east to west running hill slope, with the upper slope located on the west border of the activity area. Surface basalt floaters were observed across the activity area (Plates 1 – 14. Map 7).

9.6.2 *Areas of Disturbance*

Areas of disturbance were noted in several locations across the activity area during the standard assessment, reflecting impacts associated with prior land use in different locations within the activity area.

Disturbance was noted across the western part of the activity area associated with the dwelling and shed. Directly to the east of the dwelling a soil pad had been constructed here, out of what appeared to be introduced fill, possible in anticipation of a residential dwelling construction that did not occur. A vehicle track was present in the middle of the eastern half of the activity area. Surface piles of basalt floaters were present in the activity area, and due to their size are presumed to have been moved using mechanical machinery. Disturbance was also noted across the parts of the activity area

associated with the road reserves of Aberline and Dales Road. Across these locations it was apparent that multiple grading events had occurred (see Figure 3 – 5), due to road construction activities as well as the construction surface and subsurface infrastructure, including a drainage ditch and pedestrian pathways as well as subsurface services such as the axis of Telstra cables and Wannon Water pipelines (Section 7.8. Appendix 5).

The areas of paddocks associated with the activity area have been disturbed in a surface, and to a limited subsurface depth due to their past use for agricultural activities. The areas of road reserve have been subject to significant ground disturbance due to road and subsurface infrastructure construction events (Figure 3 – 5. Appendix 5) More recent impacts associated with residential housing development have caused disturbance in parts of the activity area as well (Plates 1 – 14. Map 7).

9.6.3 *Aboriginal Cultural Heritage Identified During the Standard Assessment*

No previously registered Aboriginal places are located within the current activity area. No surface Aboriginal cultural heritage material or places were located during the standard assessment.

No mature native trees were located across the activity area. Smaller native trees were inspected but most appeared of an insufficient age; no signs of cultural modification were recorded on any of them. No caves, cave entrances or rock shelters were located within the activity area during the standard assessment.

9.6.4 *Areas of Aboriginal Cultural Heritage Likelihood*

The activity area as a whole was considered to have a low potential for subsurface Aboriginal cultural material to be present due to a lack of landforms associated with Aboriginal places in the geographic region, which are primarily rise and dune crest locations overlooking water ways and the coastline. The distance of the majority of the activity area from sources of permanent flowing fresh water is an additional reason for the low cultural heritage potential of the activity area. However, despite the low potential for Aboriginal cultural heritage to be present in the activity area, it is still possibly present, and that it is not possible to identify the extent, nature and significance of the Aboriginal cultural heritage in the activity area unless a complex assessment is carried out.

9.7 Standard Assessment Conclusions

The standard assessment identified one landform type within the activity area: a gentle east to west running hill slope, with the upper slope located on the west border of the activity area. Ground surface visibility (GSV) was considered poor (2%) across the majority of the activity area, with limited areas of open exposure. No surface Aboriginal cultural heritage material was located during the standard assessment. No remnant native vegetation of sufficient age was identified within the activity area for culturally modified trees to be present, nor were there any caves, cave entrances or rock shelters within the activity area.

The standard assessment recorded areas of surface and subsurface disturbance associated with agricultural, residential, road and subsurface infrastructure construction activities. The activity area was cleared of native vegetation and used for ploughing and stock herding in the past. Previous construction events across the activity area include the construction of a dwelling, associated shed,

driveway, as well as an unused soil pad, a vehicle track, subsurface services such as Telstra cables, Wannon Water pipelines and Aberline and Dales Roads.

The activity area as a whole was considered to have a low potential for subsurface Aboriginal cultural material to be present due to a lack of landforms associated with Aboriginal places in the geographic region, which are primarily rise and dune crest locations overlooking water ways and the coastline. No rise or waterway or coastline is present in the current activity area.

However, despite the low potential for Aboriginal cultural heritage to be present in the activity area, it is still possibly present, and a complex assessment was deemed necessary as per Regulation 64 (*Aboriginal Heritage Regulations 2018*) as the results of the desktop and standard Assessment indicate that there is a low potential for Aboriginal cultural heritage material to be present in the parts of activity area not subject to significant ground disturbance, as per Section 8.2. A complex assessment would identify the extent, nature and significance of the Aboriginal cultural heritage in the activity area. A complex assessment would also quantify the extent of subsurface disturbance that has occurred across the activity area.



Plate 1: Northeast view of unoccupied dwelling in west of activity area.



Plate 2: South view of unoccupied dwelling in west of activity area.



Plate 3: West view of unoccupied dwelling in west of activity area.

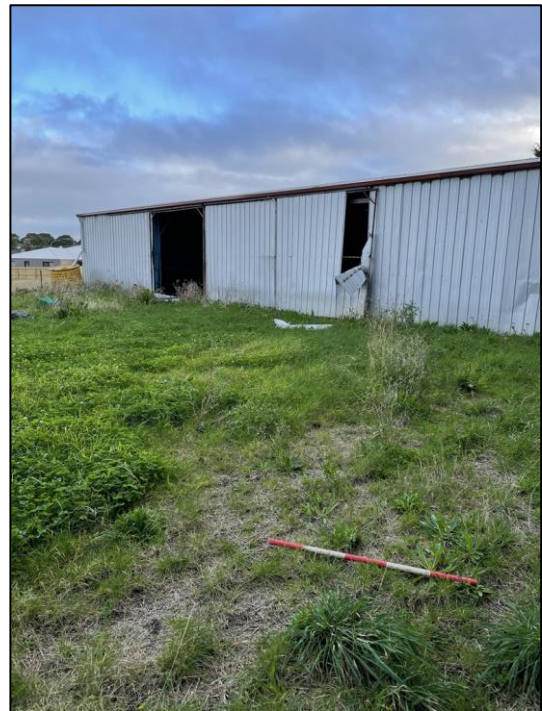


Plate 4: Northeast view of shed in west of activity area.



Plate 5: South view across west of activity area, Telstra cable signage is at left in road reserve of Dales Road.



Plate 7: Southwest view of pile of cleared basalt floaters.



Plate 6: North view across west of activity area.



Plate 8: North view across northwest of activity area.



Plate 9: North view across east half of activity area.



Plate 11: East view across east half of activity area.



Plate 10: West view across half of activity area.



Plate 12: South view across east half of activity area.



Plate 13: North view across pedestrian pathway axis along Davis Road.



Plate 14: East view from Aberline Road across activity area road frontage.



Map 7: Standard Assessment



- Legend
- Activity Area
 - Surveyed Area

Map 7: Standard assessment results.

10 COMPLEX ASSESSMENT

This section outlines the aims, methods and results of the complex assessment undertaken across the activity area undertaken on 21st July 2021. The standard assessment was conducted by Edward East (Director, Compass), Jake Osbourne (Compass archaeological assistant), Tylah Merriman (Eastern Maar field representative) and Bernie Clark (Eastern Maar field representative).

10.1 Aims of the Complex Assessment

The aims of the complex assessment were to:

- Establish the nature, extent and significance of any Aboriginal places in the activity area.
- Establish the level of subsurface disturbance across the activity area.
- Establish the subsurface stratigraphic composition of landforms within the activity area.

10.2 Methodology of the Complex Assessment

A combination of seven 1x1m stratigraphic test pits (TPs) six 50x50cm shovel test pits (STPs) were excavated across the activity area as part of the complex assessment. The testing program was designed to sample the subsurface of the activity area, while also targeting specific areas of increased cultural heritage sensitivity. Areas subject to significant ground disturbance associated with the construction of Aberline and Dales Road were not subject to complex assessment. This was also in response to the presence of subsurface infrastructure, such as Telstra cables and Wannon Water pipelines, which made testing unsafe in these parts of the activity area. No subsurface Aboriginal places were located during the complex assessment. Subsurface testing was undertaken across the single landform located in the activity area, a gentle south running hill slope. No major obstacles were encountered during the complex assessment (Map 8).

10.3 1 x 1m Test Pit Program

One 1x1m stratigraphic test pits (TP) was hand excavated as part of the complex assessment. The 1x1m testing program was designed to sample the landform present within the activity area, a west running slope, while. The test pit was excavated in an areas deemed to be the least disturbed, to have the highest level of archaeological potential while also providing a representative sample of the subsurface geomorphology and quantifying levels of subsurface disturbance. The test pit was located in the middle of the gentle south running hill slope landform, the landform present across the activity area (Table 8. Plates 13 – 14. Figure 6. Map 8).

The test pit was excavated by hand in 100mm spits using hand tools, until the underlying subsoil, comprising a sterile layer was reached. All excavated soils were screened using 5 mm aperture sieves. Images were taken at the base of each spit and soil samples were recovered from each stratigraphic horizon for further post-excavation analysis. Soil colour and pH were subsequently recorded during this later analysis. The stratigraphic section of the excavated test pit was photographed and illustrated. No Aboriginal cultural heritage material was recovered from the 1x1m

test pit. The test pits location was recorded utilising a Trimble brand handheld GPS. Range poles are shown in 20cm increments. All RAP representatives present were consulted prior to and during this part of the complex assessment and approved of all aspects of the 1x1m test pit program.

Table 8: Location and description of 1x1m TP excavated within the activity area.

<p>TP 1 <u>Landform:</u> Hill Slope <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632474.1643/5751414.982 <u>Context 2: A1 horizon:</u> 0 – 150mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 3: B2 horizon:</u> 150 – 200mm. Munsell: 5YR4/2. pH 8. Very dark grey indurated clay. Moderate amounts of small/medium basalt rocks.</p>



Plate 15: West view of TP 1 prior to excavation.



Plate 16: East view of TP 1 stratigraphy at excavation conclusion.

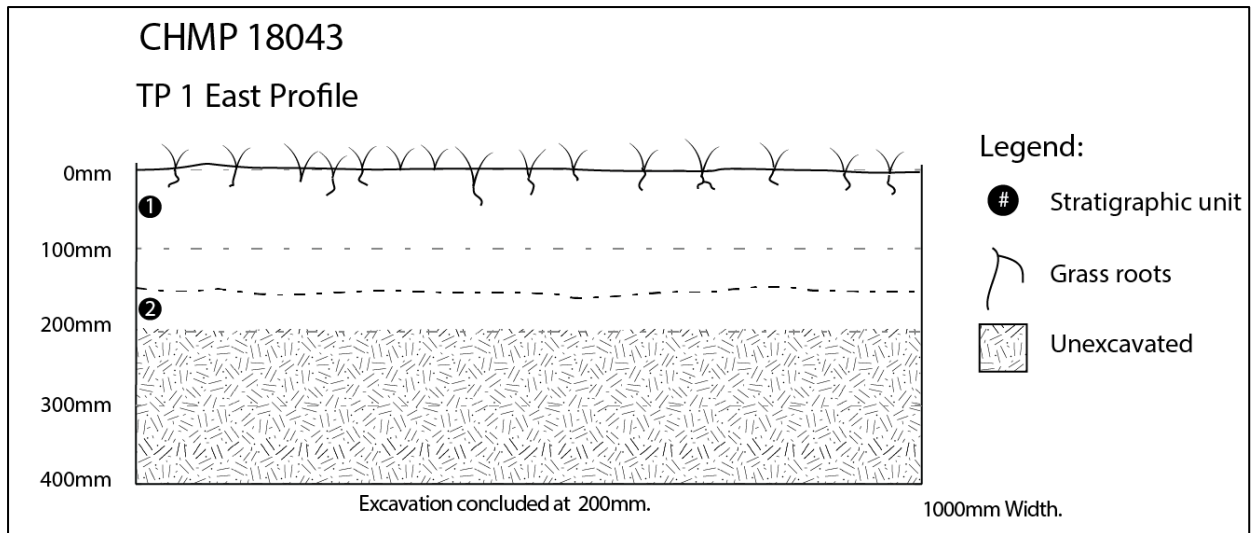


Figure 6: TP 1 stratigraphic profile at excavation conclusion.

10.4 Shovel test pit program

Ten 50x50cm shovel test pits (STPs) were excavated across the activity area (Plates 15 – 20. Table 9. Figure 7. Map 10). The STP program was designed to locate any subsurface Aboriginal cultural heritage, to obtain stratigraphic data and establish levels of disturbance across the activity area. The STP program was undertaken across areas associated with the proposed development activity. No subsurface Aboriginal cultural heritage material was located during the shovel test pit program. The STPs were located in the middle of the gentle south running hill slope landform, the landform present across the activity area (Table 9. Plates 15 – 20. Figure 7. Map 8).

The shovel test pit program followed a similar excavation methodology to the 1x1 meter test pit program, with all shovel test pits excavated by hand in 100mm spits using hand tools, until the underlying subsoil, comprising a sterile layer was reached. All excavated soils were screened using 5 mm aperture sieves. Images were taken at the base of each spit and soil samples were recovered from each stratigraphic horizon for further post-excavation analysis. Soil colour and pH were subsequently recorded during this later analysis. The stratigraphic section of the excavated test pit were photographed and illustrated. No Aboriginal cultural heritage material was recovered from the 1x1m test pits. All test pits locations were recorded utilising a Trimble brand handheld GPS. Range poles are shown in 20cm increments. All RAP representatives present were consulted prior to and during this part of the complex assessment and approved of all aspects of the shovel test pit program.

Table 9: Location and descriptions of each STP excavated across the activity area.

<p>STP 1 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632506.694/5751401.903 <u>Context 1: A1 horizon:</u> 0 – 100mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 100 – 200mm. Munsell: 5YR4/2. pH 8. Very dark grey mottled indurated clay. Appears to be introduced fill.</p>	<p>STP 2 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632508.52/5751423.14 <u>Context 1: A1 horizon:</u> 0 – 150mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 150 – 200mm. Munsell: 5YR4/2. pH 8. Very dark grey indurated clay. Moderate amounts of small/medium basalt rocks.</p>	<p>STP 3 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632531.726/5751427.093 <u>Context 1: A1 horizon:</u> 0 – 100mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 100 – 120mm. Munsell: 5YR4/2. pH 8. Very dark grey concreted clay. Moderate amounts of small/medium road base rocks.</p>
<p>STP 4 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632512.8101/5751437.509 <u>Context 1: A1 horizon:</u> 0 – 100mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 100 – 120mm. Munsell: 5YR4/2. pH 8. Very dark grey indurated clay. Moderate amounts of small/medium basalt rocks.</p>	<p>STP 5 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632522.0739/5751460.181 <u>Context 1: A1 horizon:</u> 0 – 20mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 20 – 200mm. Munsell: 5YR5/4. pH 8. Mottled orangish brown clay. Appears to be introduced fill.</p>	<p>STP 6 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632475.7547/5751440.978 <u>Context 1: A1 horizon:</u> 0 – 150mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 150 – 200mm. Munsell: 5YR4/2. pH 8. Very dark grey indurated clay. Moderate amounts of small/medium basalt rocks.</p>
<p>STP 7 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632447.4478/5751445.439 <u>Context 1: A1 horizon:</u> 0 – 150mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 150 – 200mm. Munsell: 5YR4/2. pH 8. Very dark grey indurated clay. Moderate amounts of small/medium basalt rocks.</p>	<p>STP 8 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632426.0633/5751442.152 <u>Context 1: A1 horizon:</u> 0 – 150mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 150 – 200mm. Munsell: 5YR4/2. pH 8. Very dark grey indurated clay. Moderate amounts of small/medium basalt rocks.</p>	<p>STP 9 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632422.7589/5751421.793 <u>Context 1: A1 horizon:</u> 0 – 150mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 150 – 200mm. Munsell: 5YR4/2. pH 8. Very dark grey indurated clay. Moderate amounts of small/medium basalt rocks.</p>
<p>STP 10 <u>Location (GDA20 Zone 54):</u> Easting/Northing: 632442.4275/5751414.345 <u>Context 1: A1 horizon:</u> 0 – 100mm. Munsell: 5YR4/1. pH 8. Very dark grey firm silty clay. Moderate amounts of small/medium basalt rocks. Occasional modern rubbish. <u>Context 2: B2 horizon:</u> 100 – 150mm. Munsell: 5YR4/2. pH 8. Very dark grey indurated clay. Moderate amounts of small/medium basalt rocks.</p>		



Plate 17: East view of excavation of STP 3.



Plate 18: West view of STP 3 stratigraphy at excavation conclusion.



Plate 19: West view of STP 4 stratigraphy at excavation conclusion.



Plate 20: North view of STP 5 stratigraphy at excavation conclusion.



Plate 21: North view of excavation of STP 6 stratigraphy at excavation conclusion.



Plate 22: West view of STP 8 stratigraphy at excavation conclusion.

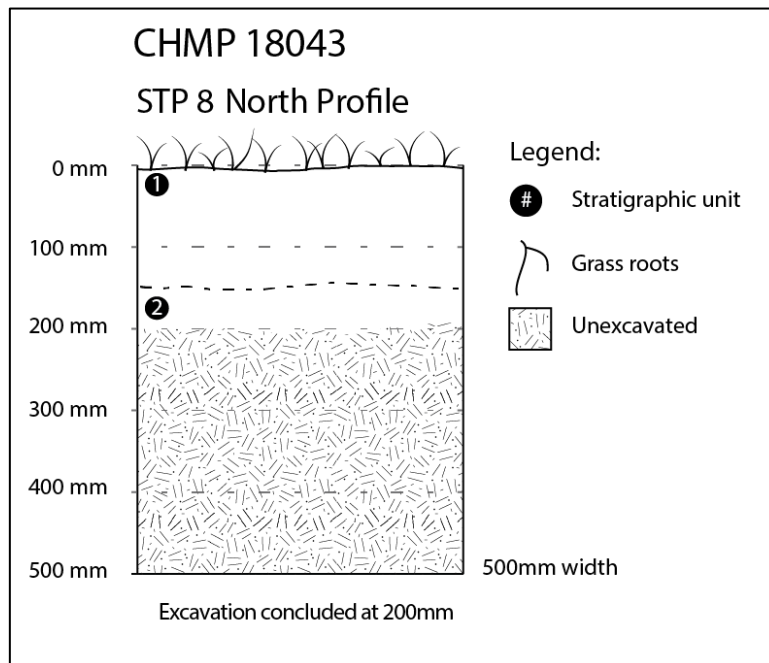


Figure 7: AP 6 stratigraphic profile at excavation conclusion.

10.5 Complex Assessment Results

A combination of one 1x1m stratigraphic test pit (TPs) and ten 50x50cm shovel test pits (STPs) were excavated across the activity area as part of the complex assessment (Plates 13 – 20. Table 8 – 9. Map 10). The test pits were excavated in areas to be impacted by the proposed activity across the south running hill slope landform that defines the activity area.

The primary soil deposit across the activity area was comprised of an initial deposit of dark grey silty clay with frequent amounts of non-cultural small to medium sized basalt rocks and clear boundaries between the A and B horizons, with an indurated dark grey clay forming the sterile horizon B2 deposit (Table 8 – 9). Such soil deposits are associated with the volcanic plains that defines much of the geology and geomorphology of the western districts of Victoria (VRO Online 2020: Unit 6.1). The recorded stratigraphy recorded across the activity area broadly matched the soil types associated with VRO unit 6.1.3 (VRO Online 2020: Unit 6.1.3).

No geomorphologic deposit associated with the attributes of Tower Hill Tuff (Nept) were recorded in the activity area. It is possible that these deposit have been incorrectly recorded at this location due to a map scaling issue, given the intersection of multiple geologic formations nearby (Map 3). Nearby CHMPs did not locate any deposits of Tower Hill Tuff either, providing additional evidence that Tower Hill Tuff is not located in this part of Warrnambool (Section 8.1.2).

The subsurface testing across the activity area has shown that the underlying B horizons comprises a sterile deposit of indurated clay associated with volcanic basalt. This deposit of basalt and volcanic clay is a reflection of the heavily weathered nature of volcanic plain soils and, by association, the deep age of the underlying deposits, due to the age of this deposit it should be considered sterile (Joyce 2003: Figure 1 – 2. Figure 8). Joyce developed a map of western Victorian volcanic plains geomorphology utilising a combination of field work, aerial photography, Landsat satellite imagery, in particular radiometric imagery, which was used to interpret the landscape evolution of the area and provide date estimates on deposits across the district (Joyce 2003: 4). As per Joyce, the current activity area is located in an area associated with volcanic clay and basalt (Joyce 2003: Figure 1 – 2. Figure 8) The presence of basalt rocks and floaters in association with clay provides strong evidence of in situ volcanic material and as a result the clay deposit across the activity area should be considered a sterile deposit due to its age (Joyce 2003: Figure 8). The indurated nature of the deposit also means that this deposit should be considered sterile, as its compact nature precludes the deposition of cultural material. Nevertheless, the upper section of the underlying sterile B horizon was excavated to some extent during the complex assessment. However, the indurated nature of this clay deposit meant that continuing excavation was not possible. It is for this reason that the immediate underlying B horizon associated with this deposit across the activity area is considered culturally sterile. Clay on similar landforms in the Western District of Victoria have been dated between 100,000 to 1 million years ago (VRO Online 2020: Unit 6.1.1. Joyce 2003: Figure 8).

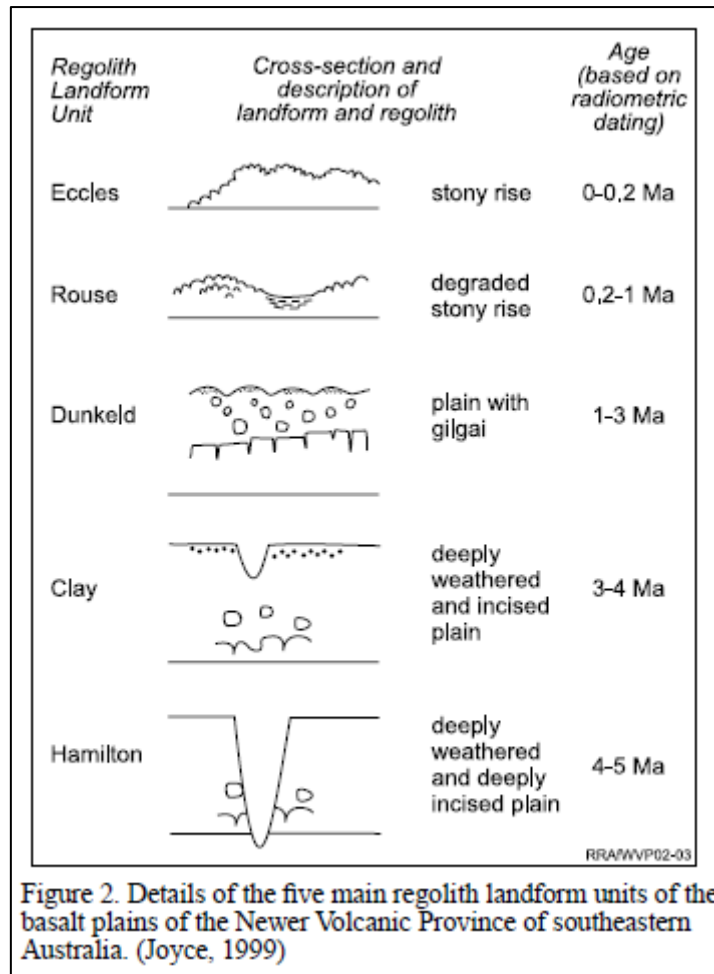


Figure 8: Age range of geomorphologic deposits across the western plains of Victoria (Joyce 2003: Figure 2).

Given the geomorphological nature of the activity area, as established by the complex assessment, and the more recent impacts that have occurred as a result of modern land use, it is considered that cultural material would only be present within shallow topsoil contexts and would not be located in situ of its original depositional location as per Section 8.2.

The complex assessment has established that ground disturbance has impacted parts of the activity area. At STP 1 and 5 subsurface imported fill was recorded (Table 9). It was likely that this fill was introduced into the activity area as part of construction activity, potentially associated with nearby residential subdivisions. As a result, parts of the activity area should be considered as having been disturbed, with any Aboriginal cultural heritage material likely damaged or even destroyed. The long term use of the activity area for agricultural purposes, primarily cropping and animal herding, also has had some limited impact on its subsurface integrity, with the upper topsoil likely disturbed by such activities. No subsurface Aboriginal places were located during the complex assessment.

10.6 Complex Assessment Conclusions

The results of the subsurface testing program have shown that the predominant soil types recorded across the activity area conforms broadly to the mapping undertaken by the VRO. The geomorphology recorded consists of a deposit of dark grey silty clay, with a sterile indurate clay base. The subsurface testing throughout the activity area has shown that the underlying B2 horizons comprises thick clay. It is for this reason that the underlying B horizon across the activity area is considered culturally sterile. Nevertheless, the upper section of the underlying sterile B horizon was excavated to a limited extent.

The complex assessment has established that prior ground disturbance has impact parts of the subsurface of the activity area, with these impacts likely associated with past construction events. It is likely that the past and ongoing use of the activity area for agricultural purposes has also impacted particularly the surface and, to a more limited extent, the subsurface integrity of the soils present.

No Aboriginal places were located during the complex assessment. The relative distance of the activity area from a permanent fresh water and the coastline, sources suggests the activity area was not a focal point for seasonal occupation and is therefore unlikely to contain any additional significant concentrations of Aboriginal cultural material. Aboriginal places across the geographic region are concentrated within 500 meters of a permanent fresh water sources or close to the Bass Strait coast line. The hand excavation programs were able to achieve all the aims of the complex assessment:

- The geomorphology and stratigraphy of the activity area was investigated and established.
- The levels of subsurface disturbance across the activity area were investigated, with localised areas of disturbance recorded.
- The activity area was systematically investigated for subsurface Aboriginal cultural heritage material. No Aboriginal places were located.



Map 8: Complex Assessment



Legend

- Activity Area
- Negative 1x1m Test Pit
- Negative 50x50cm STP

Map 8: Complex assessment results.

11 CONSIDERATION OF s.61 MATTERS – IMPACT ASSESSMENT

This section assesses the potential for the proposed activity that requires this Cultural Heritage Management Plan to impact Aboriginal cultural heritage. A CHMP is required to address matters raised in s.61 of the *Aboriginal Heritage Act 2006*. These matters concern the management of Aboriginal cultural heritage prior to, during, and after the currently proposed activity. A discussion of these matters is provided below.

No Aboriginal cultural heritage was identified in the activity area during the preparation of this CHMP. It should be noted, however, that there exists the unlikely potential for unidentified Aboriginal cultural heritage to exist within the activity area. Consequently, the Sponsor, and/or agents of the Sponsor, must adhere to the General Conditions detailed in Section 1, above, as well as the Contingency Plans detailed in Section 2, above. These Contingency Plans consider matters relating to the avoidance and minimisation of harm to Aboriginal cultural heritage in accordance with Section 61 of the Act.

The cultural heritage management conditions presented in Section 1 must be adhered to as a condition of approval of the CHMP.

11.1 What are the cumulative impacts to Aboriginal cultural heritage in the activity area?

There is no known Aboriginal cultural heritage in the activity area. Therefore, the cumulative impact of the proposed works on the regional Aboriginal cultural heritage cannot be assessed.

11.2 Are There Particular Contingency Plans That Might be Necessary?

Contingency plans required in relation to disputes, delays and other obstacles that may affect the conduct of the activity (Section 61d) are addressed in Part 1, Section 2.

11.3 What Custody and Management Arrangements Might be Needed?

Requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity (Section 61e) are addressed in Section 2 of this CHMP.

12 REFERENCES

- Aboriginal Affairs Victoria. 2010. Guide to Preparing a Management Plan.
- Aboriginal Affairs Victoria. 1997. Guidelines for conducting and reporting upon archaeological surveys in Victoria. AAV, Melbourne.
- Aboriginal Heritage Act 2006, Amended 2018, Aboriginal Victoria.
- Aboriginal Heritage Regulations 2018., Aboriginal Victoria.
- Albrecht 2012. CHMP 11997. Eastbound and Westbound overtaking lanes, Princes Hwy, near Goose Lagoon and Yambuk. Andrew Long & Associates. Unpublished report for VicRoads.
- Australian ICOMOS. 1999. The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance (The Burra Charter). Revised edition, Australian ICOMOS, Brisbane.
- Barwick, D. 1984. Mapping the Past: An Atlas of Victorian Clans, 1835-1904, Part 1, Aboriginal History 8(1-2): 101- 131.
- Birch, W. D. (ed.) 2003 Geology of Victoria Geological Society of Australia. Special Publication 23 pg. 842.
- Barrie, M. Garrett, S. 2013. A man, his dog and a diary James Ritchie's journey in the Western District, 1841. University of Melbourne Collections, issue 12
- Barwick, D. 1971. Changes in the Aboriginal Population of Victoria, 1863-1966', in D. J. Mulvaney and J. Golson, editors, Aboriginal Man and Environment in Australia, pages 288-315. Australian National University Press, Canberra.
- Bird, C. and D. Frankel, 1991. Report No 332. Chronology and explanation in western Victoria and south-east South Australia. In Archaeology in Oceania 26: 1-16.
- Broome, R. 2005. Aboriginal Victorians, A History Since 1800. Allen & Unwin. Melbourne.
- Cannon, M. (ed) 1983. The Aborigines in Port Phillip, 1835-1839. Historical Records of Victoria, Foundation Series, Vol. 2a. Victorian Government Printing Office, Melbourne.
- Christopher. S, Verhoeven, G. Doneus, M. Draganits, E. 2018. Surfaces from the Visual Past: Recovering High-Resolution Terrain Data from Historic Aerial Imagery for Multitemporal Landscape Analysis. Journal of Archaeological Method and Theory. Volume 25, pages 611 – 642.
- Williams, E. 1984: DOCUMENTATION AND ARCHAEOLOGICAL INVESTIGATION OF AN ABORIGINAL 'VILLAGE' SITE IN SOUTH WESTERN VICTORIA. Aboriginal History. Vol. 8, No. 1/2 (1984), pp. 173-188. Australian National University Press.
- Clark, I. D. 1989. A guerrilla base camp in the Eumeralla Aboriginal War in S.W. Victoria (1840s). Report to the Victorian Tourism Commission.
- Clark, I.D. 1990. Aboriginal Languages and Clans: An Historical Atlas of Western and Central Victoria, 1800–1900. Monash Publications in Geography No. 37.
- Coutts, P., D. Witter and D. Parsons, 1977. Report No. 265. Impact of European Settlement on Aboriginal Society in Western Victoria. In Records of the Victorian Archaeological Survey No. 4, pp. 17- 58.
- Coutts, P., D. Witter, M. Mc Ilwraith & R. Frank. 1976. Report No. 165. THE MOUND PEOPLE OF WESTERN VICTORIA. Records of the Victorian Archaeological Survey.

- Critchett, J. 1980. 'A History of Framlingham and Lake Condah Aboriginal Stations, 1860-1918', University of Melbourne.
- Critchett, J. 1992. *A Distant Field of Murder: Western District Frontiers 1834-1848*. Melbourne University Press, Melbourne.
- Dawson, J. 1881. *Australian Aborigines: the languages and customs of several tribes of Aborigines in the Western District of Victoria*. Robertson, Melbourne.
- Day 2017. CHMP 14761. QUARRY WORKS: 3462 PRINCES HIGHWAY PORT FAIRY. Unpublished report by Archaeo-Environments Pty Ltd.
- Flood, J. 1995. *Archaeology of the dreamtime: the story of prehistoric Australia and its people*. Angus & Robertson.
- Gott, B. Conran, J. 1991. *Victorian Koorie plants: some plants used by Victorian Koories for food, fibre, medicines and implements*.
- Gott, B. 1983. Murnong – *Microserisscapigera*: a study of a staple food of Victorian Aborigines. *Australian Aboriginal Studies* 2:2-18.
- Gunn, 2011. CHMP 11647. Aringa North Proposed Extractive Industry Site, Port Fairy. Unpublished report by R. R. Gunn.
- Hiscock, P. 2008. *The Archaeology of Ancient Australia*. Routledge. London & New York.
- Joyce, E. B. 2003. *A new regolith landform map of the Western Victorian Volcanic Plain, Victoria, Australia*. School of Earth Sciences, University of Melbourne, Parkville, Victoria.
- Kershaw, A.P. 1995 *Environmental change in Greater Australia*. *Antiquity* 69:656 – 675.
- Kiddle, M. 1963. *Men of Yesteryear: a Social History of the Western District of Victoria 1834-1890*. Melbourne University Press, Melbourne.
- Kirkwood and Ford 2008. CHMP 10298. Ryan Corner Wind Farm, Ryan Corner, Port Fairy, Victoria. Unpublished report by Environmental Resources Management Australia.
- Land Conservation Council, 1991. *Melbourne Area, District 2 Review, Descriptive Report*. Land Conservation Council.
- Lourandos, H. 1977 *Aboriginal spatial organisation and population: south-western Victoria reconsidered*. *Archaeology & Physical Anthropology in Oceania* 12: 202-225.
- Luebbers 2009. CHMP 10633. Boona Limestone Quarry Extraction, Yambuk. Unpublished report by Luebbers & Associates.
- McAndrew, J. Marsden, M. 1973. *Regional guide to Victorian geology*. School of Geology, University of Melbourne.
- Mulvaney, D. J. 1977. Report No. 187. *Prehistory of the Basalt Plains*. Unpublished report for Victorian Aboriginal Survey.
- Powell, J. M. 1996. *Historical Geography*. In Land Conservation Council 1996 *Historic Places Special Investigation: South Western Victoria Descriptive Report*, Land Conservation Council, Melbourne pp 79–100.
- Presland, G. (ed), 1977. *Journals of George Augustus Robinson March – May 1841*. Records of the Victorian Archaeology Survey No. 6
- Presland, G. 1994. *Aboriginal Melbourne. The Lost Land of the Kulin People*. McPhee Gribble Publishers, Victoria.
- Presland, G. 2010. *First people: The Eastern Kulin of Melbourne, Port Phillip and central Victoria*. Museum Victoria. Melbourne.
- Robinson in Clark 1998 Vol 2:149-162 Clark, I. 1998a. *The Journals of George Augustus Robinson, Chief Protector, Port Phillip*

Protectorate. Five volumes. Heritage Matters, Melbourne.

Schell, P, 1995. An Archaeological Survey of the Hopkins River, A Report to the Framlingham Aboriginal Trust and Aboriginal Affairs Victoria.

Stone J, Peterson JA, Fifield LK and Cresswell RG (1977) 'Cosmogenic Chlorine-36 exposure ages for two basalt flows in the Newer Volcanics Province, Western Victoria'. Proceedings Royal Society Victoria, 109, pp.121-131

Townrow, K. 1997. An Archaeological Survey of Sealing and Whaling Sites in Victoria. Heritage Victoria and Australian Heritage Commission.

Webb, C. 1995. The identification and documentation of silcrete quarries. A report to AAV, funded by the National Estates Grant Program and the Heritage Commission.

Weir, J. K. 2009. The Gunditjmara Land Justice Story. Australian Institute of Aboriginal and Torres Strait Islander Studies. Canberra.

Yang, Y. Shang, S. Xing, X. 2014. A review of historical reconstruction methods of land use/land cover. Journal of Geographical Sciences.

Online Resources

Agriculture Victoria, Victorian Online Resources 2021:

Mount Rouse

http://vro.agriculture.vic.gov.au/dpi/vro/glenregn.nsf/pages/eruption_points_rouse

Unit 6.1 Volcanic plains

http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_6.1

Unit 6.1.2 Stony rises

http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_6.1.2#:~:text=This%20volcano%20and%20its%20stony,East%2C%20south%20of%20Lake%20Corangamite.

Unit 6.1.3 Volcanic Western Plains with poorly developed drainage

http://vro.agriculture.vic.gov.au/dpi/vro/coraregn.nsf/pages/clra_geo6.1.3

DELWP 2021:

<https://www.environment.vic.gov.au/biodiversity/bioregions-and-evc-benchmarks>

Landata 2021

<https://www.landata.vic.gov.au/>

Victorian Places 2021: Port Fairy

<https://www.victorianplaces.com.au/port-fairy>

Appendix 1: Notice of Intent



Premier
and Cabinet

Notice of Intent to prepare a Cultural Heritage Management Plan for the purposes of the *Aboriginal Heritage Act 2006*

This form can be used by the Sponsor of a Cultural Heritage Management Plan to complete the notification provisions pursuant to s.54 of the *Aboriginal Heritage Act 2006* (the "Act").

For clarification on any of the following please contact Victorian Aboriginal Heritage Register (VAHR) enquiries on 1800-726-003.

SECTION 1 - Sponsor information

Sponsor: Koala Childcare & Early Learning Centers Pty Ltd
ABN/ACN: 156 243 560
Contact Name: Brent Wilson
Postal Address: 7 Staughton Road, Glen Iris. 3146
Business Number: 0477 441111 Mobile:
Email Address: brent@bnaainvestments.com.au

Sponsor's agent (if relevant)

Company: Myers Planning Group
Contact Name: Steve Myers
Postal Address: 182B Lava St, Warrnambool VIC 3280
Business Number: Mobile:
Email Address:

SECTION 2 - Description of proposed activity and location

Project Name: 15 Dales Road, Warrnambool, Housing Subdivision
Municipal district: Warrnambool City Council

Clearly identify the proposed activity for which the cultural heritage management plan is to be prepared (ie. Mining, road construction, housing subdivision)

Subdivision

SECTION 3 - Cultural Heritage Advisor

Edward East	Compass Heritage Services Pty Ltd	compassheritage@gmail.com
Name	Company	Email address

SECTION 4 - Expected start and finish date for the cultural heritage management plan

Start Date: 16-Jun-2021 Finish Date: 16-Jun-2022

Submitted on: 16 Jun 2021

SECTION 5 - Why are you preparing this cultural heritage management plan?

- ☒ A cultural heritage management plan is required by the Aboriginal Heritage Regulations 2007
What is the high Impact Activity as it is listed in the regulations?

Is any part of the activity an area of cultural heritage sensitivity, as listed in the regulations? 1

- ☐ Other Reasons (Voluntary)
☐ An Environment Effects Statement is required
☐ A Cultural Heritage Management Plan is required by the Minister for Aboriginal Affairs.
☐ An Impact Management Plan or Comprehensive Impact Statement is required for the activity

SECTION 6 - List the relevant registered Aboriginal parties (if any)

This section is to be completed where there are registered Aboriginal parties in relation to the management plan.
EASTERN MAAR Aboriginal Corporation RNTBC

SECTION 7A - List the relevant Aboriginal groups or Aboriginal people with whom the Sponsor intends to consult (if any)

*This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is **no Registered Aboriginal Party**.*

Eastern Maar Aboriginal Corporation

SECTION 7B - Describe the intended consultation process (if any)

*This section is to be completed only if the proposed activity in the management plan is to be carried out in an area where there is **no Registered Aboriginal Party**.*

Eastern Maar representatives will be invited to participate in CHMP fieldworks and EMAC will be invited to undertake the evaluation of the CHMP.

SECTION 8 – State who will be evaluating this plan (mandatory)

The plan is to be evaluated by:

- ☐ Joint - Registered Aboriginal Party AND The Secretary
☒ A Registered Aboriginal Party
If checked, list the relevant Registered Aboriginal Party Evaluating:
☐ The Secretary
☐ Victorian Aboriginal Heritage Council

SECTION 9 – Preliminary Aboriginal Heritage Tests (PAHTs)

List the Reference Number(s) of any PAHTs conducted in relation to the proposed activity:

SECTION 10 - Notification checklist

Submitted on: 16 Jun 2021



Premier
and Cabinet

Ensure that any relevant registered Aboriginal party/ies is also notified. A copy of this notice with a map attached may be used for this purpose.

(A registered Aboriginal party is allowed up to 14 days to provide a written response to a notification specifying whether or not it intends to evaluate the management plan.)

In addition to notifying the Deputy Director and any relevant registered Aboriginal party/ies, a Sponsor must also notify any owner and/or occupier of any land within the area to which the management plan relates. A copy of this notice with a map attached may be used for this purpose.

Ensure any municipal council, whose municipal district includes an area to which the cultural heritage management plan relates, is also notified. A copy of this notice, with a map attached, may also be used for this purpose.

Submitted on: 25 Feb 2021

Appendix 2: Notice to Evaluate



**Eastern Maar
Aboriginal Corporation**

PO Box 546
Warrnambool VIC 3280

16 June 2021

Brent Wilson
Koala Childcare & Early Learning Centers Pty Ltd
7 Staughton Road
Glen Iris Victoria 3146

Ngattanwarre Brent Wilson,

EASTERN MAAR ELECTS TO EVALUATE CHMP 18043 – 15 DALES ROAD, WARRNAMBOOL, HOUSING SUBDIVISION (s55).

I refer to your notice of intent to prepare a cultural heritage management plan (CHMP), received on 16 June 2021, for 15 Dales Road, Warrnambool, Housing Subdivision.

The Eastern Maar Aboriginal Corporation, as the Registered Aboriginal Party (RAP) for the area, elects to evaluate the CHMP, in accordance with s.55 Aboriginal Heritage Act 2006 (the Act). Please note that you are required to notify Aboriginal Victoria in accordance with s.56 of the Act, that Eastern Maar Aboriginal Corporation has elected to evaluate the CHMP.

As part of the CHMP process, Eastern Maar expects that Sponsors and Heritage Advisors will make reasonable efforts to consult with us before the design phase and during the preparation of the CHMP (s.59(2) of the Act). Eastern Maar expect consultation to take place in the form of cultural heritage meetings, typically three meetings, which will allow us to discuss assessment methodology, reburial and repatriation of artefacts, Aboriginal Place registration, CHMP conditions, and most importantly harm avoidance or minimisation of harm to cultural heritage values.

Please contact Sammy Fidge (samantha.fidge@easternmaar.com.au) to arrange an initial inception meeting (Tuesday and Wednesday Only), using the booking form attached, no sooner than two weeks after providing a copy of the completed desktop assessment and relevant mapping.

To book field representatives please complete the booking form attached and forward to Craig.Edwards@easternmaar.com.au with your preferences. Note that assessments can only be undertaken once consultation has occurred.

A copy of the Eastern Maar Aboriginal Corporation schedule of fees is attached for your reference.

I look forward to consulting with you to protect our Aboriginal cultural landscape as an integral part of your project.

Yours sincerely,

Sammy Fidge
RAP Technical Specialist/ Heritage Advisor
Eastern Maar Aboriginal Corporation
Ph. 0428 961 689
samantha.fidge@easternmaar.com.au

www.easternmaar.com.au

Appendix 3: Glossary

Archaeology: The study of the material remains of the human past.

Archaeological site: A place/location of either Aboriginal or non-Aboriginal origin that contains material remains relating to the human past

Artefact: Any product made by human hands or caused to be made through human actions.

Artefact scatter: A surface scatter of stone artefacts is defined as being the presence of items of cultural material within a given area.

Backed blade (geometric microlith): Backing is the process by which one or more margins contain consistent retouch opposite to the sharp working edge. A backed blade is a blade flake that has been abruptly retouched along one or more margins opposite the sharp working edge. Backed pieces include backed blades and geometric microliths. Backed blades are a feature of the Australian Small Tool Tradition dating from between 5,000 and 1,000 years ago in southern Australia (Mulvaney 1975).

Blade: A long parallel sided flake from a specially prepared core. Blade flakes retain observable and complete fracture planes, platform, lateral margins and termination and are twice as long as they are wide. A broken blade is any stone artefact retaining partial diagnostic features of a blade.

Bipolar: A core or a flake which, presumably, has been struck on an anvil. That is, the core from which the flake has been struck has been rotated before the flake has been struck off. Bifacial platforms often indicate that the flake has come off a heavily worked core.

BP: Before Present. The present is defined as 1950.

Core: An artefact from which flakes have been detached using a hammerstone. Core types include blade, single platform, multiplatform and bipolar forms. These artefacts exhibit a series of negative flake scars, each of which represents the removal of a flake.

Cortex: Original or natural (unflaked) surface of a stone. This may be further divided into nodule, pebble and terrestrial cortex indicating the original source of the material.

Ethnography: The scientific description of living cultures.

Flake: **Broken flake:** Any stone retaining partial diagnostic features of a flake

Complete/whole flake: An artefact exhibiting a ventral surface (where the flake was originally connected to the core), dorsal surface (the surface that used to be part of the exterior of the core), platform, termination and bulb of percussion.

Distal flake: Any flake on which the breakage removes the platform but retains the termination

Proximal flake: Any flake on which the breakage removes the termination but retains the platform.

Primary flake: The first flakes struck off a core in order to create a platform from which other flakes can then be struck.

Secondary flaking/retouch: Secondary working of a stone artefact after its manufacture. This was often done to resharpen stone tools after use, or in the production of formal

tool types such as blade flakes and scrapers.

Focal platform: This is a term used to describe the shape of the platform on a flake. A focal platform is narrower than the body of the flake. Focal platform flakes are produced when flakes are struck off near the edge of the platform on a core.

Geometric microlith: Artefacts less than 80 mm in maximum dimension which are backed at one or other end, sometimes at both ends, and sometimes on one lateral margin as well, the result being a form that is symmetrical around its transverse axis.

Hammerstone: A cobble or cobble fragment exhibiting pitting and abrasion as a result of percussion.

Hearth: Usually a subsurface feature found eroding out of a river or creek bank or in a sand dune – it indicates a place where Aboriginal people cooked food. The remains of a hearth are usually identifiable by the presence of charcoal and sometimes clay balls (like brick fragments) and hearth stones. Remains of burnt bone or shell are sometimes preserved within a hearth.

Historic site: Sites/areas that contain extant (standing) remains of pre-1950 non-Aboriginal occupation. Historic sites may or may not also contain archaeological remains (Aboriginal and/or historic).

Holocene, recent or postglacial period: The time from the end of the Pleistocene Ice Age (c. 10,300 BP) to the present day.

Implement: A general term for tools, weapons etc. made by people.

Microlith: Small (1–3 cm long) stone tools with evidence of retouch. Includes 'Bondi Points' segment, scrapers, backed blades, triangles and trapezoids.

In situ: Refers to cultural material that is discovered as being undisturbed and considered to be in its original context. That is, material which, when identified is considered to be in the same location as when the site was abandoned.

Lithic: Anything made of stone.

Pleistocene: The dates for the beginning and end of the Pleistocene generally correspond with the last Ice Age. That is from 3.5 to 1.3 million years ago. The period ends with the gradual retreat of the ice sheets, which reached their present conditions around 10,300 BP.

Retouch: Scalar: Shallow scale like scars on margin with feather terminations, usually small rounded scars.

Step: Small, abrupt flake scars on margin, with step terminations.

Rock shelter/cave: These are sites that are located within a rock shelter/overhang or cave. The archaeological deposits within such sites can vary considerably but are often predominantly lithic. Depending on their location, the archaeological deposits may also include midden deposits of shellfish, fish or terrestrial fauna. Due to the often undisturbed deposits at these sites, they are potentially very valuable sites and are generally considered of high scientific significance. Instances where rock shelter sites also possess artwork on the stone walls are considered rock shelters/art sites combined.

Scarred tree: Scars on trees may be the result of removal of strips of bark by Aborigines for the manufacture of utensils, canoes or for shelter; or resulting from small notches chopped into the bark to provide toe and hand holds for climbers after possums, koalas and/or views of the surrounding area. A scar

made by humans as opposed to being naturally made by branches falling off etc. is distinguished by the following criteria: symmetry and rounded ends, scar does not extend to the ground, some regrowth has occurred around the edges of the scar, and no holes or knots are present in the heartwood.

Silcrete: A sedimentary rock that is 'formed through the impregnation of a sedimentary layer with silica of quartz grains in a matrix of either amorphous or fine-grained Silica' (Holdaway & Stern 2004:24).

Stratigraphy: Layering.

Stone artefact: A piece of stone that has been formed by Aboriginal people to be used as a

tool or is a by-product of Aboriginal stone tool manufacturing activities. Stone artefacts can be flaked such as points and scrapers or ground such as axes and grinding stones.

Scraper: A tool used for scraping. A flake with one or more margins of continuous retouch.

Thumbnail scraper: A small flake with a convex scraper edge, shaped like a thumbnail and located opposite the flake's platform.

Raw material: Organic or inorganic matter that has not been processed by people.

Use-wear: Tiny flakes or chips that have been broken off the edges of a stone artefact during use.

Appendix 4: Relevant Planning Scheme

VICTORIA PLANNING PROVISIONS

32.08

31/07/2018
VC148

GENERAL RESIDENTIAL ZONE

Shown on the planning scheme map as GRZ, R1Z, R2Z or R3Z with a number (if shown).

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

32.08-1

27/03/2017
VC110

Neighbourhood character objectives

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

32.08-2

24/01/2020
VC160

Table of uses

Section 1 - Permit not required

Use	Condition
Bed and breakfast	No more than 10 persons may be accommodated away from their normal place of residence. At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.
Community care accommodation	Must meet the requirements of Clause 52.22-2.
Dependent person's unit	Must be the only dependent person's unit on the lot.
Domestic animal husbandry (other than Domestic animal boarding)	Must be no more than 2 animals.
Dwelling (other than Bed and breakfast)	
Home based business	
Informal outdoor recreation	
Medical centre	The gross floor area of all buildings must not exceed 250 square metres. Must not require a permit under Clause 52.06-3. The site must adjoin, or have access to, a road in a Road Zone.
Place of worship	The gross floor area of all buildings must not exceed 250 square metres. The site must adjoin, or have access to, a road in a Road Zone.
Racing dog husbandry	Must be no more than 2 animals.
Railway	

VICTORIA PLANNING PROVISIONS

Use	Condition
Residential aged care facility	
Rooming house	Must meet the requirements of Clause 52.23-2.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.

Section 2 - Permit required

Use	Condition
Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)	
Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Road Zone.
Convenience restaurant	The site must adjoin, or have access to, a road in a Road Zone.
Convenience shop	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.
Food and drink premises (other than Convenience restaurant and Take away food premises)	
Grazing animal production	
Leisure and recreation (other than Informal outdoor recreation and Motor racing track)	
Market	
Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)	
Plant nursery	
Service station	<p>The site must either:</p> <ul style="list-style-type: none"> Adjoin a commercial zone or industrial zone. Adjoin, or have access to, a road in a Road Zone. <p>The site must not exceed either:</p>

VICTORIA PLANNING PROVISIONS

Use	Condition
	<ul style="list-style-type: none"> 3000 square metres. 3600 square metres if it adjoins on two boundaries a road in a Road Zone.
Store	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
Take away food premises	The site must adjoin, or have access to, a road in a Road Zone.
Utility installation (other than Minor utility installation and Telecommunications facility)	
Any other use not in Section 1 or 3	

Section 3 – Prohibited

Use
Amusement parlour
Animal production (other than Grazing animal production)
Animal training
Brothel
Cinema based entertainment facility
Domestic animal boarding
Extractive industry
Horse husbandry
Industry (other than Car wash)
Motor racing track
Nightclub
Office (other than Medical centre)
Retail premises (other than Convenience shop, Food and drink premises, Market, and Plant nursery)
Saleyard
Transport terminal
Warehouse (other than Store)

32.08-3
31/07/2018
VC148

Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:

VICTORIA PLANNING PROVISIONS

- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Subdivide land to realign the common boundary between 2 lots where: <ul style="list-style-type: none"> ▪ The area of either lot is reduced by less than 15 percent. ▪ The general direction of the common boundary does not change. 	Clause 59.01
Subdivide land into lots each containing an existing building or car parking space where: <ul style="list-style-type: none"> ▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme. ▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision. 	Clause 59.02
Subdivide land into 2 lots if: <ul style="list-style-type: none"> ▪ The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> – Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired. – Has started lawfully. ▪ The subdivision does not create a vacant lot. 	Clause 59.02

32.08-415/05/2018
VC143**Construction or extension of a dwelling or residential building****Minimum garden area requirement**

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

This does not apply to:

- An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;
- An application to construct or extend a dwelling or residential building on a lot if:
 - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
 - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

32.08-531/07/2018
VC148**Construction and extension of one dwelling on a lot****Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
 - A lot of less than 300 square metres, or
 - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and
- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

VICTORIA PLANNING PROVISIONS

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct an outbuilding or extend a dwelling if the development</p> <p>Meets the minimum garden area requirement of Clause 32.08-4.</p> <ul style="list-style-type: none"> ▪ Does not exceed a building height of 5 metres. ▪ Is not visible from the street (other than a lane) or a public park. ▪ Meets the requirements in the following standards of Clause 54: <ul style="list-style-type: none"> – A10 Side and rear setbacks. – A11 Walls on boundaries. – A12 Daylight to existing windows. – A13 North-facing windows. – A14 Overshadowing open space. – A15 Overlooking. <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	<p>Clause 59.14</p>
<p>Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling.</p>	<p>Clause 59.03</p>

32.08-6
31/07/2018
VC148

Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings

Permit requirement

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

VICTORIA PLANNING PROVISIONS

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person's unit on a lot.

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

Transitional provisions

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

32.08-7

27/03/2017
VC110

Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

32.08-8

26/10/2018
VC152

Residential aged care facility

Permit requirements

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

32.08-9

04/12/2020
VC180

Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

VICTORIA PLANNING PROVISIONS

VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
Construct a building or construct or carry out works where: <ul style="list-style-type: none">▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes:<ul style="list-style-type: none">– A10 Side and rear setbacks.– A11 Walls on boundaries.– A12 Daylight to existing windows.– A13 North-facing windows.– A14 Overshadowing open space.– A15 Overlooking. <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	Clause 59.04

32.08-10

26/10/2018
VC152

Maximum building height requirement for a dwelling or residential building

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.

VICTORIA PLANNING PROVISIONS

- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

Building height if land is subject to inundation

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

32.08-11

26/10/2018
VC152

Application requirements

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
 - Site shape, size, dimensions and orientation.
 - The siting and use of existing and proposed buildings.
 - Adjacent buildings and uses.
 - The building form and scale.
 - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

32.08-1226/10/2018
VC152**Exemption from notice and review****Subdivision**

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

32.08-1324/01/2020
VC160**Decision guidelines**

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

General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

Subdivision

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

Dwellings and residential buildings

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

Non-residential use and development

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

32.08-1426/10/2018
VC152**Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

VICTORIA PLANNING PROVISIONS

32.08-15

26/10/2018
VC152

Transitional provisions

The minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.
- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
 - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.
 - A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
 - A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.08-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.

Appendix 5: Dial Before You Dig

Figure 9: Subsurface Telstra cables located within the activity area.

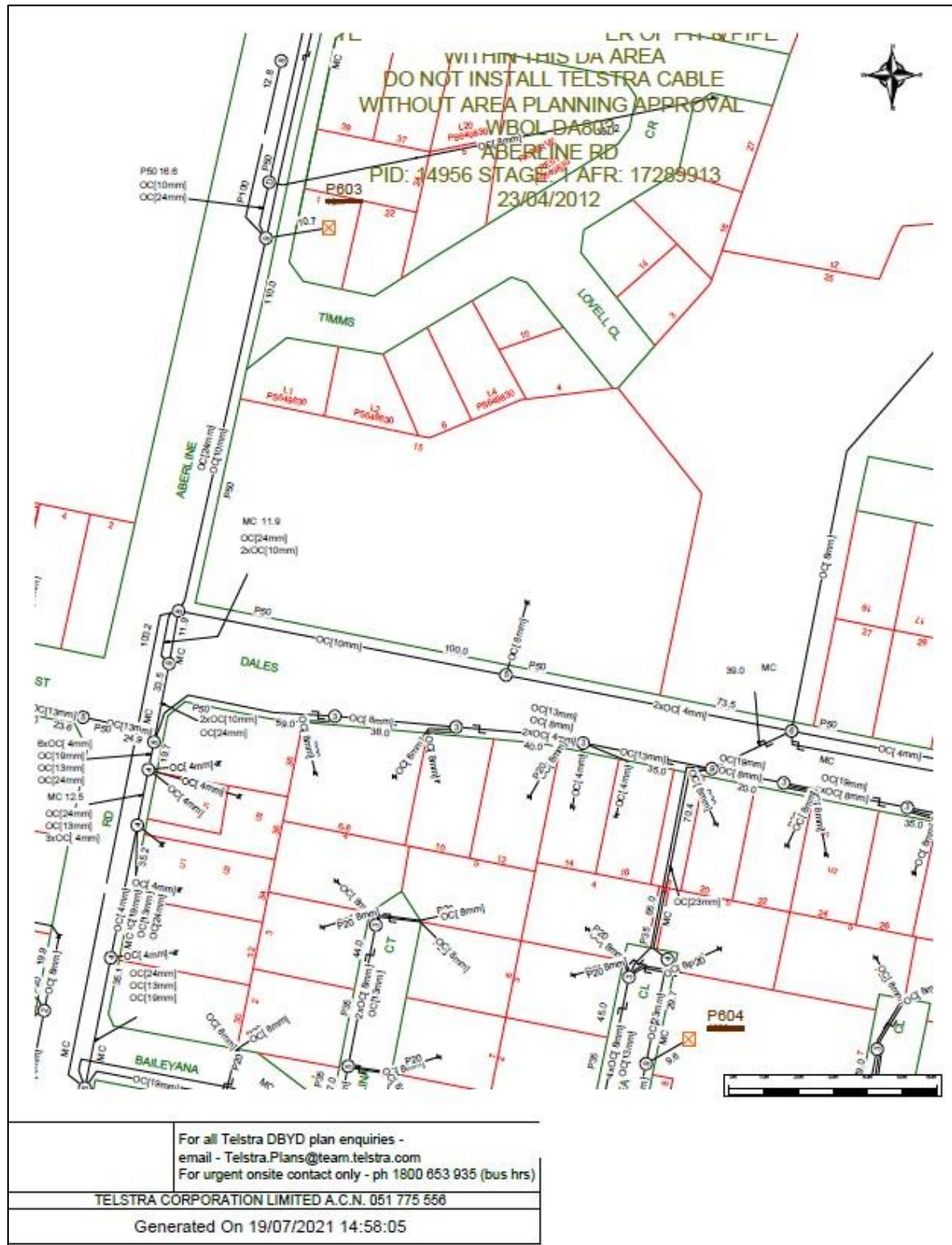
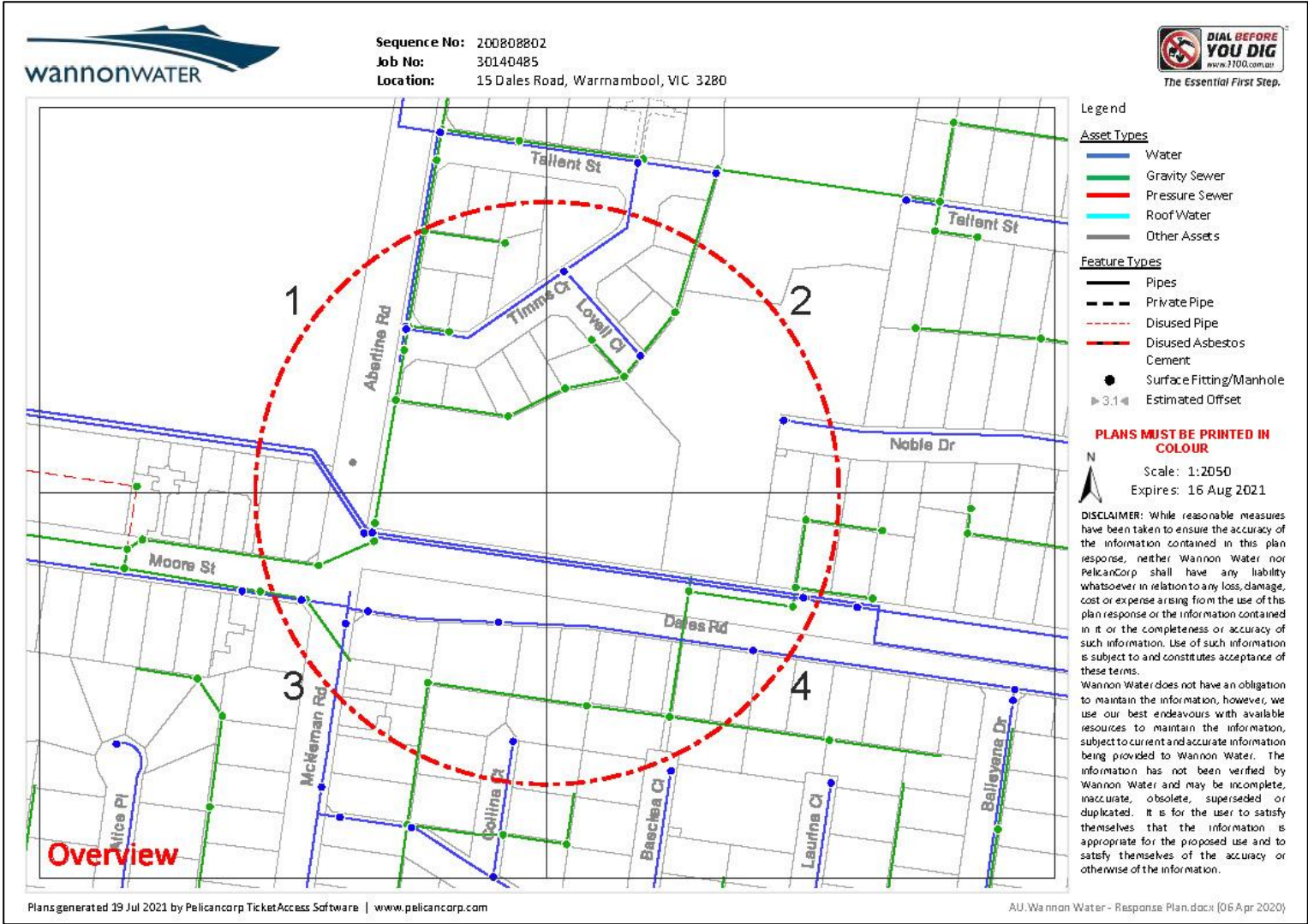
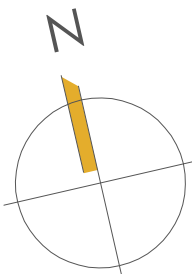


Figure 10: Subsurface Wannon Water pipelines located within the activity area.





NOT FOR
CONSTRUCTION



SITE ADDRESS :
15 DALES ROAD
WARRNAMBOOL 3280

PROJECT :
16 LOT TOWNHOUSE
DEVELOPMENT

CLIENT :
BNAA INVESTMENTS P/L

DESIGNED BY :
DONNA MONAGHAN

DRAWN BY :
DONNA MONAGHAN

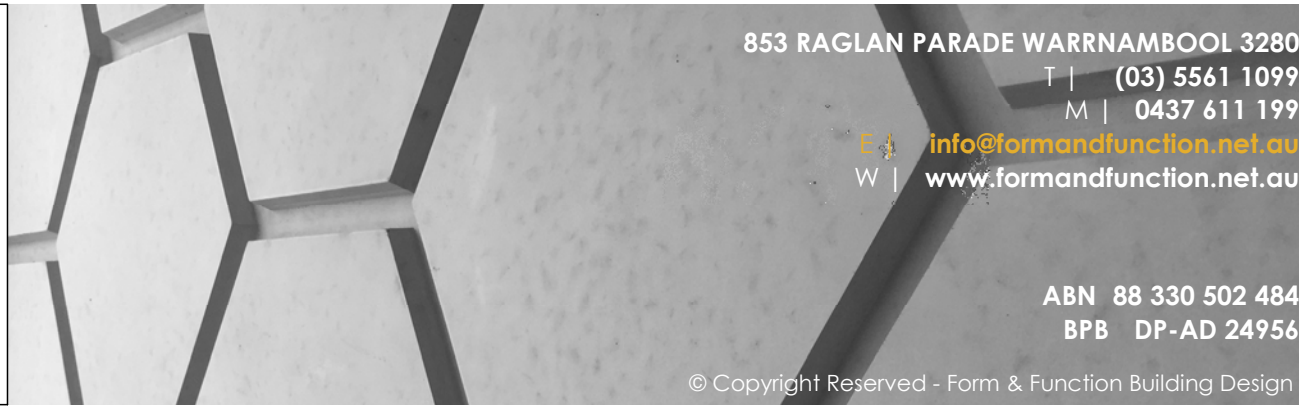
ISSUE :
CONCEPT TOWN PLANNING DRAWING

ISSUE DATE :
22/07/2022

SHEET SIZE :
A1

PROJECT NO.
21069

DRAWING NO.
1 / 6



abersline road

site plan
scale 1:250

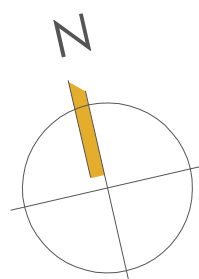


General Notes

1. The Builder shall check all dimensions and levels on site prior to construction.
2. Notify any errors, discrepancies or omissions to the Building Designer.
3. Drawings shall not be used for construction purposes until issued for construction.
4. All works must be executed in a workman like manner and all materials must conform to current Australian Standard codes.
5. These plans are to be read in conjunction with project specifications, relevant reports, engineering and soil testing where indicated.
5. Written dimensions take precedence over scaled dimensions.

rev	description	Revision ID	checked
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NOT FOR
CONSTRUCTION



SITE ADDRESS :
15 DALES ROAD
WARRNAMBOOL 3280

PROJECT :
16 LOT TOWNHOUSE
DEVELOPMENT

CLIENT :
BNAA INVESTMENTS P/L

DESIGNED BY :
DONNA MONAGHAN
DRAWN BY :
DONNA MONAGHAN
ISSUE :
CONCEPT TOWN PLANNING DRAWING
ISSUE DATE :
22/07/2022

SHEET SIZE :
A1
PROJECT NO.
21069
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Amended Development Plan for: North East Warrnambool Growth Area D (15 Dales Rd)
Approved in accordance with the requirements of DPOT on 15 September 2022



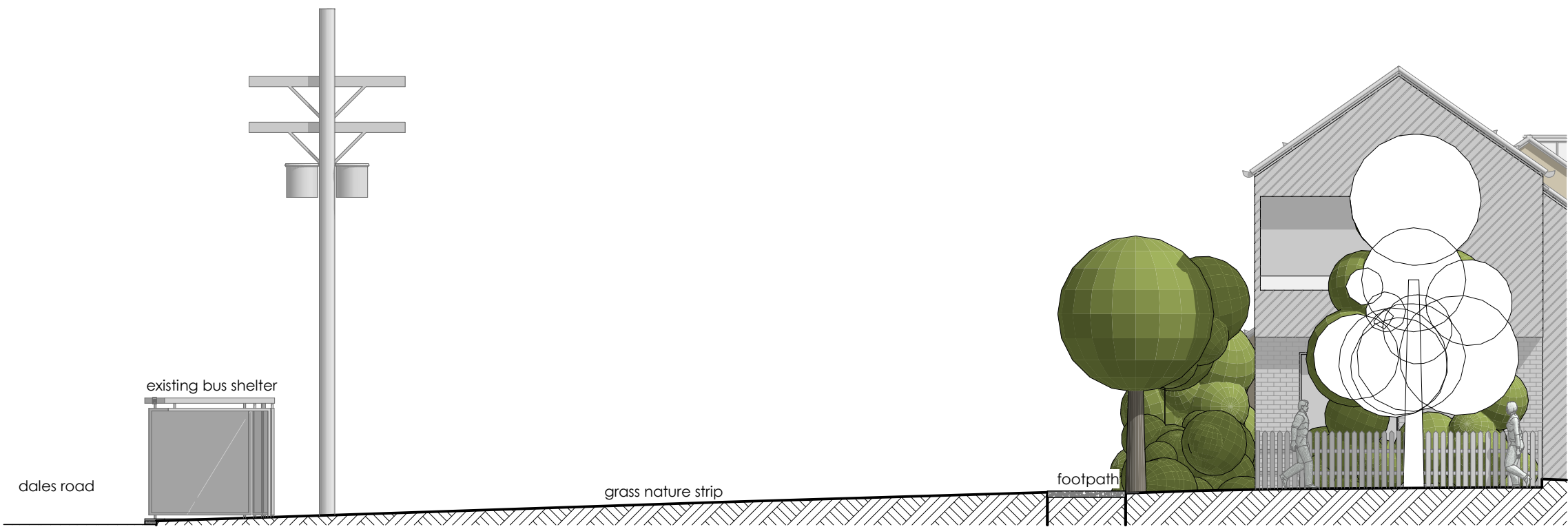
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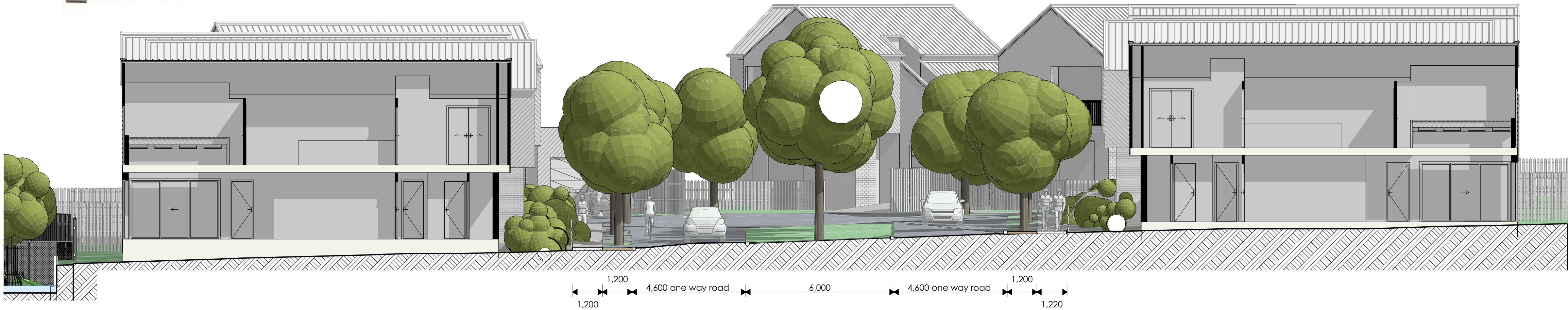
general axonometric view



general axonometric view



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scale 1:100

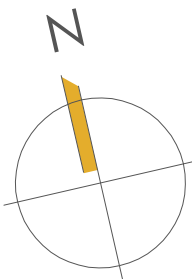


section through site
scale 1:100

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rev	description		Revision ID checked

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SITE ADDRESS :
15 DALES ROAD
WARRNAMBOOL 3280

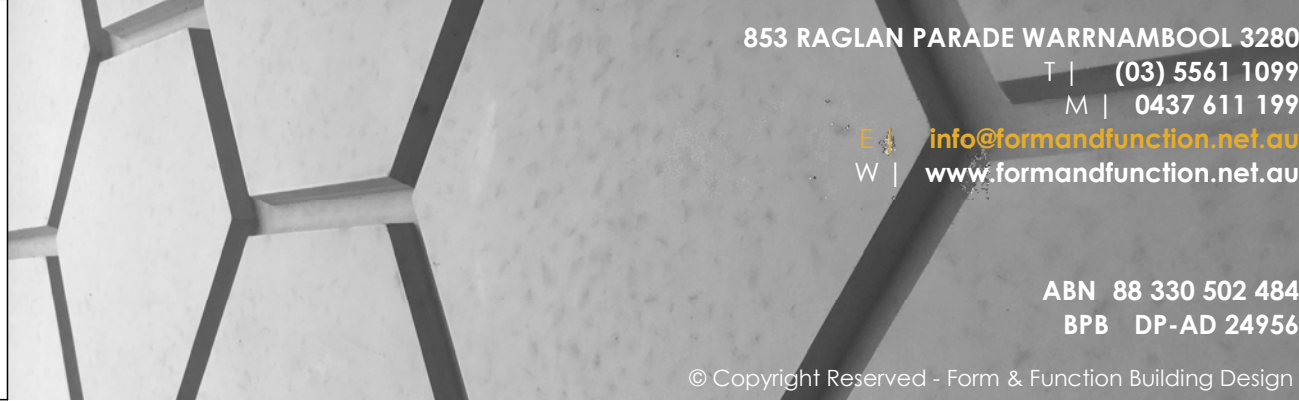
PROJECT :
16 LOT TOWNHOUSE
DEVELOPMENT

CLIENT :
BNAA INVESTMENTS P/L

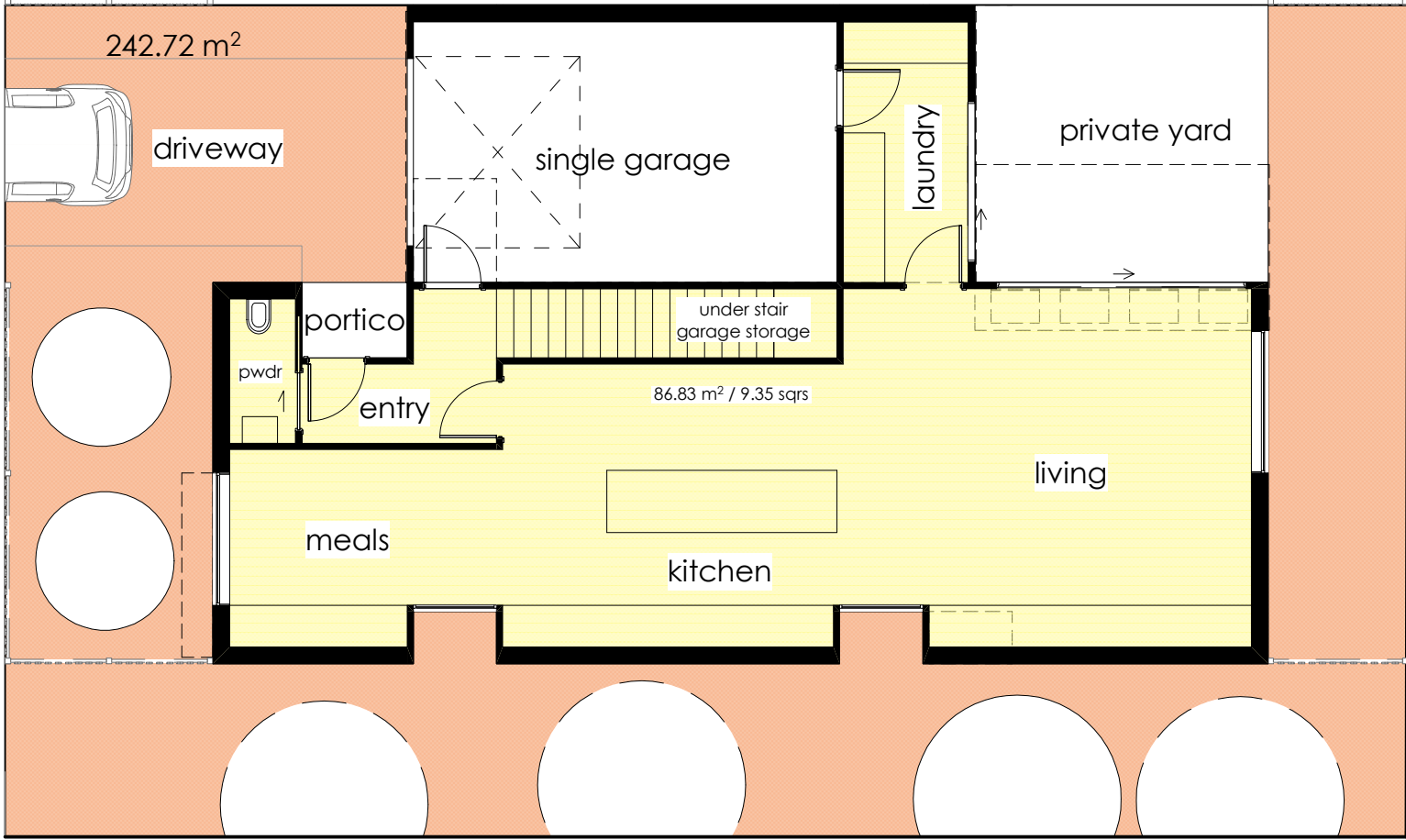
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DONNA MONAGHAN
DRAWN BY :
DONNA MONAGHAN
ISSUE :
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ISSUE DATE :
22/07/2022

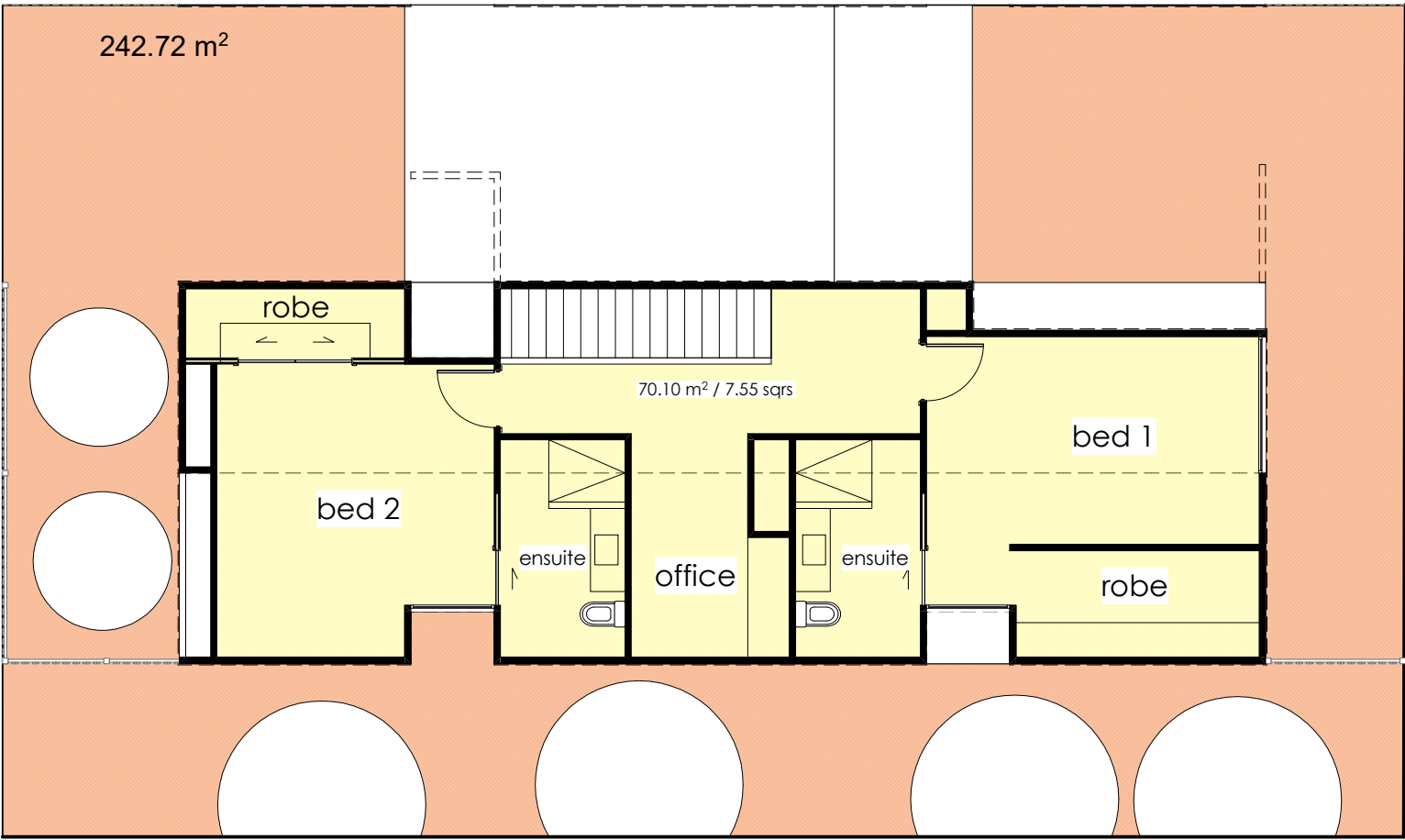
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Amended Development Plan for: North East Warrnambool Growth Area D (15 Dales Rd)
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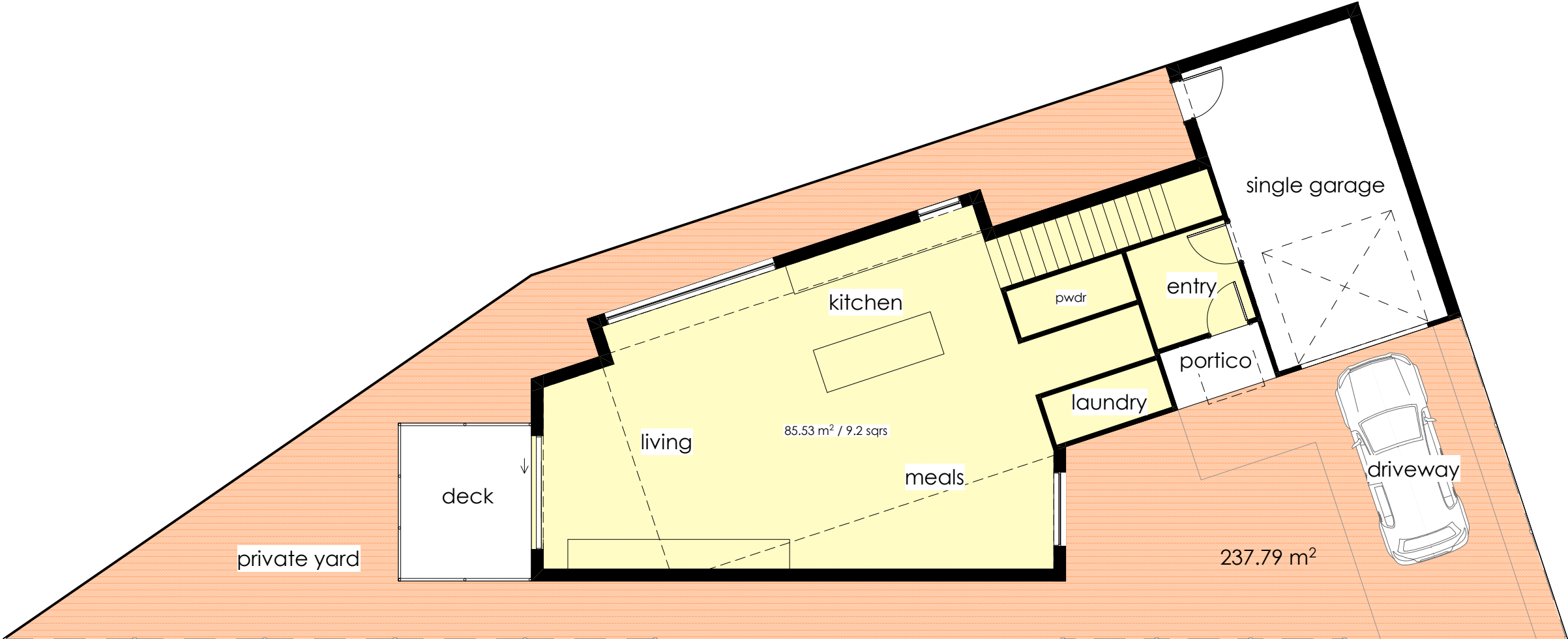
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scale 1:100



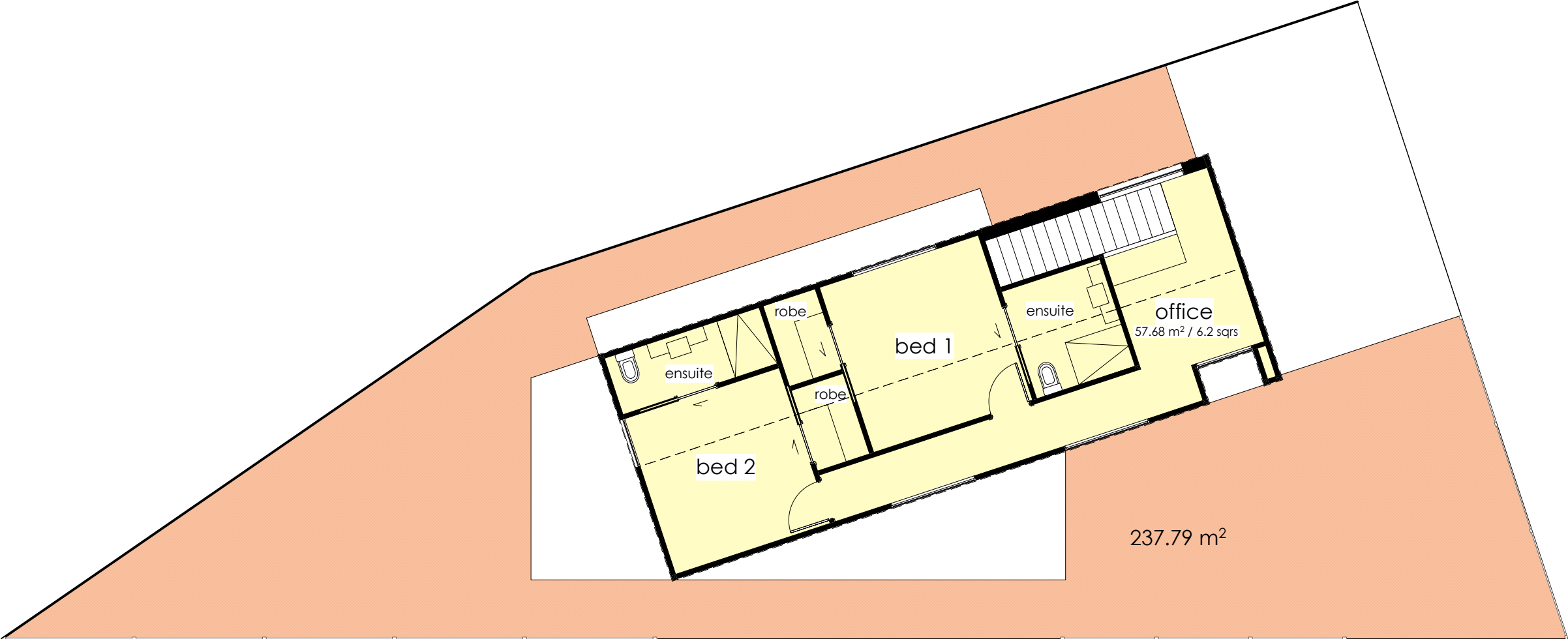
townhouse 1-7 & 11-16 first floor plan
scale 1:100



crepe myrtle street trees



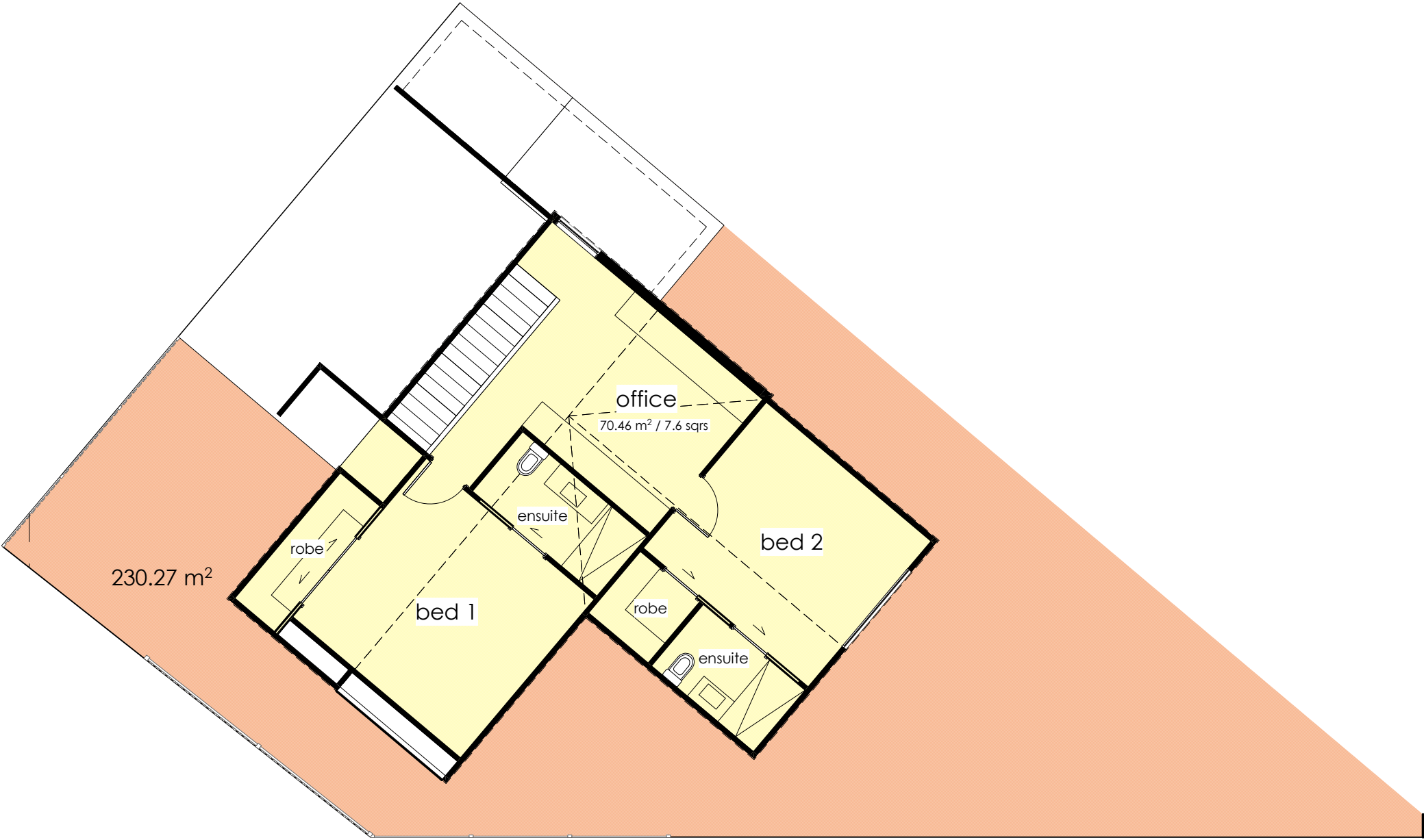
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scale 1:100



townhouse 8 first floor plan
scale 1:100



townhouse 9 & 10 ground floor plan
scale 1:100



townhouse 9 & 10 first floor plan
scale 1:100

external finishes schedule

james hardies axon wall cladding 133 grain finish - paint finish white

selkirk ivory concrete brick

lysaght surfmist wall and roof cladding

General Notes

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rev	description	Revision ID	checked

NOT FOR CONSTRUCTION

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15 DALES ROAD
WARRNAMBOOL 3280

PROJECT :
16 LOT TOWNHOUSE DEVELOPMENT

CLIENT :
BNAA INVESTMENTS P/L

DESIGNED BY :
DONNA MONAGHAN

DRAWN BY :
DONNA MONAGHAN

ISSUE :
CONCEPT TOWN PLANNING DRAWING

ISSUE DATE :
22/07/2022

SHEET SIZE :
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PROJECT NO.
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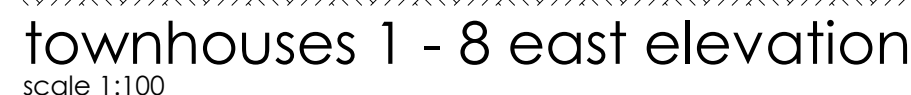
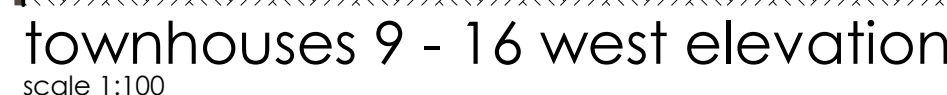
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Document Set ID: 11528923
Version: 1, Version Date: 15/09/2022

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Amended Development Plan for: North East Warrnambool Growth Area D (15 Dales Rd)
Approved in accordance with the requirements of DPOT on 15 September 2022



General Notes				<div>NOT FOR CONSTRUCTION</div> 				SITE ADDRESS : 15 DALES ROAD WARRNAMBOOL 3280				PROJECT : 16 LOT TOWNHOUSE DEVELOPMENT				DESIGNED BY : DONNA MONAGHAN				SHEET SIZE : A1							
1. The Builder shall check all dimensions and levels on site prior to construction.								CLIENT : BNAA INVESTMENTS P/L				DRAWN BY : DONNA MONAGHAN				PROJECT NO. 21069											
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