

Our Reference: 2502950

20 October 2025

ACN 006 197 235
ABN 38 006 197 235

Victorian Planning Authority

Attention: [REDACTED]

Email: EastofAberline@transport.vic.gov.au

Ballarat Office
Suite 3, 180 Eleanor Drive
PO Box 1489
Lucas VIC 3350

Tel: (03) 5327 2000

beveridgewilliams.com.au

Subject: Clarification Regarding Properties EA-01 and EA-13 – 200 Wangoom Road, Warrnambool & 174 Aberline Road Warrnambool.

Dear [REDACTED]

On behalf of our client, the Diocese of Ballarat Catholic Education Limited hereby referred to as (DOBCEL), we lodge this submission to the exhibited East of Aberline Precinct Structure Plan (PSP).

DOBCEL has an interest in two parcels of land within the East of Aberline PSP being 200 Wangoom Road, Warrnambool & 174 Aberline Road Warrnambool of which both properties contain areas designated as non-government school sites.

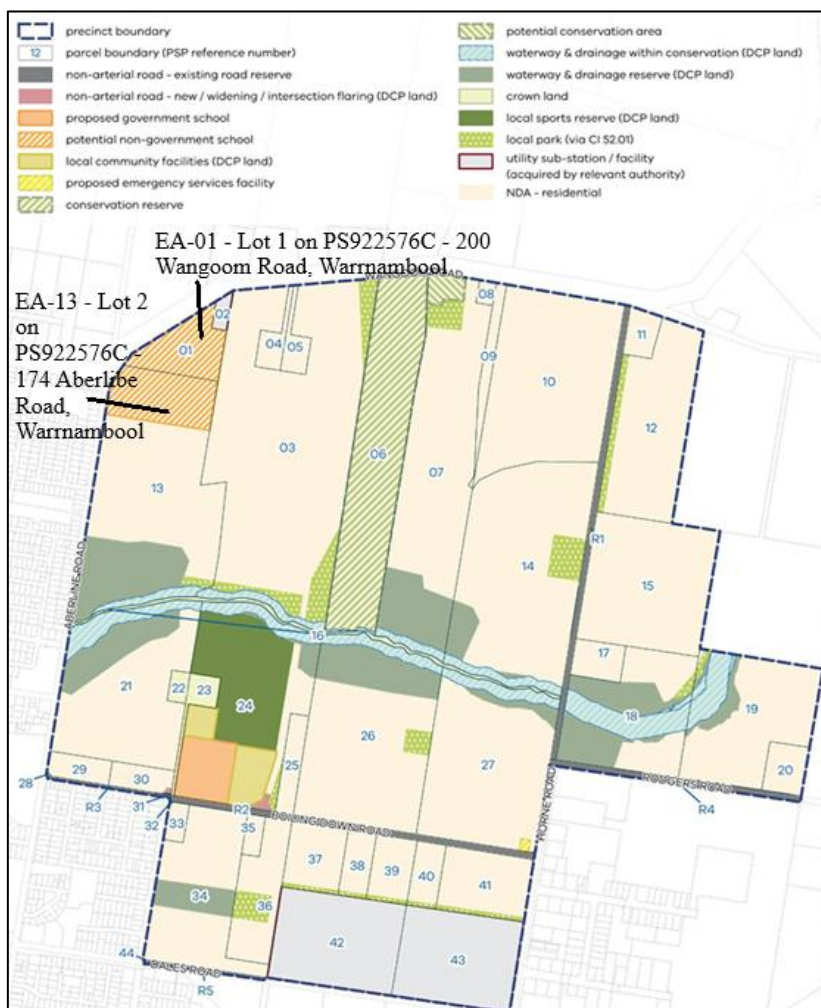


Figure 1: Draft PSP Land Use Budget (VPA,2025).

Our client seeks clarification with regards to the two areas shown within Parcel EA-01 and Parcel ID EA-13 designated as a potential non-government school sites on land formally known as Lot 1 on Plan of Subdivision 922576C - 200 Wangoom Road, Warrnambool & Lot 2 on Plan of Subdivision 922576C - 174 Aberline Road, Warrnambool.

As per the attached title documentation, we acknowledge Lot 1 on Plan of Subdivision 922576C - 200 Wangoom Road, Warrnambool contains a Section 173 Agreement AX669194E - 15 January 2024, that states:

The owner acknowledges and agrees that:

- (a) Any further subdivision of Lot 2 on the endorsed plans shall be restricted until the land is rezoned to a residential zone.
- (b) Prior to any further subdivision of Lot 1 on the endorsed plans, the owner shall be required to remove or redirect the power connection and associated easement servicing Lot 2 so that it does not cross Lot 1.

We refer to the Section 173 Agreement on Lot 1 Plan of Subdivision 922576C .Portions of Lots 1 and Lot 2 are identified in the proposed East of Aberline PSP for non-government schools, and our client proposes to use each of these lots identified for that purpose.

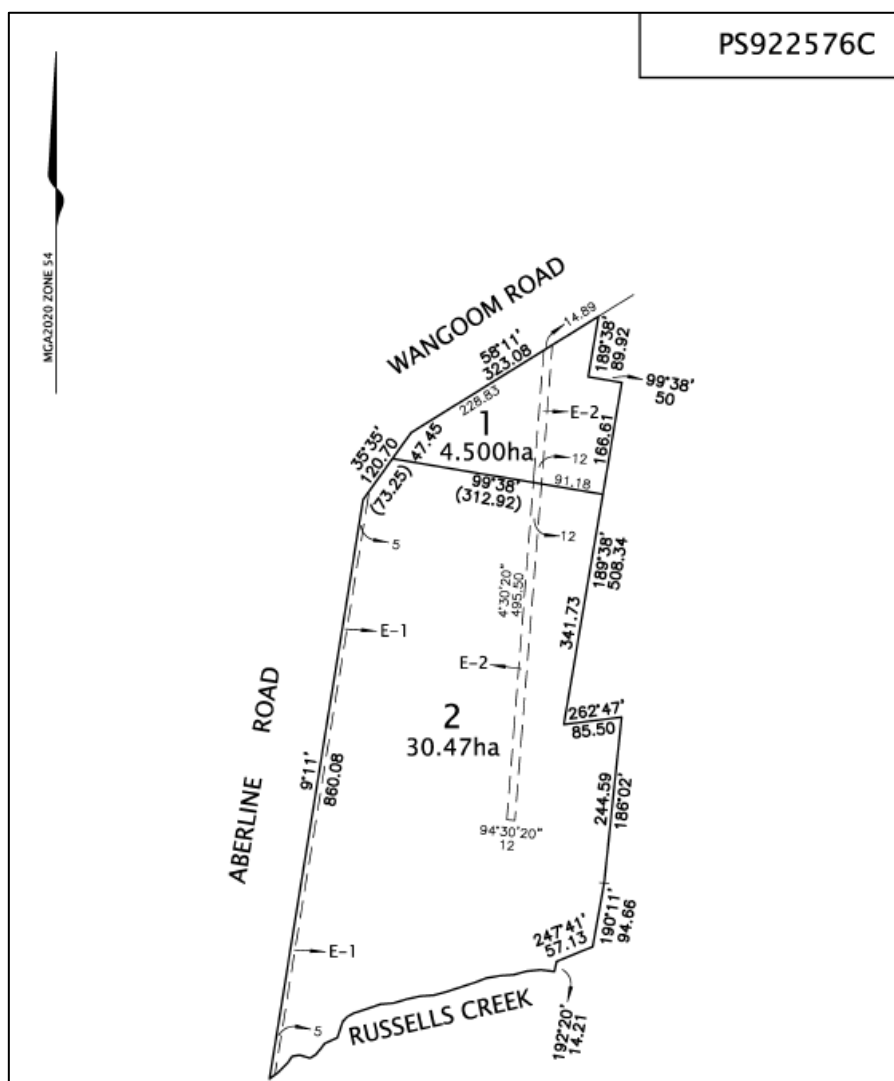


Figure 2: Plan of Subdivision of PS922576C (Beveridge Williams, 2025).

It is our view that developing non-government schools within these designated portions of each lot would not breach the current Section 173 Agreement on Lot 1 Plan of Subdivision 922576C. However, we seek confirmation from any future planning panel or advisory committee that such use will not contravene the agreement.

Table 10 Property-specific land use budget show the total area (hectares) of Parcel EA-01 as 4.46 hectares whilst the current Plan of Subdivision 922576C registered with the Land Titles Office 01/02/2024 shows an area of 4.50 hectares.

Table 10 Property-specific land use budget show the total area (hectares) of Parcel EA-01 as 29.66 hectares whilst the current Plan of Subdivision 922576C registered with the Land Titles Office 01/02/2024 shows an area of 30.47 hectares.

We hereby request that the proposed Table 10 Property-specific land use budget is amended to reflect the correct total area of each parcel of land consistent with the current title.

Within each of the two parcels listed within the Table 10 Property-specific land use budget, each parcel contains a portion of the site as a Community / Education Potential Non - Government School land use.

The areas within each of the two parcels are identified below:

- Parcel ID EA-01 - Community / Education Potential Non - Government School – 4.46 hectares.
- Parcel ID EA-13 - Community / Education Potential Non - Government School – 5.54 hectares.

DOBCEL is committed to contributing to providing Catholic Educational opportunities within Warrnambool and acknowledges the importance of the East of Aberline PSP in achieving this vision where a future Catholic school can be accommodated on each of these parcels, provided they satisfy the minimum requirements to accommodate a Catholic Primary School and Secondary School on each respective parcel.

Parcel ID EA-01 with a land area of 4.5 hectares is designated for a Catholic Primary School whilst the area of Parcel ID EA-13 shown as a Potential Non - Government School will potentially be used for a Catholic Secondary School.

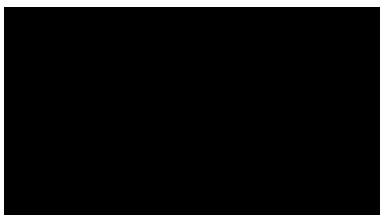
The 5.54 hectares of area proposed to be allocated as a Potential Non - Government School is not sufficient to meet the needs of DOBCEL to provide a Catholic Secondary School and therefore we request that the area shown within Parcel ID EA-13 as a Potential Non-Government School site is increased to 7 hectares.

The additional area requested represents an increase of 1.46 hectares and DOBCEL believes that the additional area of land is sufficient to provide further Catholic secondary educational opportunities within Warrnambool.

DOBCEL appreciates the work undertaken by the Victorian Planning Authority and its partners in preparing the draft PSP and associated documents and requests to be kept informed throughout the process particular in regard to our submission requesting the updates to Parcel IDs EA-01 and EA-13. DOBCEL seeks to be included in any future consultations or notifications regarding changes to the PSP or related planning documentation.

Please do not hesitate to contact us should you require any further information or clarification.

Yours sincerely,



BEVERIDGE WILLIAMS

Attachments:

- Current Copy of Title - Lot 1 on Plan of Subdivision 922576C - 200 Wangoom Road, Warrnambool.
- Section 173 Agreement AX669194E associated with Lot 1 on Plan of Subdivision 922576C
- Current Copy of Title - Lot 2 on Plan of Subdivision 922576C - 174 Aberline Road, Warrnambool.

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

Page 1 of 1

VOLUME 12529 FOLIO 023

Security no : 124129133823B
Produced 20/10/2025 11:13 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 922576C.
PARENT TITLES :
Volume 12493 Folio 316 to Volume 12493 Folio 317
Created by instrument PS922576C 01/02/2024

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor



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
AX669194E 24/01/2024

DIAGRAM LOCATION

SEE PS922576C 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: 200 WANGOOM ROAD WARRNAMBOOL VIC 3280

ADMINISTRATIVE NOTICES

NIL

eCT Control 16811U HEINZ LAW
Effective from 05/03/2025

DOCUMENT END

AX669194E

**Application by a responsible authority for the
making of a recording of an agreement**
Section 181 Planning and Environment Act 1987

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.

Lodged by

Name: DWYER LEGAL WARRNAMBOOL PTY LTD
Phone: 03-5562 1044
Address: 67 KEPLER STREET, WARRNAMBOOL, VIC 3280
Reference: JMR:SAW:231403
Customer code: 0761W

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 and folio)

VOLUME 12493 FOLIO 316 AND VOLUME 12493 FOLIO 317

Responsible authority:(full name and address, including postcode)

WARRNAMBOOL CITY COUNCIL OF LIEBIG STREET, WARRNAMBOOL, VIC 3280

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT

A copy of the agreement is attached to this application:

YES

Signing:

35271702A

181PEA

Page 1 of 2

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AX669194E

**Application by a responsible authority for the
making of a recording of an agreement
Section 181 Planning and Environment Act 1987**

Privacy Collection Statement

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Executed on behalf of Warrnambool City Council

Signer Name Andrew Merson = chief Executive officer

Signature [Signature]

Identity verified by Australia Post
on 17 March 2023, Receipt No.
01/98343 and unique Sequence
No. 3468530197110.

Execution Date 15/1/2024

Full Name of Witness

Witness Signature Wendy Clark

[Signature]

35271702A

181PEA

Page 2 of 2

THE BACK OF THIS FORM MUST NOT BE USED

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AX669194E

PLANNING & ENVIRONMENT ACT

AGREEMENT PURSUANT TO SECTION 173

WARRNAMBOOL CITY COUNCIL

-and-

WAYNE LEIGH MOORE and W & M MOORE SUPERANNUATION PTY LTD

AFFECTED LAND:

174-200 ABERLINE ROAD, WARRNAMBOOL

THIS AGREEMENT made the *15th* day of *January* 2024

BETWEEN:

The Responsible Authority: **Warrnambool City Council** of Liebig Street,
Warrnambool ("the Council")

The Owner: **W & M Moore Superannuation Pty Ltd** and
Wayne Leigh Moore of 154 Baynes Street, Terang
("the Owner")

WHEREAS:

1. The owner is registered proprietor of all that piece of land described in Certificates of Title Volume 12493 Folio 316 and Volume 12493 Folio 317.
2. The land is affected by the provisions of the Warrnambool Planning Scheme ("the scheme")
3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme

4. Pursuant to Amended Planning Permit No PP2023-0131.01 ("the Planning Permit") the Council has authorised a two (2) lot Subdivision (re-subdivision) in accordance with the endorsed plans.
5. Condition 2 of the Planning Permit requires the Owner of the land to enter into an Agreement pursuant to Section 173 of the Act.

BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

1. OPERATION

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

2. INTERPRETATION

2.1 LOT

In this agreement "lot" means any and each lot shown on the subdivision plan.

2.2 OWNER

In this agreement the word "Owner" unless the contrary intention appears, shall be deemed to include its successors assigns and transferees and the obligations imposed on and assumed by W & M Moore Superannuation Pty Ltd and Wayne Leigh Moore shall be binding on the successors transferees purchasers mortgagees assigns of W & M Moore Superannuation Pty Ltd and Wayne Leigh Moore and any other person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement; and

If the Owner holds the land in a trust capacity, "Owner" shall include the beneficiaries of the trust in relation to which it holds such as land. Where such trust relationship exists the Owner in executing this agreement does so intending to assume not only personal liability, but also to bind the trust for which it acts as trustee.

If the Owner is constituted by more than one person any obligation imposed by this agreement on the Owner shall be imposed on those persons jointly and severally.

2.3 COUNCIL

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

- 2.4 In this agreement, unless the context otherwise requires:

- 2.4.1 Words denoting the singular number shall include the plural and vice versa.
- 2.4.2 Words denoting any gender shall include all genders
- 2.4.3 Where a word or phrase is defined, other parts of speech and grammatical forms of that words or phrase shall have corresponding meanings.
- 2.4.4 Words denoting natural persons shall include corporations and vice versa.
- 2.4.5 References to clauses and schedules are to clauses of and schedules to this agreement.
- 2.4.6 Headings are for convenience only and do not effect interpretation.
- 2.4.7 References to any party to this agreement or instrument shall include the party's successors and permitted assigns.
- 2.4.8 Reference to any agreement or instrument shall be also to such agreement or instrument as amended, novated, supplemented, varied or replaced from time to time.
- 2.4.9 References to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any legislation provision substituted for, and all regulations and statutory instruments issued under such legislation or provision.
- 2.4.10 As the case may be, a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, jointly and severally.

3. AGREEMENT

The owner acknowledges and agrees that:-

- (a) Any further subdivision of Lot 2 on the endorsed plans shall be restricted until a time when the land is rezoned to a residential zone.
- (b) Prior to any further subdivision of Lot 1 on the endorsed plans, the owner shall be required to remove/redirect the power connection and associated easement servicing Lot 2 so as not to cross Lot 1.

4. REGISTRATION

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

5. DISCLOSURE

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

6. COSTS OF AGREEMENT

The Owner forthwith on demand shall pay to the Council the Council's costs and expenses (as between the solicitor and own client) of and incidental to this agreement and of anything consequent on it or in furtherance of it.

7. COUNCIL AS ATTORNEY FOR OWNER

The Owner hereby appoints the Council as its attorney to do all things the Owner is capable of doing for the purposes of giving effect to this agreement or necessary to give effect to any of the duties or obligations imposed on the Owner pursuant to this agreement and hereby authorises the Council to do and will ratify whatever the Council lawfully shall do or cause to be done under this power of attorney.

8. NOTICES

Any notice required under this agreement may be served by delivering it to the Owner at its last known address within the rating records of the Council. Any notice posted shall be deemed to have been served at the expiration of twenty-four hours from the time of posting.

9. SUCCESSORS BOUND

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

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

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

The obligation imposed on the Owner by sub-clause 1 of this shall cease for such time as there appears in the register book at the officer of the Registrar of Titles a memorandum of this agreement.

10. RELEASE

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

11. FURTHER DOCUMENTATION AND ACTION

Each of the parties shall sign and execute all such further documents and deeds and do all acts and things as the other party reasonably shall require for giving effect to this agreement.

AX669194E

12. DISPUTE

Should any dispute or difference arise between the parties with respect to the interpretation of this agreement, its application, such dispute or difference shall be determined by a person appointed by the parties by agreement, or failing agreement, by a person qualified in the area of the dispute or difference and appointed by the Secretary as defined in the Act.

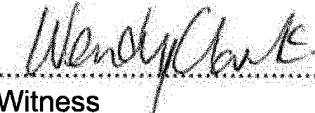
AX669194E

EXECUTED AS A DEED

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



Chief Executive Officer
Being a delegated officer pursuant to
Local Law 1-2016 C11 of the Council



Witness

EXECUTED by:

W & M Moore Superannuation Pty Ltd
ACN 151 397 072 in accordance with
Section 127 of the *Corporations Act*
2001 in the presence of:



Director
Wayne Leigh Moore



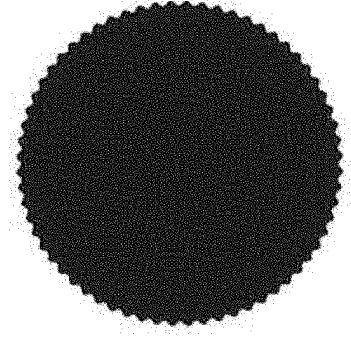
Director/Secretary
Marie Catherine Moore

EXECUTED by:

WAYNE LEIGH MOORE
in the presence of:



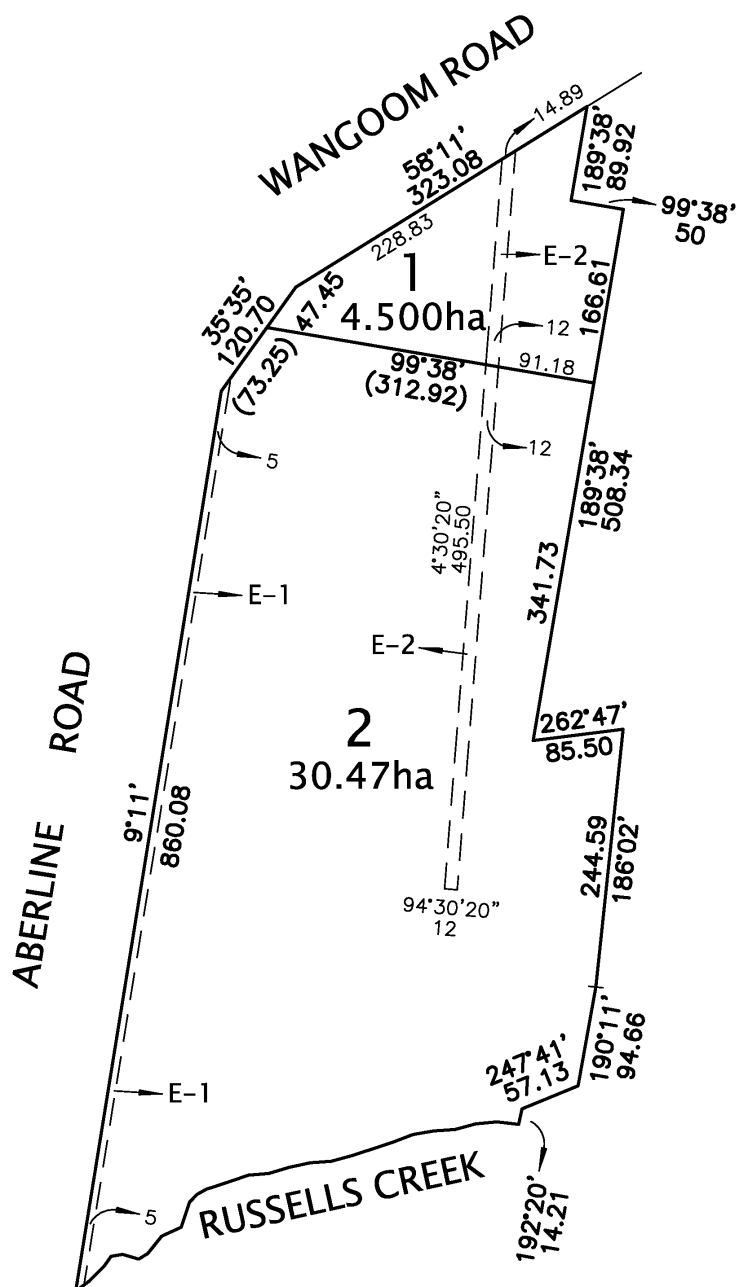
Witness



PLAN OF SUBDIVISION				EDITION 1		PS922576C	
LOCATION OF LAND PARISH: WANGOOM TOWNSHIP: _____ SECTION: E CROWN ALLOTMENT: 9 (part) & 10 (part) CROWN PORTION: _____ TITLE REFERENCE: VOL. 12493 FOL. 316 VOL. 12493 FOL. 317 LAST PLAN REFERENCE: LOTS 1 & 2 ON PS908707U POSTAL ADDRESS: 174- 200 ABERLINE ROAD (at time of subdivision) WARRNAMBOOL, 3280 MGA2020 CO-ORDINATES: E: 632 850 ZONE: 54 (of approx centre of land N: 5 752 800 GDA 2020 in plan)				Council Name: Warrnambool City Council Council Reference Number: Sub2023-074 Planning Permit Reference: PP2023-0131 SPEAR Reference Number: S221330E Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made Digitally signed by: Julie Perry for Warrnambool City Council on 16/01/2024			
VESTING OF ROADS AND/OR RESERVES				NOTATIONS			
IDENTIFIER		COUNCIL/BODY/PERSON					
NIL		NIL					
NOTATIONS							
DEPTH LIMITATION: Does not apply.							
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. PP2023-0131 This survey has been connected to permanent marks No(s).194, 203, 393, 613 & 829. In Proclaimed Survey Area No. 23 Warrnambool							
EASEMENT INFORMATION							
LEGEND: A – Appurtenant Easement E – Encumbering Easement R – Encumbering Easement (Road)							
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of			
E-1	WATER SUPPLY (UNDERGROUND PIPES)	5	PS908707U	WANNON REGION WATER CORPORATION			
E-2	POWERLINE	12	THIS PLAN: SECTION 88 ELECTRICITY INDUSTRY ACT 2000	POWERCOR AUSTRALIA LTD			
JOSEPH LAND SURVEYING PTY LTD ABN 27 744 943 042 P.O.BOX 5113, WARRNAMBOOL 3280 PHONE (03) 5562 2066		SURVEYORS REF: 393F 393F_PS_V2.DWG 393B_MGA.SEE		VERSION 2	ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2	
Digitally signed by: Clint Geoffrey Joseph, Licensed Surveyor, Surveyor's Plan Version (2), 18/12/2023, SPEAR Ref: S221330E			PLAN REGISTERED TIME: 1:03 PM DATE: 1/02/2024 D.I.E Assistant Registrar of Titles				

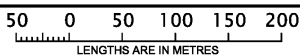
MCA2020 ZONE 54

PS922576C



JOSEPH LAND SURVEYING PTY LTD
ABN 27 744 943 042
P.O.BOX 5113, WARRNAMBOOL 3280
PHONE (03) 5562 2066

SCALE
1:5000



Digitally signed by: Clint Geoffrey Joseph, Licensed Surveyor,
Surveyor's Plan Version (2),
18/12/2023, SPEAR Ref: S221330E

ORIGINAL SHEET
SIZE: A3

SHEET 2

Digitally signed by:
Warrnambool City Council,
16/01/2024,
SPEAR Ref: S221330E

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

Page 1 of 2

VOLUME 12529 FOLIO 024

Security no : 124129063787D
Produced 16/10/2025 04:20 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 922576C.

PARENT TITLES :

Volume 12493 Folio 316 to Volume 12493 Folio 317

Created by instrument PS922576C 01/02/2024

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

As to 1 of a total of 2 equal undivided shares

Sole Proprietor

ENCUMBRANCES, CAVEATS AND NOTICES

CAVEAT AV648600G 20/05/2022

Caveator

ABERLINE ROAD HOLDINGS PTY LTD ACN: 167235083

Grounds of Claim

PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

03/12/2015

Estate or Interest

FREEHOLD ESTATE

Prohibition

ABSOLUTELY

Lodged by

DWYER LEGAL WARRNAMBOOL

Notices to

DWYER LEGAL WARRNAMBOOL of 67-69 KEPLER STREET WARRNAMBOOL VIC 3280

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

AX669194E 24/01/2024

DIAGRAM LOCATION

SEE PS922576C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

Page 2 of 2

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

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

Street Address: 174 ABERLINE ROAD WARRNAMBOOL VIC 3280

ADMINISTRATIVE NOTICES

NIL

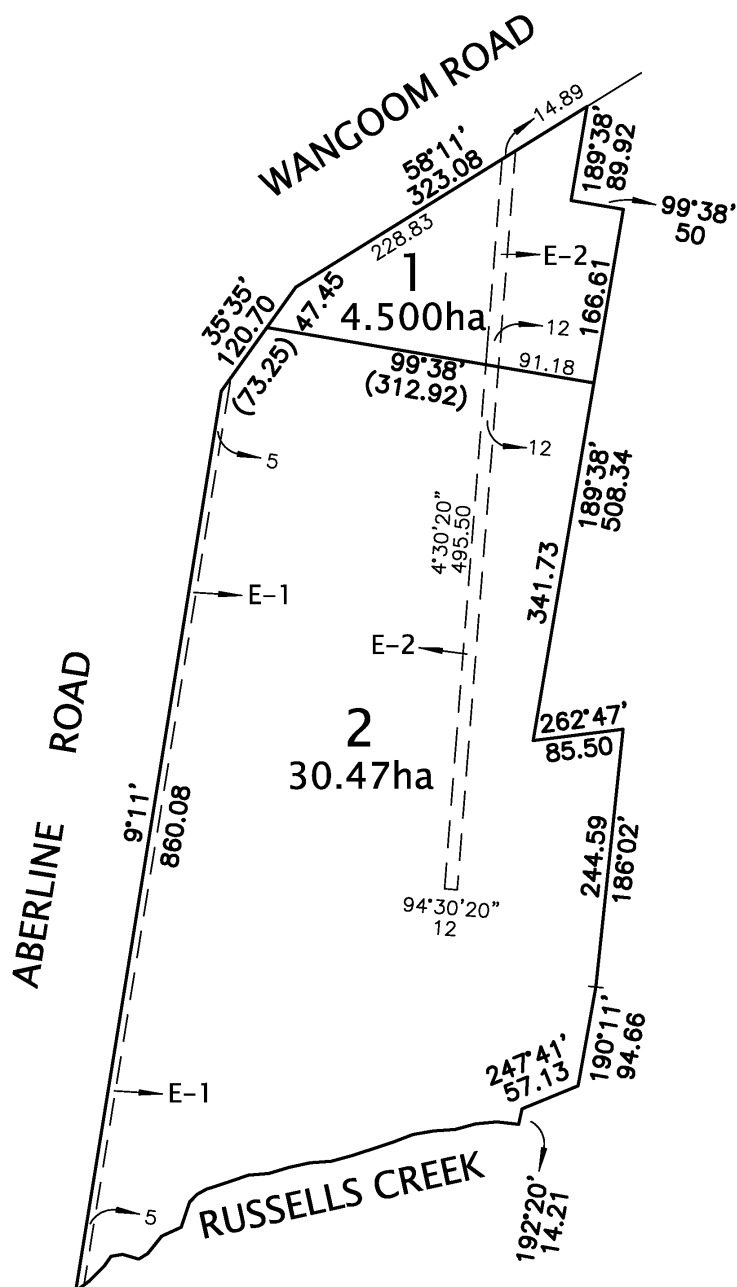
eCT Control 19570Y SEWELLS LAWYERS
Effective from 01/02/2024

DOCUMENT END

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LOCATION OF LAND PARISH: WANGOOM TOWNSHIP: _____ SECTION: E CROWN ALLOTMENT: 9 (part) & 10 (part) CROWN PORTION: _____ TITLE REFERENCE: VOL. 12493 FOL. 316 VOL. 12493 FOL. 317 LAST PLAN REFERENCE: LOTS 1 & 2 ON PS908707U POSTAL ADDRESS: 174- 200 ABERLINE ROAD (at time of subdivision) WARRNAMBOOL, 3280 MGA2020 CO-ORDINATES: E: 632 850 ZONE: 54 (of approx centre of land N: 5 752 800 GDA 2020 in plan)				Council Name: Warrnambool City Council Council Reference Number: Sub2023-074 Planning Permit Reference: PP2023-0131 SPEAR Reference Number: S221330E Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made Digitally signed by: Julie Perry for Warrnambool City Council on 16/01/2024			
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IDENTIFIER		COUNCIL/BODY/PERSON					
NIL		NIL					
NOTATIONS							
DEPTH LIMITATION: Does not apply.							
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MCA2020 ZONE 54

PS922576C



JOSEPH LAND SURVEYING PTY LTD
ABN 27 744 943 042
P.O.BOX 5113, WARRNAMBOOL 3280
PHONE (03) 5562 2066

SCALE
1:5000

50 0 50 100 150 200
LENGTHS ARE IN METRES

Digitally signed by: Clint Geoffrey Joseph, Licensed Surveyor,
Surveyor's Plan Version (2),
18/12/2023, SPEAR Ref: S221330E

ORIGINAL SHEET
SIZE: A3

SHEET 2

Digitally signed by:
Warrnambool City Council,
16/01/2024,
SPEAR Ref: S221330E