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WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd, 24 Aberline Rd
is approved in accordance with the requirements
under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date 13 April 2011

Development Plan Report

27-35 Dales Road & 24 Aberline Road, Warrnambool

18/April/11

CPG

Prepared by CPG Australia Pty Ltd on behalf of Woolcorp Pty Ltd

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1 Introduction

CPG Australia is acting on behalf of Woolcorp Pty Ltd with regard to this application for a Development Plan at 27-35 Dales Road and 24 Aberline Road, Warrnambool.

This report is prepared to support an application for a Development Plan on the subject land.

The subject land is identified within Area D of the *North East Warrnambool Structure Plan 2008.*

The site formed part of Amendment C61 (Part 1), which rezoned all of the subject land to the Residential 1 Zone, and applied Schedule 7 of Development Plan Overlay (DPO7) and Schedule 4 of Design and Development Overlay (DDO4).

This Development Plan Report seeks to address the requirements for a development plan, as outlined at Part 3.0 – Requirements for Development Plan at DPO7.

This Development Plan Report also provides accompanying information to support a separate planning permit application for the subdivision of land.

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2 The Site and Environs

2.1 The Site

The subject land is known as 27-35 Dales Road & 24 Aberline Road, Warrnambool consisting of 2 allotments known as:

- Lot 1 944821E
- Lot 2 PS 619534, see Appendix 8.

The subject land is located on the eastern boundary of the Warrnambool city and is bounded by Aberline Road to the west and Dales Road to the south. 25 Dales Road, Warrnambool bisects the subject land.

2.2 Overview

The location of the subject land is shown below in Figure 2-1.

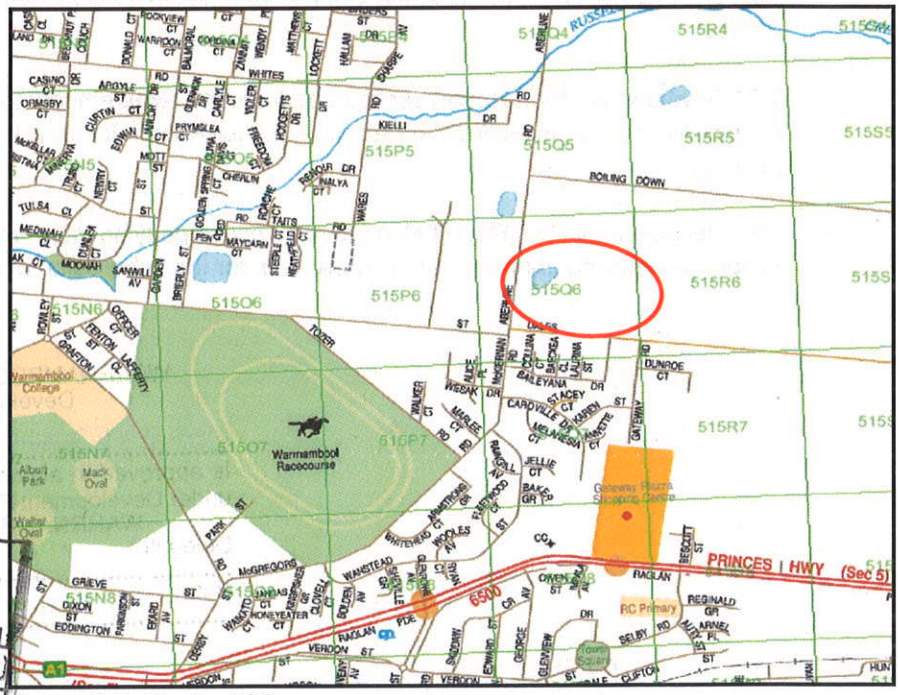

Figure 2-1: Context Plan

- The subject land comprises an area of approximately 7.1 hectares.
- The subject land is currently used for grazing and cropping operations.
- There are dwellings and outbuildings located on the individual parcels that make up the subject land.
- Vegetation exists around these dwellings and buildings and along property boundaries, including windbreak planting along the easternmost boundary.
- The topography of the land is relatively flat. There is a gradual natural fall across the subject land, towards the south west corner.

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- There is a disused quarry at 24 Aberline Road, sparsely surrounded by examples of mature native gum trees.
- A natural drainage line traverses the subject land from the eastern boundary across to the south west corner of the subject land.
- The subject land is adjacent to the Brierly Reserve and the majority of the subject land is within a 400 metre walking distance from this reserve.
- Appendix 1 provides for a Site and Levels Survey prepared by *Joseph Land Surveying Pty Ltd.* for the subject land.

2.3 Surrounding Area

- A Site Analysis Plan prepared by *CPG Australia Pty Ltd.* is attached at Appendix 2.
- To the west of Aberline Road and the south of Dales Road is a continuation of the Residential 1 Zone.
- Approximately 600 – 1500 metres to the south west of the subject land is the Warrnambool Race Track and Albert Park.
- The Gateway Plaza is located approximately 400 metres to the south of the site. The homemaker centre and the Princes Highway provide additional opportunities for shopping and essential services.
- Russells Creek corridor, located approximately 700 metres to the north, provides linkages to a wider open space network of pedestrian and cycle paths.
- Kings College and Warrnambool College are to the north west and south west respectively, within approximately 1 – 1.5 kilometres.
- The existing road network surrounding the site relies upon Aberline Road and Dales Road, connecting to Gateway Road in a south-north flow to Gateway Plaza. The other main connections are Moore Street and Whites Road in an east-west flow, and McKiernan Road into McGregors Road which connects to Raglan Parade (Princes Highway).
- There is an existing bus route running along nearby Whites Road and Moore Street. It is anticipated that additional bus routes will provide through connection to the Gateway Plaza (potentially along Dales Road) in the near future.

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3 Planning Framework

3.1 Planning Scheme

The Greater Warrnambool Planning Scheme guides the use and development of the subject land, including the use and development of this land.

3.2 Planning Policy

There are a number of State and Local planning policies within the Greater Warrnambool Planning Scheme that are applicable to the re-subdivision.

The following Clauses are addressed in this Section of the Report.

State Planning Policy Framework

Clause 11.02	Urban Growth
Clause 11.03	Open Space
Clause 11.05	Regional Development
Clause 12.01	Biodiversity
Clause 15.01	Urban Environment
Clause 15.03	Heritage
Clause 16	Housing

Local Planning Policy Framework

Clause 21.00	Municipal Strategic Statement
Clause 21.03	Vision – Strategic Framework
Clause 21.05	Housing
Clause 22.02-2	Potential for Groundwater Recharge
Clause 22.02-3	Susceptibility for Mass Movement

Zone

Clause 32.01	Residential 1 Zone (As part of C61 Amendment – Part 1)

Overlays

Clause 43.02	Design and Development Overlay – Schedule 4 (As part of C61 Amendment – Part 1)
Clause 43.04	Development Plan Overlay – Schedule 7 (As part of C61 Amendment – Part 1)

3.3 State Planning Policy Framework

The most relevant State planning policies for the subject land and the proposal are outlined below.

Clause 11.02 – Urban Growth

The objectives of Clause 11.02 are to:

- *Ensure a sufficient supply of land is available for residential, commercial retail, industrial, recreational, institutional and other community uses; and*
- *To facilitate the orderly development of urban areas.*

Response

The *North East Warrnambool Structure Plan 2008* applies to the subject land. The proposed Development Plan concept (DP) guides and facilitates the future development of this land for residential and complementary purposes – See Development Plan concept (Appendix 3), & Indicative Subdivision Lot Layout (as indicated by Development Plan – DRAFT (Option 1) (Appendix 4).

Clause 11.03 – Open Space

The objective of Clause 15.10 is:

- *To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.*

Planning and responsible authorities should ensure that open space networks:

- Are linked through the provision of walking and cycle trails and rights of way.
- Are integrated with open space contributions from abutting subdivisions.
- Incorporate, where possible, links between major parks and activity areas, along waterways and natural drainage corridors, connecting places of natural and cultural interest, as well as maintaining public accessibility on public land immediately adjoining waterways and coasts.

Response

The Development Plan concept relies on open space surrounding the proposed retardation basin at 24 Aberline Road, and its links to Brierly Reserve for accessible provision of open space. The majority of the subject land is adequately served by Brierly Reserve, within a convenient walking distance of approximately 250 metres to the west side of Aberline Road.

The attached Development Plan concept outlines indicative linkages to open space throughout the site, and connections to existing open space external to the subject land.

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Clause 11.05 – Regional Development

The objective of this Clause is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

Response

This proposal supports planned urban growth to the east of Warrnambool. The strategy is to support sustainable development of the regional cities, including Warrnambool.

Clause 12.01 – Biodiversity

The objective of Clause 12.01 is:

- *To assist the protection and conservation of biodiversity, including native vegetation retention and provision of habitats for native plants and animals and control of pest plants and animals.*

Response

The subject land has been used for farming purposes for a number of years. The site is generally cleared of vegetation except (notwithstanding windbreak planting and planting carried out by farm householders).

As part of this Development Plan Report a Flora and Fauna Assessment has been undertaken and is submitted with this application at Appendix 5. The recommendations of this ecological assessment are to be observed and addressed as part of the subsequent subdivision/development permit applications for the site.

Clause 15.01 – Urban Environment

The objectives of Clause 15.01 are to:

- *Create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity; and*
- *Ensure the design of subdivisions achieves attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.*

Response

The DP has regard to the following Design Principles:

- Context.
- The public realm.
- Safety.
- Landmarks, views and vistas.
- Pedestrian spaces.
- Heritage.
- Consolidation of sites and empty sites.
- Light and shade.
- Energy and resource efficiency.
- Landscape Architecture.

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Clause 15.03 – Heritage

The objective of Clause 15.03 is to ensure conservation of places of heritage significance.

Response

The subject land has not been identified as having known areas of natural, environmental, aesthetic, historic, scientific or social heritage. No significant European heritage has been identified. Development of the subject land does not require the submission of an approved Cultural Heritage Management Plan (See Appendix 6 – Map of Cultural Heritage Sensitivity and AAV Process List Toolkit Response).

Clause 16 – Housing

A primary objective of Clause 16 is to:

- *Provide for housing diversity, and ensure the efficient provision of supporting infrastructure.*

Response

The Development Plan is in accordance with the objectives. It will facilitate residential development in a variety of lot sizes in a designated location in accordance with a planned approached.

The subject land is located adjacent to an established residential area with infrastructure connections. The proposed road network can accommodate for the provision of a public transport route(s). Proposed drainage solutions are envisaged to incorporate the principles of water sensitive urban design, primarily through the partial re-use of the quarry as a retardation basin/wetland.

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3.4 Local Planning Policy Framework

The Municipal Strategic Statement (MSS) within the Warrnambool Planning Scheme sets the direction for future land use and development within the municipality.

Clause 21.03- Vision – Strategic Framework

Clause 21.03-2 outlines the Warrnambool Land Use Strategy, September 2004 (LUS) and identifies the following in relation to the subject land:

- The land is included with the proposed Urban Growth Boundary.
- The North East Corridor is identified for short and medium term integrated residential development.
- Short and medium term residential growth is to occur north of the subject land in the 'Wangoom Road North' growth area.
- The 'Eastern Activity Precinct' to the south east of the subject land is for mixed commercial, residential and technology uses.
- A future corridor extension is identified for the North East Corridor, to the east and north east of the application site.

Response
The subject land is within a designated growth area of Warrnambool. The Development Plan concept facilitates the future growth of the North East corridor.

Clause 21.05 – Housing

Clause 21.05 Housing provides the basis for Warrnambool's residential development needs over the next 15 years. It discusses 'housing' and Greenfield development areas. Some comments regarding Greenfield development include:

- Contain growth within the urban growth boundary.
- Discourage low density residential subdivision where it would prejudice long term residential development.

Response
The subject land is within a designated growth area of Warrnambool. The Development Plan concept facilitates the future growth of the North East corridor.

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Response
With regard to residential land release timeframes, the LUS has nominated land for short to medium term residential development based on a take up rate of 192.5 lots per year.

Clause 21.05 also outlines the staging of subdivision within the growth area should allow for the orderly extension of services, given priority to areas utilising existing infrastructure and require lower levels of investment and new infrastructure. As mentioned above the subject land is located adjacent to a residential area with established infrastructure connections.

Clause 22.02-2 – Potential for Groundwater Recharge
The objectives of Clause 22.02-2 are:

- *To identify areas subject to high ground water recharge.*
- *To ensure development is compatible with site capability and that native vegetation is retained.*

It is policy the *Mapped Salinity Discharge and Potential for Recharged within the Warrnambool Shire (sic) – Draft Map* shall be used as a guide to identify areas within the municipality that are High Potential Recharge Areas.

Response
The subject land is outside of the nominated area for potential recharge.

Clause 22.02-3 – Susceptibility for Mass Movement
The objective of Clause 22.02-3 is:

- *To protect areas prone to erosion by minimising land disturbance and vegetation loss.*

It is policy that the *Susceptibility to Mass Movement (Landslip) within the Warrnambool Shire – Draft Map* be used as a guide to identify areas within the municipality susceptible to mass movement. Applications within areas identified as susceptible to erosion should be accompanied by plans showing the gradient of the site, the extent of any existing erosion, the extent of any proposed earthworks and the means proposed to stabilise disturbed areas.

Response
The accompanying Features and Levels Survey provides contour information, for information purposes.

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3.5 Zone Provisions

The application site is currently within the Residential 1 Zone, re-zoned as part of Planning Scheme Amendment C61. The subject land is shown below in Figure 3-1.

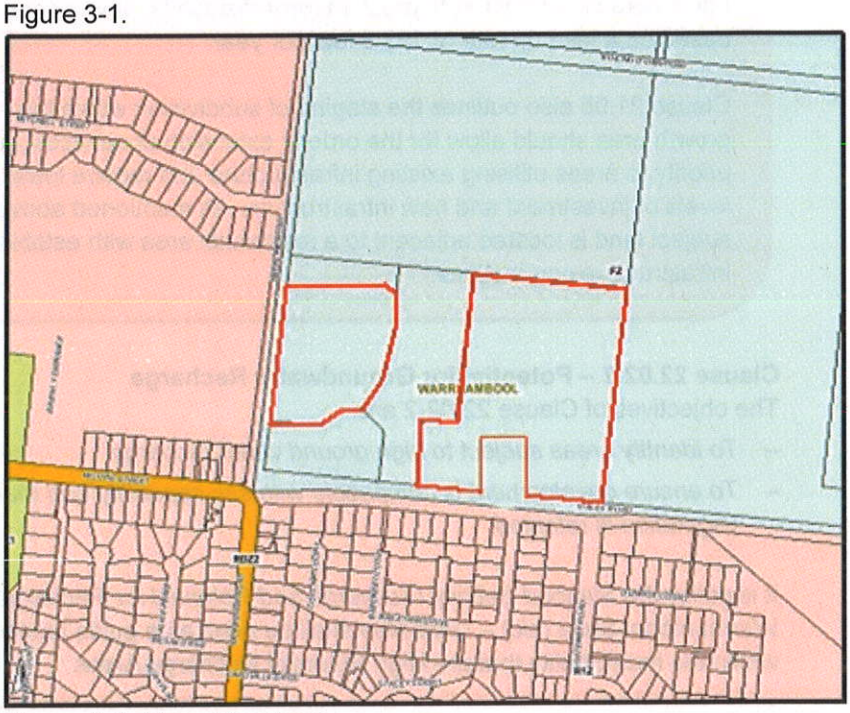

Figure 3-1: Zone Provisions

The purposes of the Residential 1 Zone are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.*
- *To encourage residential development that respects the neighbourhood character.*
- *In appropriate locations, to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs.*

Response

The proposal is in accordance with the above purposes. It is implementing the strategies and objectives of the Warrnambool Planning Scheme. The approval of this Development Plan application will facilitate future development in a designated growth area.

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3.6 Overlay Provisions

The subject land is currently not covered by any overlays.

The site forms part of the Design and Development Overlay, Schedule 4 (DDO4) and the Development Plan Overlay, Schedule 7 (DPO7).

Design and Development Overlay – Schedule 4

The purposes of the Design and Development Overlay are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Schedule 4 to the DDO relates to single dwellings. The design objectives for single dwellings are as follows:

- *To ensure that new single dwellings are compatible with the existing scale and character of adjoining dwellings and of the area.*
- *To ensure that the height and visual bulk of single dwellings are acceptable in the neighbourhood setting.*

DDO 4 does not require a permit for buildings and works for new single dwellings or extensions to single dwellings 7.0 metres or more above existing ground level.

Response
No single dwellings are proposed as part of this Development Plan application.

Development Plan Overlay – Schedule 7

The purposes of the DPO are:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if it is generally in accordance with a development plan.*

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A permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

Development Plans must be generally consistent with the *North East Warrnambool Structure Plan 2008.*
The DPO7 sets out numerous requirements within Section 3 of this schedule. As the subject land is located within Area D of the *North East Warrnambool Structure Plan* the only applicable requirements are those relating to Area D.

A table outlining a response to these requirements is included within ***Section 4*** of this report.

It is considered the proposed Development Plan concept responds to the SPPF, LPPF, zoning and overlay provisions of the Warrnambool Planning Scheme. Approval of this Development Plan facilitates the orderly development of land as directed by the LUS and *North East Warrnambool Structure Plan.*

3.7 Relevant Planning Documents

Warrnambool Land Use Strategy

The Warrnambool Land Use Strategy and its directions are now firmly embedded in the Warrnambool Planning Scheme. The following comments are relevant to the subject land:

- Warrnambool's annual growth rate of 1.6% between 1996 and 2001 is higher than the State average.
- Warrnambool's land supply is projected to last only3-4 years (at September 2004), or between 600 and 800 plus lots. Land should be available to satisfy demand for the next 15 years.
- Since 1996 an average of 220 dwellings per year have been constructed in Warrnambool. This has more recently increased to 284 dwellings in 2001/2002 and 257 dwellings in 2002/2003.
- An additional 1950 lots is planned for in the Strategy, which would have the potential to accommodate approximately 4500 people.
- Residential growth within the north east of Warrnambool will primarily take the form of detached and semi detached dwellings on a variety of allotment sizes with a potential yield of 700 lots to meet demand within the immediate 15 years.

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North East Warrnambool Structure Plan

The north East Warrnambool (and North Dennington) Structure Plan was endorsed by Council on the 25th June 2007. The following comments are relevant to the subject land:

- North East Warrnambool is acknowledged as being the next stage in the growth corridor. There is significant new growth to the south and growing Eastern Activity Precinct to the south.
- Several roads within the Structure Plan area play a sub regional role including Mortlake Road and Aberline Road.
- The Structure Plan proposes to upgrade and extend Aberline Road, to create a north south link through to the Eastern Activity Precinct.
- The Eastern Activity Precinct (including Gateway Plaza) will serve existing and new development within the North East Warrnambool area.
- The redevelopment of the Brierly Hospital site (118 new lots and new retirement village) combined with other residential developments (such as Grange Road) will place pressure on the existing facilities such as open space, infrastructure and the natural environment. Consideration will be required for the provision of open space within the subject site.
- The Structure Plan estimates, based on conventional density residential development, the area is more likely to accommodate for 1600 lots based upon land availability, as compared to 700 lot estimate by the LUS.
- Extension of bus routes will be required to serve future development on the subject site.
- Pedestrian and cyclist linkages should be continued along the proposed extension of Aberline Road to connect to public open space and promote connectivity to the Eastern Activity Precinct.

Response

This Development Plan concept is considered to be generally in accordance with the adopted Warrnambool Land Use Strategy and the North East Warrnambool Structure Plan.

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4 Planning Merits and Strategic Assessment

The following provides an analysis of the proposed Development Plan concept against the provisions and requirements of Development Plan Overlay Schedule 7 in the Warrnambool Planning Scheme.

As has previously been mentioned, the subject land is within Area D of the *North East Warrnambool Structure Plan,* and the following assessment addresses the Area D provisions and requirements.

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Requirements of DPO7	How the Proposed DP Responds
Site Analysis Report and Plan that: 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. 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. Provides adequate and usable public open space and demonstrate the suitability and accessibility of the provided open space to form part of the open space network. Identifies the means by which any sites of conservation, heritage or archaeological significance will be managed during construction and following the development. 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. Identifies designated areas to be set aside for single dwelling development only. Provides for community interaction, safety and surveillance by the provision of housing to front streets and/or public open space in the development area.	This application includes a Site Analysis Plan for the subject land at Appendix 2. The Features and Levels survey at Appendix 1 shows the topography, existing vegetation, drainage lines and existing buildings. There are no identified sites of conservation, heritage or archaeological significance on the application site. The proposed Development Plan concept at Appendix 3 indicates road layouts, drainage reserves, development areas and high amenity streetscapes, which responds to and integrates with the North East growth area. There is no formal public open space provided as part of this Development 'cell', with the exception of the proposed drainage reserve that may serve as an amenity benefit secondary to its drainage function. The final design of the drainage reserve can be provided with suitable landscaping treatment, and at the appropriate time of subdivision. It should be noted that this Development Plan concept provides indicative pedestrian and bicycle linkages, connecting to Brierly Reserve and identified pedestrian/cycle linkages (including Russells Creek reserve). As shown on the Site Analysis Plan, the majority of the site is within 250 metres walking distance from Brierly Reserve. Therefore it is contended that there is no identified need for formal public open space within this development cell. At this stage it is not anticipated medium or higher density housing will occur within the subject land, due to existing market demand. It is proposed all lots will be developed for single dwelling development on lots average in the range of 600 – 700 square metres. It is anticipated that the current Development Plan concept, and Indicative Subdivision Lot Layout at Appendix 4 will allow all lots to be able to front streets and proposed reserves, to enhance safety and passive surveillance.

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.	The Development Plan concept provides for Gateway Road to be extended north along the eastern boundary of the subject land. A Traffic Impact Assessment for Area D (prepared by Connell Wagner) supports the North East Warrnambool Structure Plan, and the principle of use and development of the subject land for residential purposes. Any traffic engineering specifics should be the subject of subsequent development/subdivision applications.
An Open Space / Landscape Master Plan and accompanying documentation that: 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. 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. Provides for detailed planting scheme including specification of species. Provides a visual and environmental buffer to continued agricultural land use to the east of Aberline Road.	The preferred character objective of the area is to respect the existing residential development to the south of the site and other neighbourhoods in Warrnambool. The urban design outcome, as indicated by the Development Plan concept and the Indicative Subdivision Lot Layout, outlines streetscape themes that are characteristic of the area. The Landscape Masterplan (Street Trees) employs landscape themes along the proposed local and collector roads and the Development Plan concept provides for the provision of open space, and indicative street and reserve tree planting (to use indigenous species). Appendix 7 The proposed Gateway Road extension, and associated street planting, will provide both a physical and visual buffer to and from the agricultural land to the east. An objective of the Development Plan concept is to encourage pedestrian and bicycle links to and from Brierly Reserve, traversing west-east across the southern section of Area D.
An Environmental Report that: 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.	The drainage from the subject site is to be collected, and can be treated, before discharging from the site, via water sensitive urban design principles. Potential wetlands may be located within the proposed drainage reserve to serve this function. This will minimise any downstream impacts on the creek/river environs. A reserve will also incorporate the overland flow path that will traverse the site.

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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.	
An Infrastructure Report that: Requirements Applicable to Development Areas A, B, C & D 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.	This Development Plan Report advocates a stormwater management concept as part of the Drainage Engineering Concepts, that incorporates water sensitive design principles. The provision of a wetland in the location of the proposed retardation basin will collect and treat stormwater runoff, prior to its discharge off site. The proposed reserve is to accommodate for overland flow and can incorporate the use of other WSUD techniques as required. It is understood that a draft Development Contribution Plan has been prepared by Council. This plan will provide for the indicative costing of all public works and development costs. It would appear that the encumbered open space surrounding the proposed retardation basin has the ability to provide a percentage of open space provision required by the subsequent subdivision of the subject land. It is also contended that open space infrastructure contributions initiated by the rezoning of this land should be used towards encumbered open space within the southern portion of Area D. Staging of development is expected to form part of conditions attached to subsequent development permits.
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).	The approved Development Plan is to guide residential subdivision within the designated area. Given this objective, it is therefore considered once the land has been subdivided for residential purposes (the granting of Statement of Compliance), the objectives of the Development Plan have been met and the overlay should be removed from the specified land.

5 Conclusion

This report has detailed each of the requirements of Schedule 7 to the Development Plan Overlay, and is generally consistent with strategies and objectives of the Warrnambool Planning Scheme for the application site at 27-35 Dales Road and 24 Aberline Road, Warrnambool.

The report specifically demonstrates there is consistency with:

- The State and Local Planning Policy Frameworks;
- The purpose of the Residential 1 Zone;
- The Design and Development Overlay Schedule 4;
- The Development Plan Overlay Schedule 7; and
- The sensitivity to the site and its environs.

For the above reasons, the proposal is recommended to Council as one seeking to achieve the relevant outcomes as promoted by the Warrnambool City Council.

Accordingly, it is submitted that this Development Plan Report is worthy of Council's support and should be approved.

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Appendix 1 Site and Levels Survey

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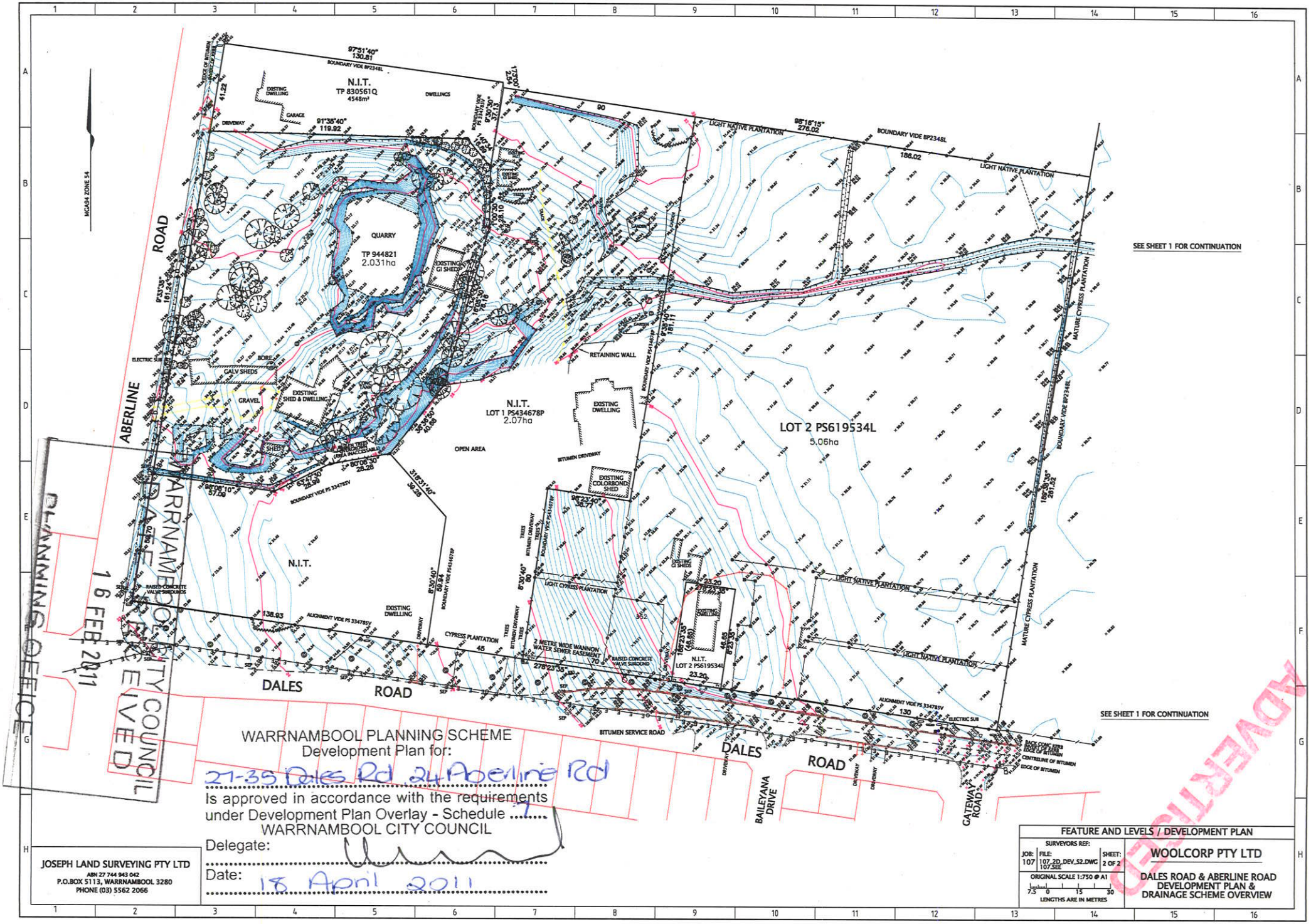
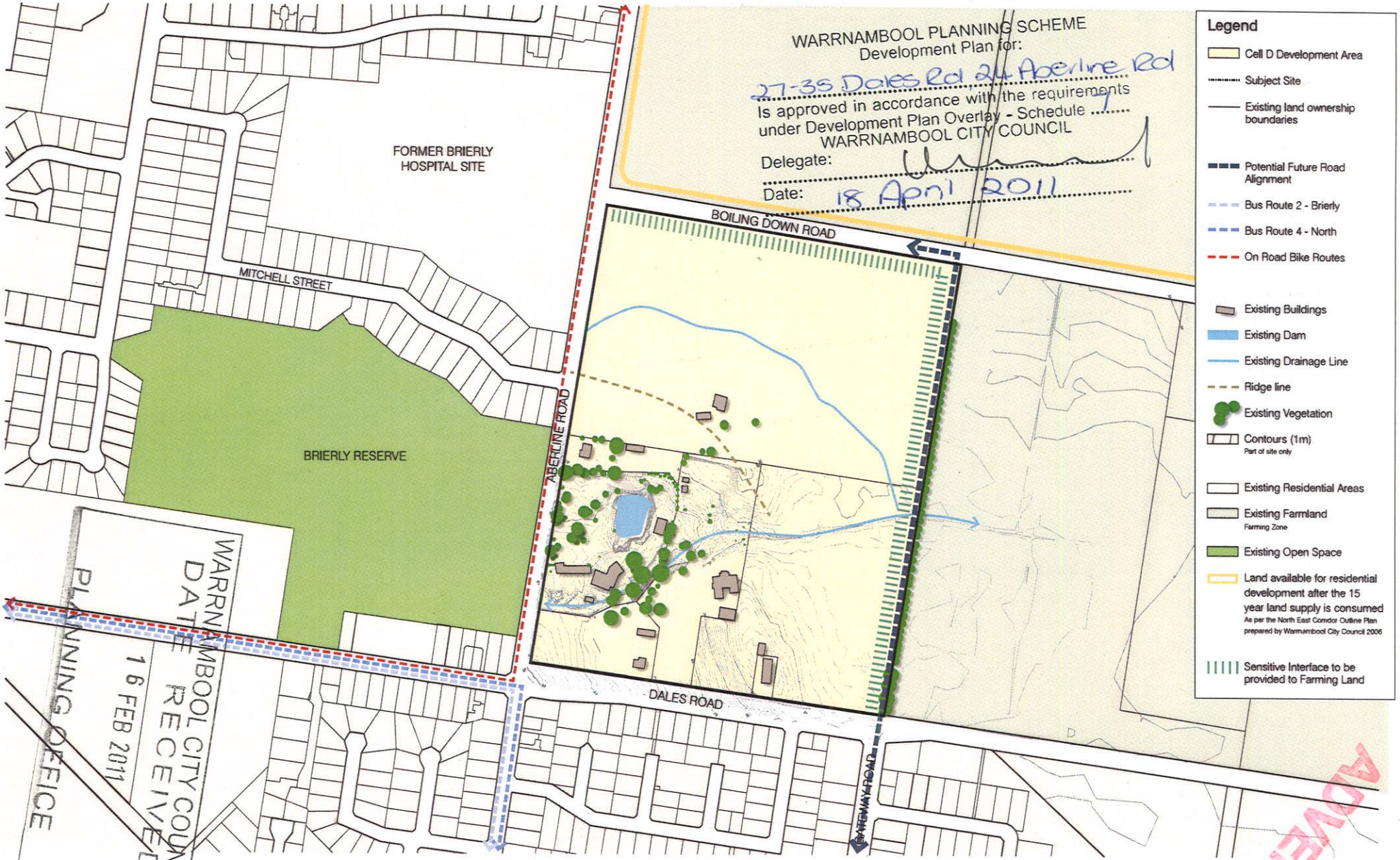


Appendix 2 Site Analysis Plan



Cell D Warrnambool

Client Woolcorp Pty Ltd | Date 17.02.10
Drawing No 133 059 | Revision -

CPG Australia Pty Ltd
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Water Transport Resources Energy Buildings Urban Development Agribusiness

CPG

Site Analysis Plan

Appendix 3 Development Plan Concept

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd, 24 Aberline Rd
Is approved in accordance with the requirements
under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Notes

A Areas are approximate only.
B The following information was not available when preparing this development plan:
Levels and feature survey (part of site)
Arborist report
Ecological and Habitat assessment
Net gain Assessment
Archaeological or heritage assessment
Contamination assessment
Traffic input
C "Trees have been identified through an aerial photograph only, and have not been assessed for species, size, structure, habitat or 'value'."
D The site has not been assessed to determine if any grasslands or EVC's are present, or the value of an vegetation present.
E Layout accounts for 0 trees to be retained on site.
F Plan has not been prepared in consultation with Council.
G Plan is based on available planning scheme information.

Legend

- Cell D Development Area
- Subject Site
- Standard Residential Lots
- Open Space
- Farmland
- Existing trees
- View lines
- Key Roads
- Road Widening (4m) — Along eastern edge of Aberline Road, northern edge of Boiling Down Road and eastern edge of Gateway Road - Extension.
- Potential pedestrian/bicycle link
- Entry points
- Traffic Management required (To be resolved during detailed design)
- Approximate Proposed Alignment of Overland Flow (Detailed location to be resolved between land owners and the relevant service authorities)
- Existing buildings - to be retained
- Existing buildings - to be removed

N

Development Plan

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd 24 Aberline Rd
Is approved in accordance with the requirements under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Cell D Warrnambool

Client **Woolcorp Pty Ltd**	Date **08.02.2011**
Drawing No **133 659**	Revision **4**

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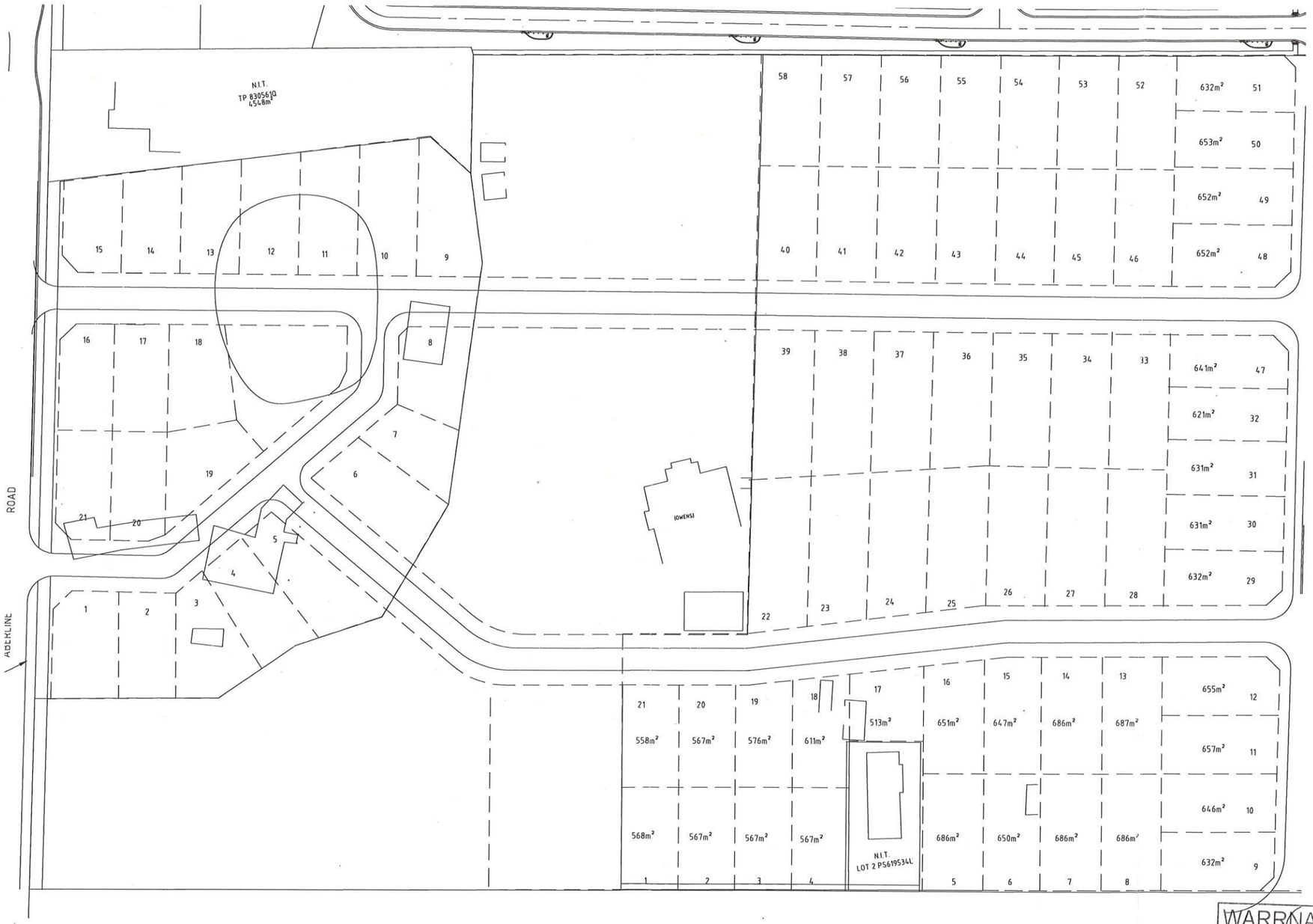
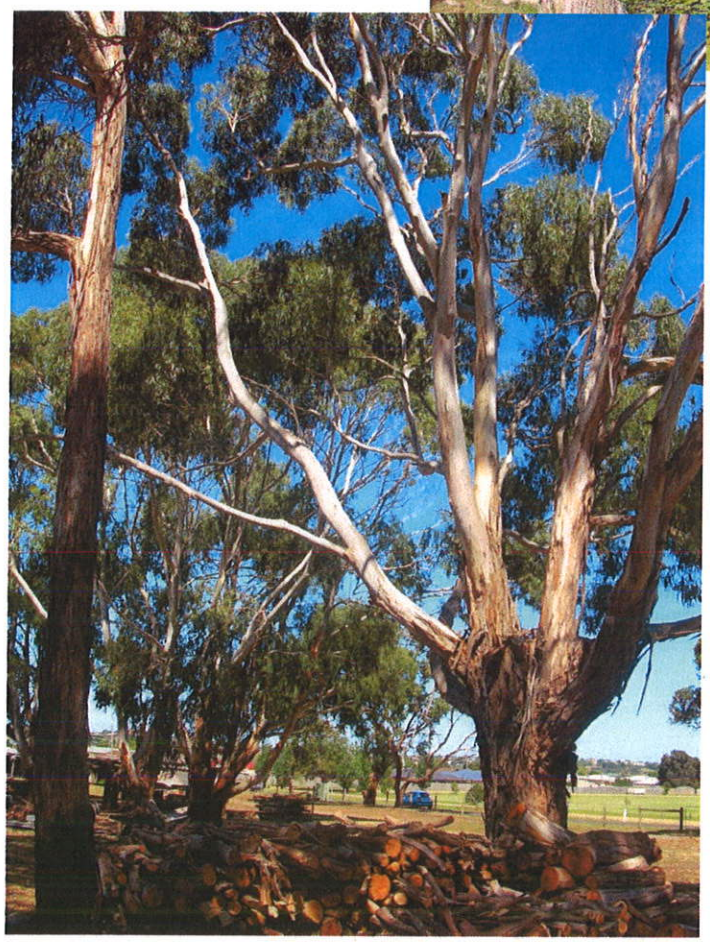
Appendix 4 Indicative Subdivision Lot Layout Plan

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales rd 24 Aberline rd
Is approved in accordance with the requirements
under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011



WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd & 24 Abeline Rd
Is approved in accordance with the requirements under Development Plan Overlay - Schedule 17
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Appendix 5 Flora and Fauna Assessment



WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd, 24 Aberline Rd
Is approved in accordance with the requirements under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Aberline Road and Dales Road. Cell D, Warrnambool

Native Vegetation Report for residential development of land

Prepared for Woolcorp

11 March 2010

Prepared by Kate Lockhart

CPG Australia Pty Ltd ABN 55 050 029 635
10 Moorabool Street PO Box 4032 Geelong Victoria 3220 Australia **T** 03 5249 6888 **F** 03 5249 6899 cpg-global.com

ADVERTISED

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd, 24 Abeline Rd
Is approved in accordance with the requirements
under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Quality Assurance Checklist

Issue Date	Revision No	Author	Checked	Approved
11/3/2010		Kate Lockhart		
	1		Peter Mirams	

WARRNAMBOOL CITY COUNCIL
DATE RECEIVED
16 FEB 2011
PLANNING OFFICE

CPG Australia Pty Ltd ABN 55 050 029 635
10 Moorabool Street PO Box 4032 Geelong Victoria 3220 Australia **T** 03 5249 6888 **F** 03 5249 6899 cpg-global.com

Contents

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd, 24 Aberline Rd
Is approved in accordance with the requirements
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WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

CPG

ADVERTISED

1 Introduction

CPG Geelong upon the request of the client Woolcorp, conducted a native vegetation field assessment on two nearby sites on Aberline Road, and Dales Road, Warrnambool. Both sites are a part of the Cell D residential housing development proposed for north eastern Warrnambool. The Aberline Rd site is part of Lot 1, located east of Aberline Rd and just north of Dales Rd. opposite Brierly Reserve. It is 2.036 hectares (ha) in size. The Dales Rd site is Lot 2, 5.06 ha in size and located north of Dales Rd, abutting Baileyana Drive and Gateway Road.

This report supports the development plan process and the proceeding planning permit application for the subject land to be developed as residential zone 1. It provides database searches, field native vegetation assessment and recommendations in line with current planning process and Department of Sustainability Native Vegetation Framework assessment criteria.

1.1 The Subject Sites

Aberline Rd

The Aberline Rd site is mostly cleared, semi-agricultural, residential holding currently grazed by sheep. The site is generally flat with a large man-made water body in the north east quarter of the site. This water body is formed from an old stone quarry site. There is an occupied house and numerous sheds. The existing residence extracts water from an on site bore, indicating that the quarry dam is also likely to be connected to the grounds water and may have consequences for any land infill. The quarry dam's eastern edges are defined by large rocks, the western perimeter by exotic grazed grasses and other edges by recent landfill soil.
A portion of the north and most on the eastern boundary is defined by large pine trees. The eastern and southern boundaries has some unusual land formations indicative of an old water course and more recent earthworks and landfill. The western boundary is generally open to the road side with some Eucalyptus trees of various size and age.

Dales Rd

The Dales Rd site is a rural residential block which it is cleared, agricultural land with a single residence running 10 horses. The house yard is not apart of this assessment. The small southern paddocks fronting Dales Rd are over grazed and weedy with some fenced native plantations. The large northern paddock is generally flat with a drainage line running east west across its northern portion. It has a good coverage of pasture. The northern boundary has Eucalyptus trees over the fence. The eastern boundary is defined by a mature cypress plantation.

WARRNAMBOOL CITY COUNCIL
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16 FEB 2011
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1.2 Landscape Context

The land surrounding the sites is agricultural to the east, with new residential housing to the south and under construction to the north. West of Aberline Rd is Brierly Reserve surrounded by established housing. The subject sites are within the Glenelg Hopkins Catchment Management Authority. The land is in the catchment of Russell Creek which

lies to the north of the site and flows through Warrnambool and eventually flows into the Merri Creek. The Hopkins River flows towards the ocean 2.5 km south of the site.

1.3 Vegetation

1.3.1 Bioregions & Ecological Vegetation Classes

The land is modelled to be in the Victorian Volcanic Plain bioregion and the modelled Ecological Vegetation Class (EVC) for the site is EVC 55 Plains Grassy Woodland. The EVC 55 Plains Grassy Woodland has a conservation status of endangered in this bioregion.
However the modelled bioregion boundary is less than 1 km to the south. Thus the area is really a transition zone and the modelled EVC is subject to on ground verification.
The neighbouring bioregion is the Warrnambool Plains has the modelled EVC 3 Damp Sands Herb-rich Woodland which conservation status of endangered in this bioregion.

EVC 55 Plains Grassy Woodland
The EVC55 Plains Grassy Woodland is typically open eucalypt woodland with trees to 15 metres. The soils type is fertile poorly drained soil on flat to gently undulating plains at low elevations. The understorey consists of a few sparse shrubs over a species rich grassy and herbaceous ground layer (to 1m). The dominant eucalypt is generally River Red Gum (*Eucalyptus camaldulensis*). Understorey shrubs are Golden Wattle (*Acacia pycnantha*) and Hedge Wattle (*Acacia paradoxa*). Common grasses in this EVC are Spear-grass spp. (*Austrostipa spp*). Kangaroo Grass (*Themeda triandra*) and Wallaby grass spp. (*Austrodanthonia spp*).

EVC 3 Damp Sands Herb-rich Woodland
EVC 3 Damp Sands Herb-rich Woodland is an open Woodland of Manna Gum (*Eucalyptus viminalis*) and Swamp Gum (*Eucalyptus ovata*) with a large shrub layer of Blackwood (*Acacia melanoxylon*) Prickly Tea-tree (*Leptospermum continentale*) and Sliver Banksia (*Banksia marginata*) and smaller shrubs, herbs and grasses.

The presence of a dozen Swamp gums (*Eucalyptus ovata*) of various ages and a random distribution indicates that they are indigenous to the site and that the EVC is Damp Sands Herb-rich Woodland.

1.4 Threatened Species

A search encompassing 10 km zone around the site of the National Environment Protection and Biodiversity Conservation (EPBC) Act databases lists a multitude of species and sites of national significance which must be considered and protected. Most of these are associated with the coastal environment and historic built form of Warrnambool.
None of the 42 EPBC listed threatened Flora and Fauna species are likely to be present on the site as there is no appropriate habitat.

Desktop review of relevant DSE threatened Flora and Fauna databases (Biodiversity Interactive map) indicate that there are no threatened recorded within the vicinity of the site.

1.5 Threaten communities

There is also potential for the two EPBC Threatened Ecological Communities listed below to occur on the site:

Grassy Eucalypt Woodland of the Victorian Volcanic Plain	Critically Endangered	Community known to occur within area
Natural Temperate Grassland of the Victorian Volcanic Plain	Critically Endangered	Community may occur within area

The EBPC threatened Grassy Woodland community is known to occur within 10 km of the site but does not occur on the sites as there is limited native vegetation and no understorey.

2 Site Inspection

The inspection of the sites occurred on March 4th 2010. This field assessment of both sites established that there is very little native vegetation present across the site.

2.1 Aberline Rd

2.1.1 Vegetation

It is generally cleared, agricultural land covered by a range of planted agricultural pasture species including Perennial Rye-grass (*Lolium perenne)* and Kikuyu grass (*Pennisetum clandestinum)*. There are a large number of mature exotic, native and indigenous trees on the site. The western boundary is generally open to the road side with some indigenous Swamp Gum (*Eucalyptus ovata),* in good health and some planted Eucalyptus trees of various size and age including (*Eucalyptus ficofolia)* and Tuarts *(Eucalyptus gomphocephala*). The two clusters of trees on the western portion of the block are predominately indigenous Swamp Gum (*Eucalyptus ovata).* A portion of the north and most on the eastern boundary is defined by medium to large exotic Pine (*Pinus radiata)* trees. The eastern boundary also has some planted Eucalyptus trees of various size and age amongst the Pine trees. There are also some indigenous Blackwood (*Acacia melanoxylon*) and Black Wattle *(Acacia mearsnii)* on the eastern bank of the dam.

Of the dozen Swamp Gums on the site only one is large enough to qualify as a large old tree with a diameter at breast height of greater than 70 cm. The other trees are mature but most are only small to medium old trees. (> 17.5 cm DBH <70 cm DBH). As the canopy cover is greater than 20% it is assessed as remnant vegetation rather than scattered trees. The old indigenous Blackwood on the dam cliff is a medium old tree and would also need to be offset as a scattered tree at a 1:1 ratio, if it is to be removed.

A range of woody weeds: Briar, Mirror-bush *(Coprosma)* and Tea-tree (*Melaleuca armillaris)* and Africa Boxthorn (*Lycium ferocissimum)* on the southern perimeter of the dam which should be removed. There is an infestation of Africa Boxthorn in the old watercourse on the south east corner of the site.

Some isolated occurrences of Wallaby grass (*Austrodanthonia s.l. spp)* occur on the western portion of the site.. However these patches are very small and the indigenous species are less than 25% of the ground cover and so do not warrant a detailed assessment or required to be off set.

The dam has some common aquatic plants including the native Knobby club-sedge (*Ficinia nodosa)* and Cumbungi (*Typha domingensis*) and the introduced water lily (*Nymphaea).*

2.1.2 Fauna

A number of common woodland birds were observed at the site including Magpies and Galahs. The dam is home to a population of small native Rails- likely to be the quite common Black-tailed Native hen (*Gallinula ventralis).*

At least two turtles were also observed in the dam, these appear to be the common eastern long neck turtles (*Chelodina longicollis*).

2.2 Dales Rd

2.2.1 Vegetation

It is generally cleared, agricultural land covered by a range of planted agricultural pasture species including: Perennial Rye-grass (*Lolium perenne)*, Phalaris (*Phalaris aquatica)* and Clover (*trifolium spp.)*, and the less valuable pastorally, Barley-grass (*Hordeum leporinum)* and Ribwort *(Plantago lanceolata*) Some paddocks in the Dales Rd site are heavily grazed and infested with brassica spp. or Skeleton weed.

There are two indigenous, immature Golden Wattle (*Acacia pycnantha)* shrubs on the drainage line in the northern part of the site. The only large trees, are planted, exotic cypress pines (*Cypress sp)* on the eastern boundary, these cypress also have a understorey at the southern end of African Boxthorn (*Lycium ferocissimum)*. There are some more recently planted (5-10 years) eucalyptus plantations at the southern end of the property but these are not indigenous.

There are some native grasses and herbs on the site, mostly Wallaby Grass (*Austrodanthonia s.l. spp)*, some Kangaroo Grass (*Themeda triandra)*, Seaberry Saltbush *(Rhagodia candolleana)* and Prickfoot (*Eryngium vesiculosum)* associated with the east west drainage line and the eastern boundary fence. However these patches are very small and the indigenous species are less than 25% of the ground cover and so do not warrant a detailed assessment or required to be off set.

3 Implications

The indigenous Swamp Gums on the Aberline Rd site will need to be retained or offset. A preliminary assessment of the habitat hectare value of these trees is 12/100 for an area of approximately 0.2 ha. Thus the habitat hectare score is 0.024 HHa. As the EVC is has a conservation status of endangered then the conservation significance is high and will need to offset at a ratio 1:1.5 Thus if the vegetation is to be removed 0.036HHa of high conservation significance in the same EVC within the bioregion will need to be off set. The old Blackwood is a medium old scattered tree which will also need to be offset. 1:1.

It would be beneficial for the avifauna of the site for these trees to be retained on the site. The Blackwood is on the eastern dam bank and is planned to be retained as part of the open space park.

The EBPC threatened Grassy Woodland community is known to occur within 10 km of the site but does not occur on the sites as there is limited native vegetation and no understorey.

The accurate identification of the water birds and the turtles should be confirmed with targeted fauna surveys before any works occur on the site.

4 Conclusion

Development of this land is not significantly limited by the presence of native vegetation.

There is some native vegetation present on the site in the form of indigenous Swamp Gums on the Aberline Rd site. These are mostly small to medium large trees which will require a permit to be removed. Thus if the vegetation is to be removed 0.036HHa of high conservation significance in the same EVC within the bioregion will need to be off set. However these should be retained through the provision of building envelopes on the affected lots.

The Dales Rd site is generally cleared agricultural land covered by a range of planted agricultural pasture species and some exotic and planted native trees on the perimeters.

There was some evidence of native grasses or herbs on both sites but less than the required 25% ground cover to qualify as remnant vegetation and as such do not require a habitat hectare assessment or off set plan.

There are no threatened flora or fauna species on the sites. However target species survey should be conducted to correctly identify the fresh water turtle and the native hen and establish appropriate permanent or temporary relocation as necessary.

5 References

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Department of Natural Resources and Environment (2002). 'Victoria's Native Vegetation Management: A Framework for Action'. (Department of Natural Resources and Environment: East Melbourne.)

Department of Sustainability and Environment
Biodiversity Interactive Map.
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Department of Sustainability and Environment (2005a). Ecological Vegetation Classes (EVCs) 55 Plains Grassy Woodland Benchmark
(Department of Sustainability and Environment: East Melbourne.)

Department of Sustainability and Environment (2005b). 'Advisory list of rare or threatened plants in Victoria'. (Department of Sustainability and Environment: East Melbourne.)

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Lunt, Ian D (1998)
Plains wandering: exploring the grassy plains of south-eastern Australia.
(Victorian National Parks Association & Trust for Nature)

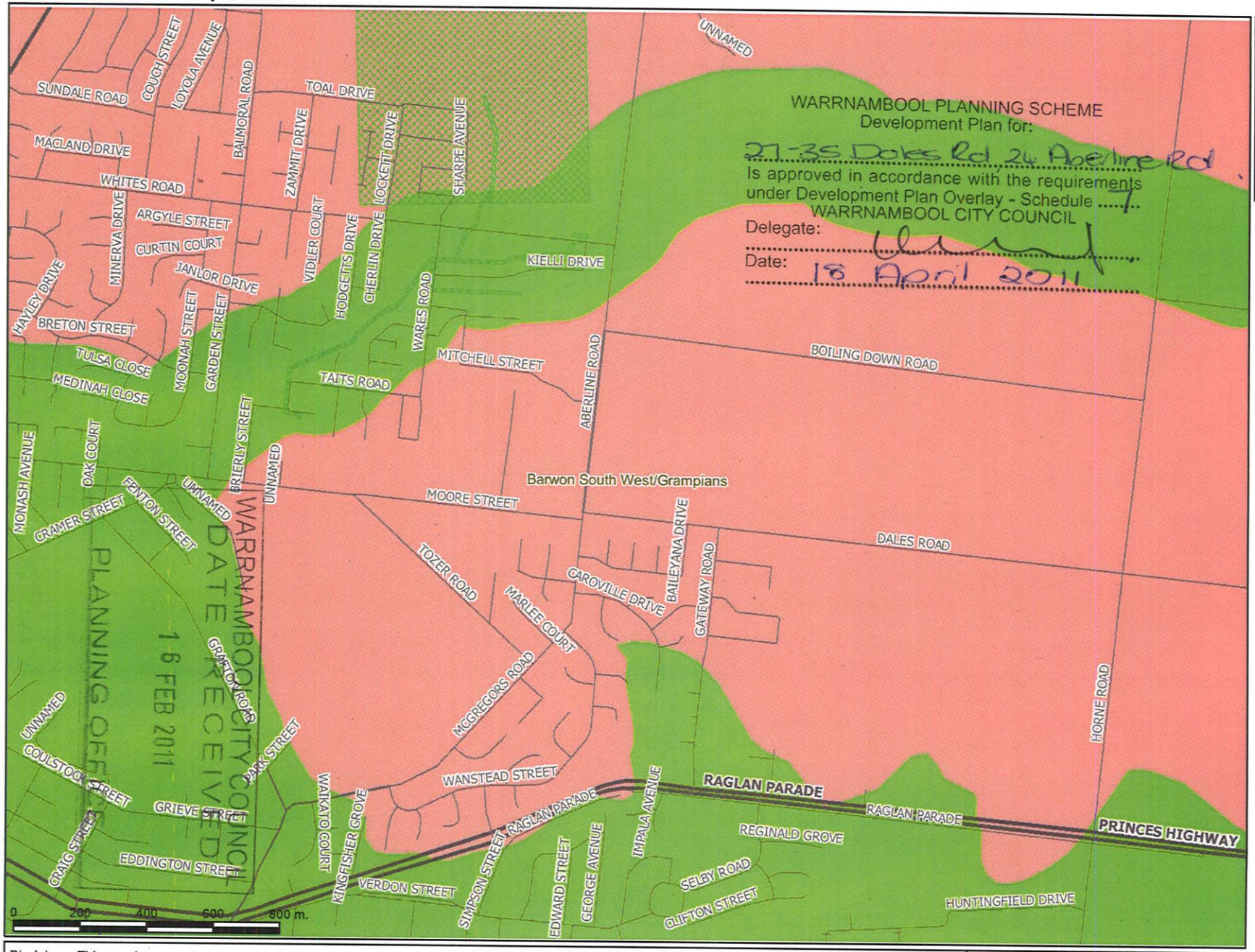
Ross, J.H. & Walsh, N.G. (2003). 'A Census of the Vascular Plants of Victoria – 7th Edition.' (Royal Botanic Gardens: Melbourne.)

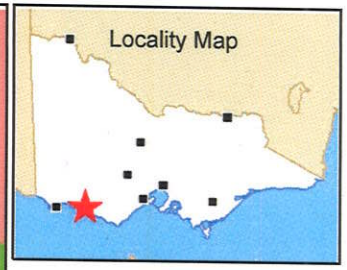
Appendix 6 Map of Cultural Heritage Sensitivity and AAV Process Toolkit Response

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd, 24 Aberline Rd
Is approved in accordance with the requirements
under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Cell D

Department of Primary Industries





Legend

Roads (vmtrans)

- Freeway
- Highway
- Main Road
- Other

Aboriginal Cultural Heritage Place Surveys

Aboriginal Cultural Heritage Place Overview Grid

- Aboriginal Place
- Art Site
- Artefact Scatter
- Burial/Human Remains
- Fish/Eel Trap
- Grinding Grooves
- Hearth
- Mound
- Quarry
- Rock Well
- Scarred Tree
- Shell Midden

GN MN

GDA Vicgrid94

Victoria The Place To Be

Printed on 27 January 2010 10:33:35

Map Scale 1:15,825

NOT FOR NAVIGATION

Process List

Project Name: Gleeson

Project Location: Warrnambool

Date: 03-Feb-2010

	QUESTION	ANSWER
Question 1	Is the proposed activity , or all the proposed activities, exempt?	No
Question 2	Are you undertaking a High Impact Activity as listed in the Aboriginal Heritage Regulations?	Yes
Question 3	Does your activity include significant ground disturbance?	Yes
Question 4	Does your activity area include areas of cultural heritage sensitivity that have not previously been subject to significant ground disturbance?	No
Answer:	ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT	

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd 24 Aberline Rd
Is approved in accordance with the requirements under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Appendix 7 Landscape Masterplan (Street Trees)

Legend

- Cell D Development Area
- Subject Site
- Existing trees
- *Eucalyptus sideroxylon*
- *Angophora costata*
- *Eucalyptus scoparia*
- *Agonis Flexuosa*
- *Tristaniopsis laurina*
- *Corymbia citriodora - 2 each on either side of the road at the 4 entry points into the development (8 trees in total)*

Street Tree Masterplan

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd. 24 Aberline
Is approved in accordance with the requirements
under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Cell D Warrnambool

Client **Woolcorp Pty Ltd**	Date **08.02.2011**
Drawing No **133 659**	Revision **A**

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Appendix 8 Titles

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd 24 Aberline Rd
Is approved in accordance with the requirements
under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

Doc id: 11176/426 Matter: 133659 Search generated on 24/03/2010 at 14:51

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

VOLUME 11176 FOLIO 426

Security no : 124033150909G
Produced 24/03/2010 02:51 pm

LAND DESCRIPTION

Lot 1 on Title Plan 944821E.
Created by Application No. 087692A 09/12/2009

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Doles Rd & 24 Aberline Rd
Is approved in accordance with the requirements under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
WOOLCORP PTY LTD of 11 BASS STREET WAKOOL NSW 2710
AG937867H 22/12/2009

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AG937868F 22/12/2009
NEIL WILLIAM SMART
SHIRLEY EVELINE SMART

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.

Warning as to Dimensions
Any dimension and connecting distance shown is based on the description of the land as contained in the General Law Title and is not based on survey information which has been investigated by the Registrar of Titles.

DIAGRAM LOCATION

SEE TP944821E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AP087692A	NON-SURVEY CONVERSION	Registered	09/12/2009
AG913216M	RECTIFY ENCUMB. FREE TEXT	Registered	09/12/2009
AG937865M	DISCHARGE OF MORTGAGE	Registered	22/12/2009
AG937866K	DISCHARGE OF MORTGAGE	Registered	22/12/2009
AG937867H	TRANSFER	Registered	22/12/2009
AG937868F	MORTGAGE	Registered	22/12/2009

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

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

Street Address: ABERLINE ROAD WARRNAMBOOL VIC 3280

DOCUMENT END

TITLE PLAN

EDITION 1

TP944821E

LOCATION OF LAND

PARISH: WANGOOM
TOWNSHIP:
SECTION: E
CROWN ALLOTMENT: 1 (PT)
CROWN PORTION:
LAST PLAN REFERENCE:
DERIVED FROM:
DEPTH LIMITATION: NIL

NOTATIONS

WARNING AS TO DIMENSIONS:
ANY DIMENSION AND CONNECTING DISTANCE SHOWN IS BASED ON THE DESCRIPTION OF THE LAND CONTAINED IN THE GENERAL LAW TITLE AND IS NOT BASED ON SURVEY INFORMATION WHICH HAS BEEN INVESTIGATED BY THE REGISTRAR OF TITLES.

EASEMENT INFORMATION

E - ENCUMBERING EASEMENT. R - ENCUMBERING EASEMENT (ROAD). A - APPURTENANT EASEMENT.

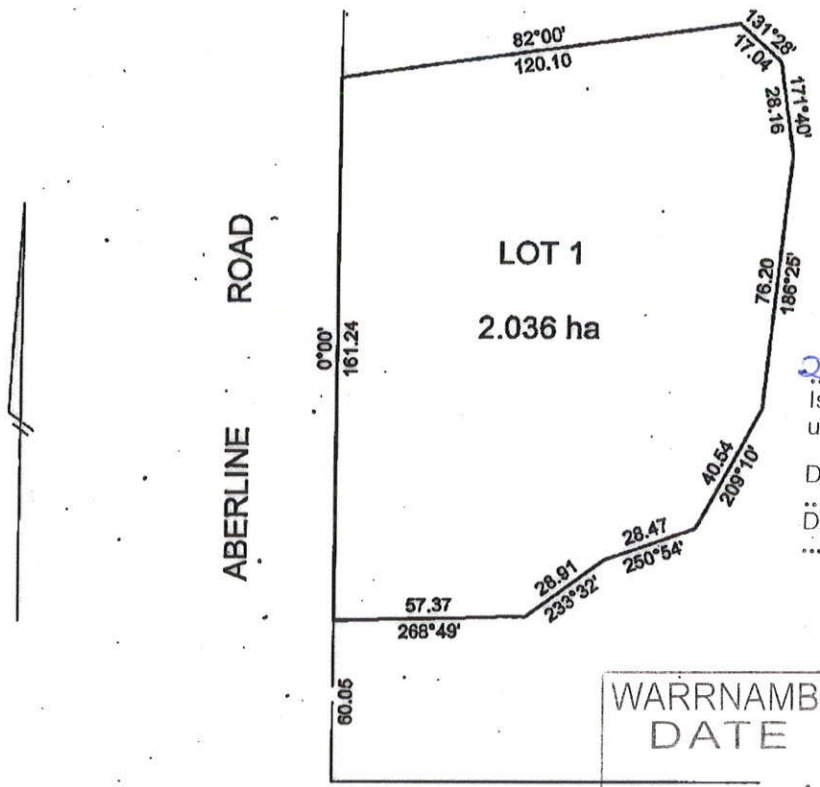
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of

THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES

Checked by: PRT

Date: 9/12/2009

Assistant Registrar of Titles



WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd 24 Aberline Rd
Is approved in accordance with the requirements under Development Plan Overlay - Schedule .....
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

WARRNAMBOOL CITY COUNCIL
DATE RECEIVED
16 FEB 2011
PLANNING OFFICE

LENGTHS ARE IN METRES	SCALE	DEALING / FILE No: AP87692A	DEALING CODE: 14
	—	GOVERNMENT GAZETTE No:	SHEET 1 OF 1

Legalco Online Information System

Information provided through Legalco Management Pty Ltd an approved LPI*NSW* Information Broker.

VIC LTO ALTS Title Search

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

VOLUME 11132 FOLIO 061

Security no : 124033149760F
Produced 24/03/2010 02:08 pm

LAND DESCRIPTION

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PARENT TITLE Volume 10505 Folio 173
Created by instrument PS619534L 30/04/2009

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd, 24 Abeline Rd
Is approved in accordance with the requirements under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
WOOLCORP PTY LTD of 11 BASS STREET WAKOOL NSW 2710
PS619534L 30/04/2009

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
AG431669H 31/03/2009

DIAGRAM LOCATION

SEE PS619534L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 31-41 DALES ROAD WARRNAMBOOL VIC 3280

DOCUMENT END

WARRNAMBOOL CITY COUNCIL
DATE RECEIVED
16 FEB 2011
PLANNING OFFICE

CPG Australia (Shep Planning)

Account	acsv095
User	cstone
Client Reference	133659
Our Reference	112569135

Authority Fee	$ 6.83
Legalco Pty Ltd Fee	$ 4.00
Misc. Charges	$ 0.00
GST	$ 1.08
TOTAL	**$ 11.91**

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Doles Rd, 24 Aberline Rd
Is approved in accordance with the requirements
under Development Plan Overlay - Schedule 7
WARRNAMBOOL CITY COUNCIL
Delegate:
Date: 18 April 2011

WARRNAMBOOL CITY COUNCIL
DATE RECEIVED
16 FEB 2011
PLANNING OFFICE

ADVERTISED

PLAN OF SUBDIVISION

Stage No. /

LR use only

EDITION 1

PS619534L
22/04/2009 $844.60 PS

Location of Land

Parish: WANGOOM
Township: ——
Section: E
Crown Allotment: 1 (PART)
Crown Portion: ——

Title References:
Vol 10505 Fol 173

Last Plan Reference: PS 434678P (LOT 2)
Postal Address: 27 DALES ROAD
WARRNAMBOOL 3280

MGA Co-ordinates: E 632 730
(Of approx. centre of plan) N 5 751 490 Zone 54

Council Certification and Endorsement

Council Name: WARRNAMBOOL CITY COUNCIL **Ref:** S 22 / 08

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

~~2. This plan is certified under section 11 (7) of the Subdivision Act 1988. Date of original certification under section 6~~

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

Open Space

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

~~(ii) The requirement has been satisfied.~~

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

Council Delegate
~~Council seal~~
Date 28/10/2008

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Vesting of Roads or Reserves

Identifier	Council/Body/Person
Nil	Nil

Notations

Depth Limitation: Does not apply

Staging: This is not a staged subdivision
Planning Permit No. P 2008 - 138

Survey:- This plan is based on partial survey. Lot 1 is the subject of this survey. See Abstract of Field Records for detail.
To be completed where applicable.
This survey has been connected to permanent marks no(s).
In proclaimed Survey Area no. 23 WARRNAMBOOL

Easement Information

Legend: E - Encumbering Easement or Condition in Crown Grant in Nature of an Easement
A - Appurtenant Easement R - Encumbering Easement (Road)

Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	SEWERAGE	2	THIS PLAN	WANNON REGION WATER CORPORATION

WARRNAMBOOL CITY COUNCIL
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Statement of Compliance / Exemption Statement
Received ☑
Date 22/04/2009

LR use only
PLAN REGISTERED
TIME 5:10 PM
DATE 30/04/2009
Christopher Nicholson
Assistant Registrar of Titles

Sheet 1 of 2 sheets

ALAN H. SIMPSON
LAND SURVEYOR
A.C.N. 062 912 510
P.O.BOX 421, WARRNAMBOOL 3280
PHONE (03) 55611846 FAX (03) 55621775

LICENSED SURVEYOR (PRINT) ALAN HALSTEAD SIMPSON
SIGNATURE DATE 06 / 10 / 2008
REF 1695 1695_V3_PS1.DWG 1695_MGA.SEE VERSION 3

DATE 28/10/2008
COUNCIL DELEGATE SIGNATURE

Original sheet size A3

ADVERTISED

PS 619534

PLAN OF SUBDIVISION

Stage No. /

Plan Number **PS 619534L**

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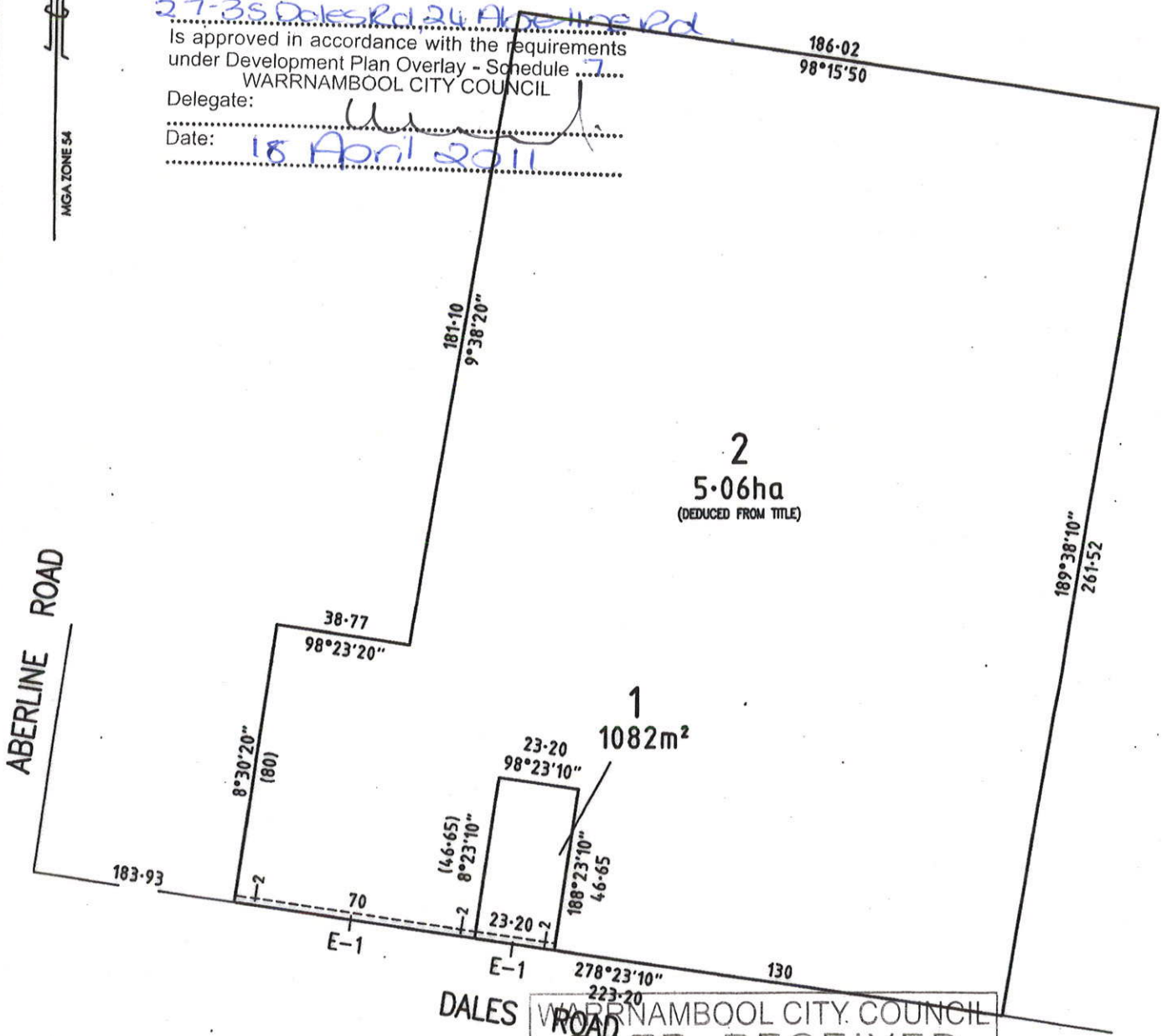
MGA ZONE 54



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ALAN H. SIMPSON
LAND SURVEYOR
A.B.N. 25 397 042 659
P.O.BOX 421, WARRNAMBOOL 3280
PHONE (03) 55611846 FAX (03) 55621775

Sheet 2 of 2 sheets

ORIGINAL SHEET SIZE	SCALE	SCALE
A3	1:1250	12.5 0 12.5 25 37.5 50 LENGTHS ARE IN METRES

LICENSED SURVEYOR (PRINT) ALAN HALSTEAD SIMPSON
SIGNATURE
DATE 06 / 10 / 2008
REF 1695 1695_V3_PS2.DWG 1695_MGA.SEE
VERSION 3

DATE 28/10/2008
COUNCIL DELEGATE SIGNATURE

OFFICE OF TITLES N.S VICTORIA

FORM 18

AG431669H
31/03/2009 $99.90 173

ADVISED

APPLICATION BY RESPONSIBLE AUTHORITY FOR MAKING OF A RECORDING OF AN AGREEMENT

Section 181

Planning and Environment Act 1987

Lodged by:

Name: WHYTE JUST & MOORE

Phone: 03-52222077

Address: 27 Malop Street, Geelong. 3220

Ref: CAM 294420-1 Customer Code: 1737N

WARRNAMBOOL PLANNING SCHEME
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The Authority having made an agreement referred to in section 181(1) of the **Planning and Environmental Act 1987** requires a recording to be made in the Register for the land.

Land: The whole of the land described in Certificate of Title Volume 10505 Folio 173

Authority: Warrnambool City Council, 25 Liebig Street, Warrnambool 3280

Section and Act under which Agreement made:

Section 173 Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

Signature for the Authority:

Name of Officer: BRUCE A. ANSON

Position held: CHIEF EXECUTIVE

Dated: 23/3/09. WARRNAMBOOL CITY COUNCIL

WARRNAMBOOL CITY COUNCIL
DATE RECEIVED
16 FEB 2011
PLANNING OFFICE

CAM-294420-1-31-V1

DATED 23rd March 2009

WARRNAMBOOL CITY COUNCIL

- and -

WOOLCORP PTY LTD

AGREEMENT UNDER SECTION 173

OF THE *PLANNING AND ENVIRONMENT ACT* 1987

LAND:

27 DALES ROAD, WARRNAMBOOL

WARRNAMBOOL PLANNING SCHEME
Development Plan for:
27-35 Dales Rd 24 Abeline Rd
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Delegate:
Date: 18 April 2011

WHYTE JUST & MOORE
Lawyers
27 Malop Street
GEELONG 3220

Tel: 5222 2077
Fax: 5221 3846
DX 22053, Geelong
Ref: CAM 294420-1

CAM-294420-1-23-V1

AGREEMENT

THIS AGREEMENT is made the 23rd day of March 2009

BETWEEN:

WARRNAMBOOL CITY COUNCIL

of 25 Liebig Street, Warrnambool 3280 in the State of Victoria

(the "Council")

-and-

WOOLCORP PTY LTD ACN 109 851 103

of 11 Bass Street, Wakool NSW 2710 in the State of New South Wales

(the "Owner")

INTRODUCTION

A. The Council is the responsible Authority under the Warrnambool Planning Scheme for the purposes of administering the provisions of that scheme.

B. The Owner is the registered proprietor of the land described as Lot 2 on Plan of Subdivision 434678P comprised in Certificate of Title Volume 10505 Folio 173 known as 27 Dales Road, Warrnambool.

C. On the 3rd September 2008 the Council issued Planning Permit No. P2008-138 permitting the Owner to subdivide the land into two lots in accordance with the plans endorsed and attached to the said Planning Permit. Condition 2 of the Planning Permit requires the Owner to enter into this Agreement to provide for the matters set out in that condition.

D. The parties enter into this Agreement:-

(a) To give effect to the requirements of Condition number 2 of the Planning Permit; and

(b) To achieve and advance the objectives of the planning in Victoria and the objectives of the Planning Scheme in respect of the Land.

E. Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement, and insofar as they can be so treated, this Agreement is made pursuant to Section 173 of the Act.

IT IS AGREED

Definitions

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

1.1 "the Act" means the Planning and Environment Act 1987.

1.2 "this Agreement" means this agreement and any agreement executed bv the parties expressed to be supplemental to this Agreement.

1.3 "Council" includes its successors (including its successors as Responsible Authority for the planning controls).

1.4 "Endorsed Plan" means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit.

1.5 "lot" means a lot on the Endorsed Plan.

1.6 "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.

1.7 "Planning Permit" means Planning Permit No. P2008-138 issued by the Council which allows the Subject Land to be subdivided into two lots in accordance with the Endorsed Plan.

1.8 "Planning Scheme" means the Warrnambool Planning Scheme and any other planning scheme which applies to the subject Land.

1.9 "Subject Land" means the land situated at 27 Dales Road, Warrnambool and being the whole of the land referred to in Certificate of Title Volume 10505 Folio 173.

WARRNAMBOOL PLANNING SCHEME
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Interpretation

2. In this Agreement unless the context permits otherwise:-

2.1 The singular includes the plural and vice versa.

2.2 A reference to 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.

2.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.

2.5 A word or expression used in this Agreement has its ordinary meaning unless that word or expression is defined in this Agreement. If a word or expression is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.

2.6 Any 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.

WARRNAMBOOL CITY COUNCIL
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Specific Obligations of the Owner

3. The Owner covenants and agrees:

3.1. not to lodge an application nor cause an application to be lodged with the Council the purpose of which is to create a smaller lot for an existing dwelling or to subdivide the subject land or excise a dwelling from the current land holding . This provision shall cease if the subject land is rezoned and is no longer zoned Farming (or its equivalent zone as determined by the responsible authority).

3.2 in the event of future subdivision of either Lot 1 or Lot 2 the frontage of Lot 1 must be included in any road upgrading works required by the Council to be carried out along Dales Road, and that these works will include, but not necessarily be limited to, kerb and channel, underground stormwater drainage, footpaths, street lighting and street trees; and

3.3 all works referred to in Clause 3.2 will be constructed at the full cost of the Owner of Lot 2 to the satisfaction of the responsibility authority.

Ending of Agreement

4. The Agreement shall lapse if the property is rezoned and no longer zoned Farming (or its equivalent zone as determined by the responsible authority) or the provisions of the Warrnambool Planning Scheme are changed to alter the purpose of the zone or to allow subdivision for residential purposes and the works referred to in Clause 3.2 have been finalized to the satisfaction of the Responsible Authority.

WARRNAMBOOL PLANNING SCHEME
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Further Obligations of the Owner

5. The Owner further agrees to:-

5.1 Bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns.

5.2 Do all things necessary to give effect to this Agreement.

5.3 Consent to the Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title to 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 a recording to be made in the Register under that Section.

WARRNAMBOOL CITY COUNCIL
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5.4 Immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to the Council by the Owner.

Owner's Warranty

6. 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.

Successors in Title

7. Without limiting the operation or effect which this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the Title of the subject land, successors in Title shall be required to:-

   7.1 Give effect to and do all acts and sign all documents which require those successors to give effect to this Agreement; and

   7.2 Execute a Deed agreeing to be bound by the terms of this Agreement.

Notices

8. 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:

   8.1 By delivering it personally to that party;

   8.2 By sending 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

   8.3 Sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by sending party by hand delivery or prepaid post.

9. A notice or other communication is deemed served:

   9.1 If delivered, on the next following business day;

   9.2 If posted, on the expiration of two business days after the date of posting; or

   9.3 If sent by facsimile, on the next following business day unless the receiving party has requested transmission before the end of that business day.

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No Waiver

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

Severability

11. 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

WARRNAMBOOL CITY COUNCIL
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void then it must be severed and the other provisions of this Agreement will remain operative.

No Fettering of Council's Powers

12. It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any Plans of Subdivision applicable to the Land or relating to any use or development of the land

Commencement of Agreement

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

EXECUTED by the parties on the date set out at the commencement of this Agreement.

THE COMMON SEAL of WARRNAMBOOL CITY COUNCIL was hereunto affixed presence of Chief Executive Officer, its duly authorised delegate in the presence of:)

Chief Executive Officer: .....

BRUCE A. ANSON
CHIEF EXECUTIVE
WARRNAMBOOL CITY COUNCIL

Full name: .....

Witness: Wendy Clark

THE COMMON SEAL of WOOLCORP PTY LTD was affixed in the presence of authorised persons:)

WOOLCORP PTY LTD ACN 109 851 103 The Common Seal of

Director: ..... Secretary: .....

Full name: Daniel Joseph Gleeson Full name: Leon Gerard Gleeson

Usual address: 16 Dampier St Usual address: 11 Bass St

Wakool 2710 Wakool 2710

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