

Victorian Planning Authority
Level 25, 35 Collins Street
Melbourne VIC 3000

Our Ref: 24324P

9th October 2025

By email: EastofAberline@transport.vic.gov.au

Dear Sir/Madam;

LANDOWNER SUBMISSION: EAST ABERLINE PRECINCT STRUCTURE PLAN (PSP)
75 BOILING DOWN ROAD, WARRNAMBOOL (PARCEL 24)
105 BOILING DOWN ROAD, WARRNAMBOOL (PARCEL 26)
135 BOILING DOWN ROAD, WARRNAMBOOL (PARCEL 27)
270-288 WANGOOM ROAD, WARRNAMBOOL (PARCELS 7, 9 AND 10)

We refer to the above matter and write on behalf of the landowner, Hyson Pty Ltd and Tarletons Pty Ltd (referred to as "Mondous Property" or MP, as the parent organisation) to make a submission regarding the draft Amendment C217warr, the East Abeline PSP and East Abeline Development Contributions Plan (DCP) and the proposed Ordinance currently being exhibited. We outline in the table below the parcels for which this submission relates to:

PSP Parcel ID:	EA-07, EA-09 & EA-10
Land Address:	270-288 WANGOOM ROAD, WARRNAMBOOL
Registered Proprietor:	Tarletons Pty Ltd
SPI:	Lot 2 on PS710426F & Crown Allotment 11(Pt), 12 (Pt), Section E, Parish of Wangoom
Site Area:	EA-07 - 26.57 ha (Title) EA-09 & EA-10 combined – 23.84 ha (Title) Total – 50.41 ha (Title)
Proposed Land Use designation:	<u>Parcel EA-07</u> Area – 26.71ha Potential Conservation Reserve – 1.06ha Waterway and Drainage Reserve (within conservation) – 0.64ha Waterway and Drainage Reserve – 4.44ha Local Network Park – 1ha NDA – 19.57ha (73.28%) <u>Parcel EA-09</u> Area – 1.72ha NDA – 1.72ha (100%) <u>Parcel EA-10</u> Area – 22.01ha NDA – 22.01ha (100%) Total Parcel Areas – 50.44 ha (PSP)¹

¹ Parcel Areas must be updated to reflect Title Area.

PSP Parcel ID:	EA-24
Land Address:	75 BOILING DOWN ROAD, WARRNAMBOOL
Registered Proprietor:	Hyson Pty Ltd
SPI:	Lot 2 on LP116579
Site Area:	21.325 ha (Title)
Proposed Land Use designation:	Area – 22.08ha ² Arterial Road – 0.24ha Proposed Government School – 3.50ha Waterway and Drainage Reserve (within conservation) – 1.54ha Waterway and Drainage Reserve – 0.68ha Local Sports Reserve – 10.65ha Local Network Park – 0.22ha NDA – 2.03ha (9.18%)

PSP Parcel ID:	EA-26
Land Address:	105 BOILING DOWN ROAD, WARRNAMBOOL
Registered Proprietor:	Hyson Pty Ltd
SPI:	Crown Allotment 6, Section E Parish of Wangoom
Site Area:	24.27 ha (Title)
Proposed Land Use designation:	Area – 23.88ha ³ Waterway and Drainage Reserve (within conservation) – 1.33ha Waterway and Drainage Reserve – 4.56ha Local Network Park – 0.60ha NDA – 17.39ha (72.84%)

PSP Parcel ID:	EA-27
Land Address:	135 BOILING DOWN ROAD, WARRNAMBOOL
Registered Proprietor:	Hyson Pty Ltd
SPI:	Crown Allotment 5, Section E Parish of Wangoom
Site Area:	20.08 ha
Proposed Land Use designation:	Area – 20.62ha ⁴ Arterial Road – 0.01ha Government Services – 0.12ha Waterway and Drainage Reserve (within conservation) – 1.39ha Waterway and Drainage Reserve – 0.92ha NDA – 18.17ha (88.14%)

In support of this submission, we enclose the following:

- Title documents x 5
- Preliminary Risk Screen Assessment (PRSA) (Peraco Pty Ltd, dated 3 October 2025)
- TABLE 1: Initial Planning Review – East of Abeline PSP (draft)
- TABLE 2: Initial Planning Review – Schedule 1 to Clause 37.07 Urban Growth Zone
- TABLE 3: Initial Planning Review – East of Abeline Development Contributions Plan (DCP)

² Parcel Area must be updated to reflect Title Area.

³ Parcel Area must be updated to reflect Title Area.

⁴ Parcel Area must be updated to reflect Title Area.

The Preliminary Risk Screen Assessment (PRSA) is broken up into three documents, as follows:

- 03102025_Warrnambool_a: this is the main PRSA report which also includes copies of the PRSA Statements, figures, and tables.
- 03102025_Warrnambool_b: this contains all the other Appendices to the PRSA report (Appendix B to Appendix E)
- 03102025_Warrnambool_c: this contains the Executive Summary and copies of the PRSA Statements

In addition to our submissions outlined in the enclosed Tables, MPG requests that **Planning Scheme Maps 7EAO, 10EAO and 14EAO** must be updated to reflect the proposed audit areas as per the supporting PRSA. Currently, the EAO applies to all land parcels whereas the PRSA found that the potential contamination on site was limited to discrete areas. The Planning Scheme Maps should therefore be updated to reflect the findings of the PRSA which includes limiting the future audit areas and removing the EAO designation for Parcel EA-26 entirely.

Please note that this is a high-level planning submission, and the concerns raised are not exhaustive and only represent the preliminary views of MPG and further submissions may be made pending advice from external consultants or advisors. A separate submission may be made regarding engineering and drainage matters.

Upon further assessment of the PSP and the supporting reports/background studies that informed the PSP together with ongoing consultations with the VPA, it is envisaged that additional feedback will be provided regarding MP's land holdings in due course. Expert witnesses will likely be engaged to represent MP at the Standing Advisory Committee, and it is anticipated that other issues with the PSP, DCP and supporting documents, will be identified.

If you have any queries regarding this submission, please contact the undersigned on the details below.

Yours faithfully,
for REEDS CONSULTING PTY LTD

[Redacted signature block]

[Redacted contact details block]

TABLE 1: Initial Planning Review – East of Aberline PSP (draft)

Version: 1
 Date: 09/10/2025
 Parcel Number: EA-07, EA-09, EA-10, EA-24, EA-26 & EA-27
 Document Reviewed: East of Aberline Precinct Structure Plan
 Land Owners: [REDACTED]

PAGE No.	REFERENCE	SUBJECT	MATTER	REMARKS & REQUESTED AMENDMENTS
All	Page Numbers	General	The plan has a distinct lack of page numbers making the document difficult to navigate.	Add page numbers to every page.
16	Plan 2	Place Based Plan	Colours in legend on plan do not align with the plan itself. For example, the colours for the credited open space are light green in legend, however appear to be dark green on the plan.	Colours in legend and plan to match
18	Section 3.1.1. Objective O3.	Affordable Housing	11.3% objective for affordable housing (AH).	Queries: 1 – What incentives are there for a developer to provide 11.3% AH? 2 – Are there potential offsets in respect to developer contributions to provide incentive 3 – Is the 11.3% mandatory or only a guide? 4 – MP requests a more reasonable 5% contribution 5 – If the land is only being subdivided and houses not constructed by a developer then is it the intention of the PSP that the land lots be sold at a discounted price? 6 – Will the AH be enforced through a planning permit with a condition requiring a s.173 agreement to require a minimum number of dwellings / lots?
18	Section 3.1.1. Requirement R2.	Target Densities	R2 is far too prescriptive noting the following: <i>Illustrate a logical and coordinated staging sequence, including:</i> <i>o Delivery of lower-density housing types in the initial stages;</i> <i>and</i> <i>o Integration of higher-density housing types within a designated housing choice area in later stages, where supported by infrastructure provision and land value uplift.</i>	The VPA/Council should not be dictating the timing of the delivery of specific housing/lot sizes (i.e. low-density and higher density) and it should instead be dependent upon the availability of services. Request removal of this section of R2.
19	Section 3.1.1. Requirement R2.	Affordable Housing Typologies	R2 is far too prescriptive noting the following: <i>Provide a breakdown of affordable and social housing typologies, including the number and proportion of bedrooms, in accordance with Table 2, unless otherwise agreed by the responsible authority.</i> <i>Identify any superlots or parcels intended for transfer or delivery in partnership with a housing agency or public housing provider, including indicative timing for delivery.</i>	Any superlots identified on a proposed subdivision layout in support of a permit application for land development will be provided on the basis that a builder or housing agency would purchase the lot and construct the homes (and seek permits, where relevant). Accordingly, it is premature for the PSP to require a breakdown of typologies (including number of bedrooms) as any estimates provided would be based on unfounded assumptions. Request removal of this section of R2.
19	Section 3.1.1. Requirement R4.	Active Frontages	R4 states: <i>Development must facilitate active frontages to adjoining open space, landscape values areas, and waterway corridors to the satisfaction of the responsible authority.</i>	R4 should be amended as follows: <i>Development must facilitate active frontages to adjoining open space, landscape values areas, and waterway corridors to the satisfaction of the responsible authority, <u>where practicable</u>.</i>
19	Section 3.1.1. Requirement R5.	Diverse Neighbourhood	R5 states: <i>Residential development must demonstrate as appropriate how they promote a sense of place through a diverse neighbourhood and street character by providing a range of lot sizes, frontage widths and dwelling types to avoid large areas of similar building types.</i>	In regard to the statement “avoid large areas of similar building types”, VPA need to advise how this will be enforced for land development applications where developers create allotments and purchasers dictate housing types.
20	Section 3.1.1. Guideline G4.	Higher Density Dwellings	G4 states: <i>Subdivision for super-lots for future higher density dwellings, or integrated housing should demonstrate:</i> <i>Expected dwelling yield.</i> <i>Connections and active interfaces with adjacent streets, open space and waterways</i> <i>Safe and effective internal vehicle and pedestrian circulation.</i>	G4 should be amended as follows: <i>Subdivision for super-lots for future higher density dwellings, or integrated housing should demonstrate:</i> <i><u>Estimated</u> dwelling yield.</i> Furthermore, the developers should not be locked into achieving such yields and final yields will be determined via future applications that will be formally submitted to council for the superlots.

20	Section 3.1.1. Guideline G5.	Affordable Housing	G5 states: <i>Residential subdivision and development that contributes to meeting the 11.3% affordable housing target is encouraged.</i>	VPA to confirm that the 11.3% AH target is a guide only and is not mandatory.
20	Section 3.1.1. Guideline G7.	Affordable Housing	G7 states: <i>Where affordable housing is provided, consideration should be given to meeting the needs of different income ranges and household sizes generally in accordance with Table 3 Affordable housing delivery guidance. (T4)</i>	VPA to advise how G7 can be addressed with a land subdivision and no development of dwellings proposed. When developing land lots, a range of lot sizes will be provided however they are not specific to different income ranges.
20	Section 3.1.1. Guideline G8.	Affordable Housing	G8 states: <i>Specialised housing forms, such as lifestyle communities, retirement living, or aged care should:</i> • <i>be located within a housing choice area</i> •	Retirement living and specialised housing forms should be located at the discretion are appropriate for all housing areas, not just the 'housing chose area'. Request removal of this statement to allow developer to dictate most appropriate location for specialised housing forms based on market demands of potential tenants.
23	Table 1 Housing Density and Diversity	Low Density / Transitional Area	Table states that <i>"Minimum Density: Average of 12 dwellings or more per NDHa, with no lot size less than 800 sqm.</i>	VPA to advise if these figures are mandatory or a guide. Recommend that they be a guide only to allow for flexibility and to respond to future housing demands which are constantly in a state of flux.
24	Table 3 Affordable Housing Delivery Guidance	Housing Type	The table requires <i>74% of subsidised market housing by number of bedrooms and 62% of social housing by number of bedrooms</i>	These figures appear unreasonably high and should be reduced. For developers wanting to only undertake land subdivision and not construct dwellings, creating lots small enough to accommodate such a large number of 1-bedroom homes is unrealistic.
25	Plan 3: Housing	Legend and Plan Detail	The plan depicts the housing types however the title boundaries of existing properties are very difficult to interpret	Plan to be updated to show existing property boundaries more clearly.
26	Section 3.2.2. Requirement R9	Shared Path	R9 states: <i>New development fronting Wangoom Road must provide a 3m shared path adjacent to the PSP boundary connecting to the existing and/or proposed shared path network of the PSP as proposed in Plan 4 or via the relevant cross sections to the satisfaction of the responsible authority.</i>	VPA to confirm if the 3m shared path is to be located in the existing road reserve of within private property and hence encroaching into the developable area.
27	Section 3.2.2. Requirement R11	GGF crossings	R11 states: <i>New developments and road network designs must provide:</i> • <i>Design of crossings over the conservation corridor in accordance with Growling Grass Frog Crossing Design Standards (DELWP, 2017)</i> •	VPA to confirm that any crossings over conservation corridors for GGF to be DCP funded as assets such as these benefit the entire PSP and not just individual lot owners.
31	Plan 4: Movement Network	Road Cross Sections	Property EA-07 is required to provide road Cross section 2 as per Plan 4	No Cross Section 2 appears in the Cross Sections part of the draft PSP. It is meant to be provided on page 74.
32	Section 3.3.1. Objective O15	Green Infrastructure	O15 states: <i>To support the establishment of cooler, greener neighbourhoods through canopy tree cover, <u>green infrastructure</u>, and the integration of natural and landscape features that reinforce local character and amenity.</i>	VPA to make clear what is required by developers to address the objective of including "green infrastructure", as it is not included in Appendix 6: Glossary of Terms.
33	Section 3.3.2. Requirement R20	Public Realm, Open Space and Biodiversity Requirements	R20 states: <i>The design of the subdivision and development must facilitate the retention of existing canopy trees to contribute to the 30% canopy tree over target, where practical. (T13)</i>	Trees should only be required to be retained if it does not compromise the subdivision layout and they are worth retaining. VPA to amend R20 to address this suggestion.
34	Section 3.3.2. Requirement R26	Public Realm, Open Space and Biodiversity Requirements	R26 states: <i>Development on land within and abutting Russells Creek corridor and Tozer Reserve Conservation Corridor must prepare a Conservation Area Masterplan for the section on the same ownership in accordance with Growling Grass Frog Habitat Design Standards MSA (DELWP, 2017) to the satisfaction of the responsible authority.</i> <i>The Conservation Area Masterplan must:</i> • <i>Provide for the reinstatement of the hydrological conditions of Russells Creek and Tozer Reserve.</i>	Tozer Reserve is owned and managed by DEECA so any Conservation Area Masterplan for this land is DEECA's responsibility to manage GGF habitat and undertake any hydrological reinstatement works. This must not be extended to abutting landowners. VPA to confirm.

34	Section 3.3.2. Requirement R27	Public Realm, Open Space and Biodiversity Requirements	R27 states: <i>Development of land that contains existing native vegetation patches and potential vegetation retention area as identified by Plan 8 Native Vegetation Retention and Removal and/or abutting the Russells Creek and Tozer Reserve Conservation Corridor must:</i> - Retain existing native vegetation including potential roosting habitat and flowering Eucalypts and provide indigenous revegetation opportunities to provide habitat and movement corridors for local fauna - Locate open space network and conservation links adjacent to significant landscape value areas, existing vegetation and waterways to create and enhance buffer area	Open space reserves on the MP landholdings should be reconsidered for relocation to align with the vegetation proposed for retention as per Plan 8. R27 to be amended as follows: Retain existing native vegetation, <u>where deemed to be of high value by an arborist</u>, including potential roosting habitat and flowering Eucalypts and provide indigenous revegetation opportunities to provide habitat and movement corridors for local fauna Plan 8 to be amended to move open space reserves to vegetation proposed for retention to be consistent with dot point 2 of R27.
36	Section 3.3.2. Requirement R36	Bushfire Requirements	R36 states: <i>Development adjoining bushfire hazards shown on <u>Plan 8</u> Bushfire must be setback in accordance with the corresponding bushfire hazard designations to the satisfaction of the responsible authority and relevant fire authority.</i>	R36 to be amended to refer to Plan 7 and not Plan 8, which is incorrect. Furthermore, on the MP land holdings a 33-41m bushfire setback is proposed. This results in major encroachments into developable land and is considered excessive. MP request that VPA amend the setback to allow individual Bushfire Management Plans to be prepared on a site-by-site basis and thereby provide opportunities for developers to mitigate risk through sensible design solutions rather than State-mandated inflexible controls.
36	Section 3.3.2. Requirement R37	Bushfire Requirements	Management requirements for bushfire outlined in table.	VPA to outline how the numerous requirements will be enforced and ultimately managed, including who is responsible for any costs associated with managing an existing bushfire risk.
37	Section 3.3.2. Requirement G17	Public Realm, Open Space and Biodiversity Requirements	G17 states: <i>The design of subdivision and development should facilitate the retention of existing canopy trees to contribute to the 30% canopy tree cover target where practical. (T13)</i>	G17 to be amended to state: <i>The design of subdivision and development should facilitate the retention of existing canopy trees to contribute to the 30% canopy tree cover target where practical and where worth retaining. (T13)</i>
37	Section 3.3.2. Requirement G21	Public Realm, Open Space and Biodiversity Requirements	G21 states: <i>Vegetation removal can be considered if it is necessary to provide for the functional and operational needs of infrastructure, including, drainage, community infrastructure, and the road network.</i>	G21 to be amended to state: <i>Vegetation removal can be considered if it is necessary to provide for the functional and operational needs of infrastructure, including, drainage, community infrastructure, and the road network <u>or if the vegetation is not worthy of retention.</u></i>
37	Section 3.3.2. Requirement G23	Public Realm, Open Space and Biodiversity Requirements	G23 allow for <i>alternative locations and configurations for local parks shown on Public Realm Plan, may be considered...</i> subject to meeting the four dot points listed.	It is clear on the MP land holdings that there is a mismatch between the trees proposed for retention and the allocation of land for local parks. Rather than leaving this up to the developer to negotiate at a later date with council, it would be prudent to appropriately locate parks now where vegetation is proposed for retention. VPA to review plans and develop an alternative proposal based on arborist assessment conducted on their behalf.
42	Plan 6: Water	Legend	The plan depicts all open space with the same colour in the legend.	Plan to be amended to have the local parks shown in a different colour to the waterways/drainage.
43	Plan 7: Bushfire	Bushfire setbacks	Setbacks depicted to Tozer Reserve in BMO area are excessive	Plan 7 to be amended, as per suggestion noted above in respect to R36.
44	Plan 8: Native Vegetation Retention and Removal	Native vegetation to be retained	Plan depicts areas of vegetation retention on MP land that does not necessarily align with future local parks / open space reserves.	As per comment above for G23, if the VPA have deemed that vegetation must be retained then local parks / reserves should be located over these areas of vegetation and the landowner compensated accordingly. Alternatively, the parks should be relocated to these areas now to avoid dispute with council in future.
45	Section 3.4.2. Requirement R40	Requirements and guidelines – Services and destinations	R40 states: <i>All lots created on the proposed government school site must be designed and serviced to the satisfaction of Department of Education.</i>	VPA to clarify what it means by the creation of lots on the proposed school site, as this is not clear.
52	Section 3.6.1. Objective O27	Objectives – Infrastructure coordination	O27 states: <i>To facilitate orderly, staged development that is resilient to climate-related hazards and responsive to environmental conditions.</i>	VPA to clarify what 'climate related hazards' they are expecting for the MP land holdings and how this objective can then be addressed in a practical sense.

53	Section 3.6.2. Requirement R55	Requirements and guidelines – Infrastructure coordination	R55 requires public open space via clause “53.10”.	Correction to be made to R55 to refer to Clause 53.01.
57	Plan 11: Precinct Infrastructure Plan	PSP items	Parcel EA-24 depicts a north-south connector road to the immediate east of SR-01 and CI-01. See below. 	The depicted connector road should be DCP funded given it serves the wider precinct and provides very little benefit to MP. To expect MP to construct the road while also providing 90.82% of land for non-developable land uses (i.e. parks, school, community facilities, conservation) is inequitable.
64	Plan 13: Land Use Budget	Legend	The Legend on <i>Plan 11</i> depicts a “potential conservation area” in the north of Parcel EA-07 yet on <i>Plan 5: Public Realm</i> , this is shown as “conservation area”. <i>Plan 8: Native Vegetation Retention & Removal</i> depicts this area for “retention vegetation for growling grass frog recolonisation”.	VPA to clarify if this portion of land measuring 1.06ha (see Table 10: Property specific land use budget) must be retained for a conservation reserve, as it is unclear in the PSP due to numerous references to a “potential” reserve.
66	Table 10: Property specific land use budget	Total Areas of Parcels	Total Areas of Parcels in Land Use Budget are incorrect.	Table should be updated to depict the Title Areas for each Parcel, which are: • EA-07, EA-09 & EA-10 – 51.41 ha (combined) • EA-24 – 21.325 ha • EA-26 – 24.27 ha • EA-27 – 20.08 ha
70	Appendix 3: Environmental Constraints Plan	Contamination Areas	All of the MP land is identified as being “parcel/area containing high potential for contamination” based on historical data and unwarranted assumptions.	A Preliminary Risk Screen Assessment (PRSA) was undertaken by Peraco Pty Ltd in October 2025 which found that the potential contamination on site was limited to discrete areas. The Appendix 3 plan should therefore be updated to reflect the findings of the PRSA. This includes removing the contamination designation for Parcel EA-26 entirely from Appendix 3.
73	Cross Section 1: Local Access Street Level 1 (16m) Overland Flow Path Interface	Heading label	Pages 72 and 73 are shown as “Cross Section 1” which appears incorrect	VPA to update labels to correct error and to include Cross Section 2, as this appears to be missing from Appendices. According to <i>Plan 4: movement Network</i> , Cross Section 2 is located on the east side of Tozer Reserve in Parcel EA-07 and Cross Section 5 is located on the west side of this reserve, which immediately abuts an overland flow path.

TABLE 2: Initial Planning Review – Schedule 1 to Clause 37.07 Urban Growth Zone Ordinance

Version: 1
Date: 09/10/2025
Parcel Number: EA-07, EA-09, EA-10, EA-24, EA-26 & EA-27
Document Reviewed: Urban Growth Zone – Schedule 15 (Clause 37.07)

PAGE No.	REFERENCE	SUBJECT	MATTER	REMARKS & REQUESTED AMENDMENTS																												
4	Section 3 – Application Requirements	Subdivision – Residential Development – Landscape Master Plan	The draft UGZ1 requires a Landscape Masterplan to be prepared as part of a future planning permit application for subdivision.	The LMP is often premature until the subdivision layout is determined and agreed in principle with the Responsible Authority. The LMP should be deferred to a permit condition on any resulting planning permit and not be required as a mandatory application document.																												
4	Section 3 – Application Requirements	Subdivision – Residential Development – Integrated Water Management Plan	The draft UGZ1 requires an IWMP to be prepared as part of the LMP in support of a planning permit application for subdivision.	An IWMP should be listed as a separate item and not fall under the LMP. Similar to the LMP, an IWMP should be required as a permit condition rather than being required as a mandatory application document.																												
6	Section 3 – Application Requirements	Stormwater and Flood Management	The draft UGZ1 requires “An application to subdivide land must be accompanied by a Stormwater Management Strategy and / or Flood Management Strategy to the satisfaction of the responsible authority and the Glenelg Hopkins Catchment Management Authority...”	VPA to clarify the difference between the Stormwater Management Strategy and / or Flood Management Strategy and nominate which document is required to support land subdivision applications.																												
6	Section 3 – Application Requirements	Stormwater and Flood Management	The draft UGZ1 requires the following: <i>Demonstration of how the proposed subdivision mitigates the impact of predicted climate change.</i>	VPA to clarify exactly how <i>predicted climate change</i> is defined and measured and to provide suggested actions / procedures on how this vague statement can be addressed.																												
7	Section 3 – Application Requirements	Bushfire Management Plan	The draft UGZ1 requires the following: <i>An application to subdivide land adjacent to a Bushfire Hazard Area shown on Plan 7 Bushfire Management of the East of Aberline Precinct Structure Plan must be accompanied by a Bushfire Management Plan that demonstrates how the application will address bushfire risk at the site.</i>	As UGZ1 requires site specific Bushfire Management Plans to be prepared, then Plan 7 in the draft PSP should be updated to show buffers as “indicative only” and subject to detailed site assessments. The current buffers severely limit development adjoining potential bushfire risks to the detriment of land owners.																												
7	Section 3 – Application Requirements	Russels Creek and Tozer Reserve Conservation Area Masterplan	The draft UGZ1 requires the following: <i>An application to subdivide land adjacent to or identified as a conservation area, a potential conservation area or a waterway and drainage within conservation area as shown on Plan 2 of the East of Aberline Precinct Structure Plan must be accompanied by a Conservation Area Masterplan prepared by a suitably qualified consultant that demonstrates how the application will address revegetation and management of Russells Creek and Tozer Reserve.</i>	Tozer Reserve is owned and managed by DEECA so any Conservation Area Masterplan for this land is DEECA's responsibility. For parcels that actually contain proposed areas of conservation, then the responsibility lies with the landowner, however not for Tozer Reserve.																												
10 & 11	Section 3 – Application Requirements	Preliminary Site Investigation	The draft UGZ1 requires any application to use or subdivide land to “be accompanied by a Preliminary Site Investigation (PSI) prepared by a suitably qualified environmental consultant in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (National Environment Protection Council, 1999) to the satisfaction of the responsible authority for land identified on Table 3.	A Preliminary Risk Screen Assessment (PRSA) has been prepared for the MP land holdings which identifies areas of potential contamination. Accordingly, all MP land holdings should not be required to prepare a PSI in support of a permit application for subdivision. Table 3 to be updated as follows: <table><tr><th>Address</th><th>Lot Number</th></tr><tr><td>174 Aberline Road Warrnambool</td><td>Lot 2 PS922576</td></tr><tr><td>75 Boiling Down Road Warrnambool</td><td>Lot 2 LP146579</td></tr><tr><td>76-78 Boiling Down Road Warrnambool</td><td>Lot 4 PS433295</td></tr><tr><td>94 Boiling Down Road Warrnambool</td><td>Lot 1 PS842678</td></tr><tr><td>102 Boiling Down Road Warrnambool</td><td>Lot 2 PS842678</td></tr><tr><td>105 Boiling Down Road Warrnambool</td><td>Allot. 6 Sec. E PP3729</td></tr><tr><td>110 Boiling Down Road Warrnambool</td><td>Lot 2 TP21740</td></tr><tr><td>135 Boiling Down Road Warrnambool</td><td>Allot. 5 Sec. E PP3729</td></tr><tr><td>150 Horne Road Warrnambool</td><td>Lot 2 PS917052</td></tr><tr><td>310 Horne Road Warrnambool</td><td>Lot 1 PS510707</td></tr><tr><td>270-288 Wangoom Road Warrnambool</td><td>Lot 2 PS748428</td></tr><tr><td></td><td>Lot 1 TP244571</td></tr><tr><td></td><td>Lot 2 TP244571</td></tr></table>	Address	Lot Number	174 Aberline Road Warrnambool	Lot 2 PS922576	75 Boiling Down Road Warrnambool	Lot 2 LP146579	76-78 Boiling Down Road Warrnambool	Lot 4 PS433295	94 Boiling Down Road Warrnambool	Lot 1 PS842678	102 Boiling Down Road Warrnambool	Lot 2 PS842678	105 Boiling Down Road Warrnambool	Allot. 6 Sec. E PP3729	110 Boiling Down Road Warrnambool	Lot 2 TP21740	135 Boiling Down Road Warrnambool	Allot. 5 Sec. E PP3729	150 Horne Road Warrnambool	Lot 2 PS917052	310 Horne Road Warrnambool	Lot 1 PS510707	270-288 Wangoom Road Warrnambool	Lot 2 PS748428		Lot 1 TP244571		Lot 2 TP244571
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TABLE 3: Initial Planning Review – East of Aberline DCP (draft)

Version: 1
Date: 09/10/2025
Parcel Number: EA-07, EA-09, EA-10, EA-24, EA-26 & EA-27
Document Reviewed: East of Abeline Development Contributions Plan (DCP)

PAGE No.	REFERENCE	SUBJECT	MATTER	REMARKS & REQUESTED AMENDMENTS
8	Section 2.6	Items not included in the Development Contributions Plan (development proponent works)	This section states: <i>The following items are not included in the DCP. They must be provided by development proponents as a matter of course and/or pursuant to agreements with servicing agencies in implementing the PSP:</i> • Connector streets and local streets;	MP submits that the Connector Road within parcel EA-24 should be an exception and the connector road funded under the DCP given it serves the wider precinct and provides very little benefit to MP. To expect MP to construct the road while also providing 90.82% of land for non-developable land uses (i.e. parks, school, community facilities, conservation) is inequitable.
14	Plan 4: Drainage Projects	Mapping Correction	Plan 4 only appears to partially cover the page appears to require correction. Drainage culvert shown under Horne Road only.	Plan 4 only appears to partially cover the page with a large gap between the top of the page and the plan, which appears to be a viewing error. Page to be corrected. VPA to confirm that any crossings or culverts over conservation corridors for GGF to be DCP funded as assets such as these benefit the entire PSP and not just individual lot owners. If culverts are required, then these should be depicted on Plan 4.
33	Table	Parcel Specific Land Budget	Table missing a number, i.e. Table 1. Page numbers missing Incorrect Title areas for the MP land holdings.	Table needs to be given a number for ease of reference. Page numbers added to bottom of page, as these are missing Table should be updated to depict the correct Title Areas for each Parcel, which are: • EA-07, EA-09 & EA-10 – 51.41 ha (combined) • EA-24 – 21.325 ha • EA-26 – 24.27 ha • EA-27 – 20.08 ha

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

Page 1 of 1

VOLUME 08159 FOLIO 949

Security no : 124128724455S
Produced 07/10/2025 08:21 AM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 244571E.
PARENT TITLE Volume 03255 Folio 985
Created by instrument A022844 12/08/1955

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.

DIAGRAM LOCATION

SEE TP244571E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

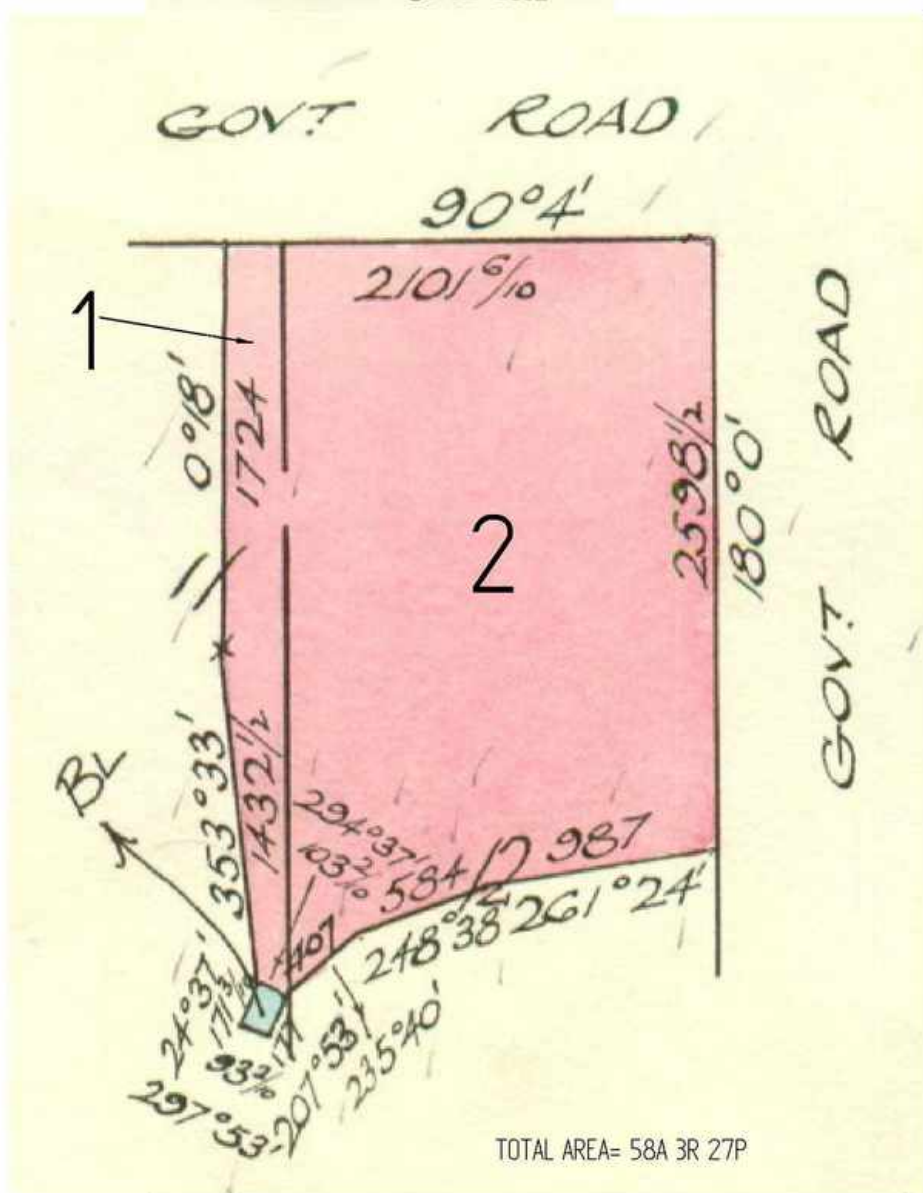
Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 16667Y GADENS LAWYERS
Effective from 21/06/2024

DOCUMENT END

TITLE PLAN	EDITION 1	TP 244571E				
Location of Land Parish: WANGOOM Township: Section: E Crown Allotment: 11(PT), 12(PT) Crown Portion: Last Plan Reference: Derived From: VOL 8159 FOL 949 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN				
Description of Land / Easement Information ENCUMBRANCES REFERRED TO As to the land coloured blue --- <u>THE WATER EASEMENT</u> and the Right of Entry in connection therewith ----- created by Instrument of Transfer - No.1629746 in the Register Book - -		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 13-12-1999 VERIFIED: AD				
 TOTAL AREA= 58A 3R 27P						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</td> </tr> <tr> <td style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td style="font-size: small;">PARCEL 1 = CA 11 (PT)</td> </tr> <tr> <td style="font-size: small;">PARCEL 2 = CA 12 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS	WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	PARCEL 1 = CA 11 (PT)	PARCEL 2 = CA 12 (PT)
TABLE OF PARCEL IDENTIFIERS						
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962						
PARCEL 1 = CA 11 (PT)						
PARCEL 2 = CA 12 (PT)						
LENGTHS ARE IN LINKS Metres = 0.3048 x Feet Metres = 0.201168 x Links		COLOUR CODE BL = BLUE				
		Sheet 1 of 1 sheets				



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 07/10/2025 08:21:10 AM

Status	Registered	Dealing Number	AY127576F
Date and Time Lodged	21/06/2024 03:42:05 PM		

Lodger Details

Lodger Code	16667Y
Name	GADENS LAWYERS
Address	
Lodger Box	
Phone	
Email	
Reference	

TRANSFER

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

Privacy Collection Statement

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

Land Title Reference

8159/949
11537/542

Transferor(s)

Name	RODGER PROPERTIES PTY LTD
ACN	114817382

Estate and/or Interest being transferred

Fee Simple

Consideration

\$AUD 12500000.00

Transferee(s)

Tenancy (inc. share)	Sole Proprietor
Name	TARLETONS PTY LTD
ACN	639977423
Address	
Floor Type	LEVEL
Floor Number	1



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Street Number	38
Street Name	MARGARET
Street Type	STREET
Locality	MOONEE PONDS
State	VIC
Postcode	3039

Duty Transaction ID
6009206

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

Execution

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

Executed on behalf of	RODGER PROPERTIES PTY LTD
Signer Name	ADAM JAQUES
Signer Organisation	MADDOCKS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	21 JUNE 2024

Execution

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

Executed on behalf of	TARLETONS PTY LTD
Signer Name	SEAN FLETCHER HUGGINS
Signer Organisation	GADENS LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	21 JUNE 2024

File Notes:
NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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

Page 1 of 1

VOLUME 09936 FOLIO 479

Security no : 124127795895W
Produced 04/09/2025 03:40 PM

LAND DESCRIPTION

Crown Allotment 6 Section E Parish of Wangoom.
Created by Application No. 066062E 02/10/1989

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor



ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP304260R 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: 105 BOILING DOWN ROAD WARRNAMBOOL VIC 3280

DOCUMENT END

TITLE PLAN		EDITION 1	TP 304260R
Location of Land Parish: WANGOOM Township: Section: E Crown Allotment: 6 Crown Portion: Last Plan Reference: Derived From: VOL 9936 FOL 479 Depth Limitation: NIL		Notations WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 03/02/2000 VERIFIED: M.P	
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 04/09/2025 03:40:52 PM

Status	Registered	Dealing Number	AV084242X
Date and Time Lodged	01/12/2021 05:04:14 PM		

Lodger Details

Lodger Code	20195R
Name	COMITO IACOVINO & CO
Address	
Lodger Box	
Phone	
Email	
Reference	

TRANSFER

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

Privacy Collection Statement

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

Land Title Reference

9936/479

Transferor(s)

Name	A E G SUPERANNUATION PTY LTD
ACN	634903852

Estate and/or Interest being transferred

Fee Simple

Consideration

\$AUD 8000000.00

Transferee(s)

Tenancy (inc. share)	Sole Proprietor
Name	HYSON PTY LTD
ACN	620140972
Address	
Unit Type	UNIT
Unit Number	1B
Street Number	4



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Street Name	ROCKLEA
Street Type	DRIVE
Locality	PORT MELBOURNE
State	VIC
Postcode	3207

Duty Transaction ID
5262301

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

Execution

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

Executed on behalf of	A E G SUPERANNUATION PTY LTD
Signer Name	AARON MARTIN JOLLY
Signer Organisation	WHYTE, JUST & MOORE
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	01 DECEMBER 2021

Execution

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

Executed on behalf of	HYSON PTY LTD
Signer Name	ANTHONY JOHN IACOVINO
Signer Organisation	COMITO IACOVINO & CO
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	30 NOVEMBER 2021

File Notes:
NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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

Page 1 of 1

VOLUME 09937 FOLIO 407

Security no : 124127799688Y
Produced 04/09/2025 04:34 PM

LAND DESCRIPTION

Crown Allotment 5 Section E Parish of Wangoom.
Created by Application No. 065637H 14/08/1989

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor



ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP304307R 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: 135 BOILING DOWN ROAD WARRNAMBOOL VIC 3280

DOCUMENT END

TITLE PLAN		EDITION 1		TP 304307R	
Location of Land Parish: WANGOOM Township: Section: E Crown Allotment: 5 Crown Portion: Last Plan Reference: Derived From: VOL 9937 FOL 407 Depth Limitation: NIL			Notations WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN		
Description of Land / Easement Information				THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 04/02/2000 VERIFIED: M.P	
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 sheets	

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

Page 1 of 1

VOLUME 11537 FOLIO 542

Security no : 124128724605E
Produced 07/10/2025 08:28 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 710426F.

PARENT TITLES :

Volume 10933 Folio 840 to Volume 10933 Folio 841

Created by instrument PS710426F 02/12/2014

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
AD997715U 15/11/2005

DIAGRAM LOCATION

SEE PS710426F 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: 270-288 WANGOOM ROAD WARRNAMBOOL VIC 3280

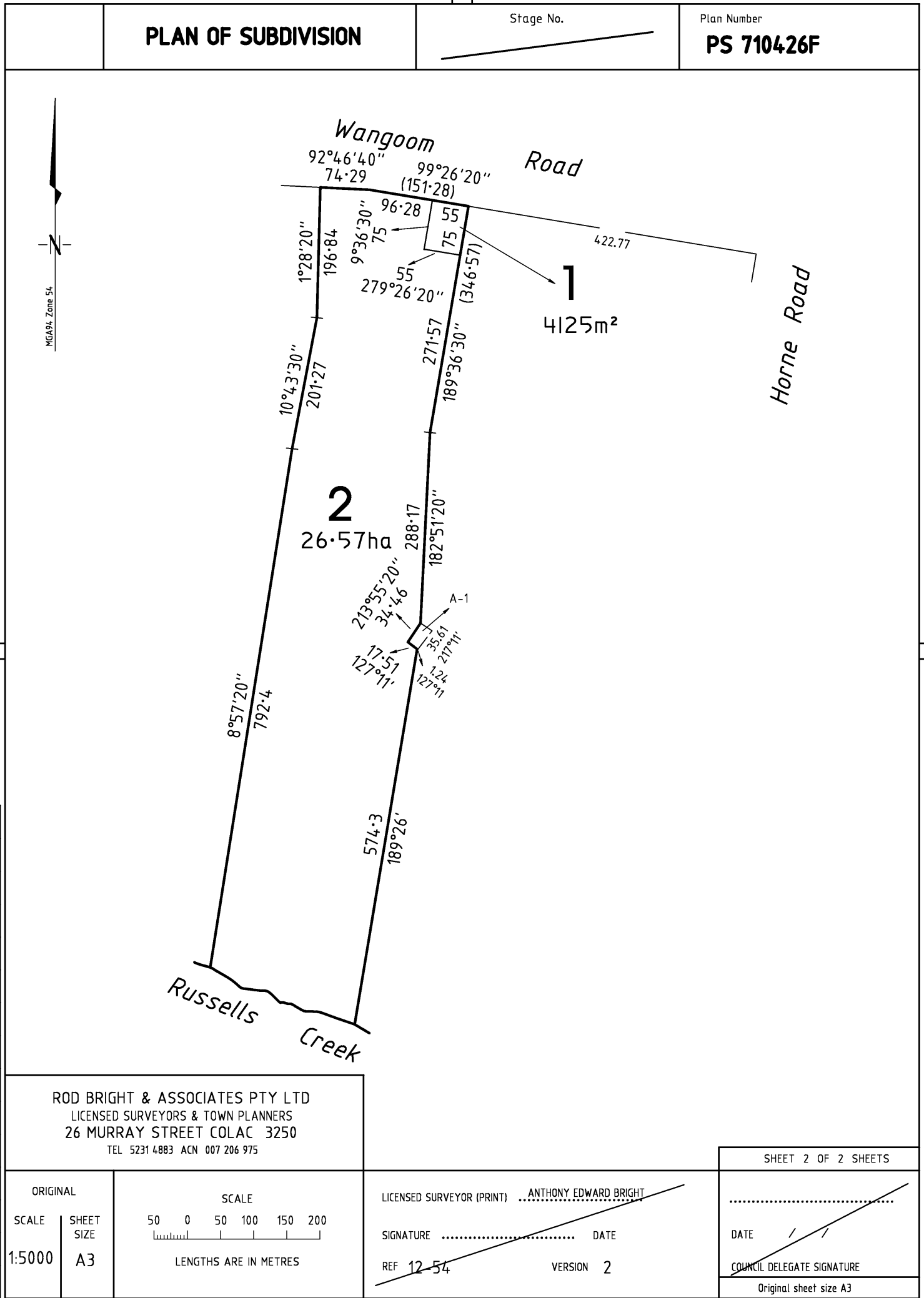
ADMINISTRATIVE NOTICES

NIL

eCT Control 16667Y GADENS LAWYERS
Effective from 21/06/2024

DOCUMENT END

PLAN OF SUBDIVISION		STAGE NO 	LRS use only EDITION 1	Plan Number PS 710426F
Location of Land Parish: of Wangoom Township: _____ Section: E Crown Allotment: 11 (Part) Crown Portion: _____ Title References: Vol. 10933 Fol. 840, Vol. 10933 Fol. 841, Last Plan Reference: Lots 1 & 2 on PS544174F Postal Address: 270-286 Wangoom Road (at time of subdivision) Warrnambool 3280 MGA94 Co-ordinates: E 633 750 (Of approx. centre of plan) N 5 752 970 Zone 54		Council Certification and Endorsement Council Name: Warrnambool City Council Ref: _____ 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 / / Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate _____ Council seal _____ Date / /		
Vesting of Roads or Reserves				
Identifier	Council/Body/Person			
NIL	NIL	Notations		
		Staging This is is not a staged subdivision Planning Permit No. P2012-196		
		Depth Limitation: DOES NOT APPLY This is a SPEAR plan		
		WATERWAY NOTATION: LOT 2 IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE Survey:- This plan is is not based on survey This survey has been connected to permanent marks no(s). In proclaimed Survey Area no.		
Easement Information				
Legend:		LRS use only		
E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement or other Encumbrance		Statement of Compliance / Exemption Statement		
A - Appurtenant Easement R - Encumbering Easement (Road)				
		Received ☒ Date 28/11/14		
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
A-1	Water Supply	See Diag	Tr.1629746	Land in PS544174F
		LRS use only PLAN REGISTERED TIME 11.02am DATE 02/12/2014 J.Beckingham Assistant Registrar of Titles		
		SHEET 1 OF 2 SHEETS		
ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975		LICENSED SURVEYOR (PRINT) ANTHONY EDWARD BRIGHT SIGNATURE Digitally signed DATE REF 12-54 VERSION 2		
		DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3		





Plan of Subdivision PS710426F
Certification of plan by Council (Form 2)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S026451C
Plan Number: PS710426F
Responsible Authority Name: Warrnambool City Council
Responsible Authority Reference Number 1: P2012-196
Responsible Authority Reference Number 2: S48/12
Surveyor's Plan Version: 2

Certification

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

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made at Certification

Digitally signed by Council Delegate: Julie Perry
Organisation: Warrnambool City Council
Date: 06/03/2013

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



AD997715U

15/11/2005 \$92.30 173



Section 181(1) Planning and Environment Act 1987

Lodged by:

Name: Tait Leishman Taylor
Phone: (03) 5560 2100
Address: 121 Kepler Street, Warrnambool 3280
Ref: Lynette Skilbeck/James Tait
Customer Code: 1638Q

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

Land:

Certificate of Title Volume 10158 Folio 779

Authority or council

WARRNAMBOOL CITY COUNCIL

Section and Act under which agreement made:

Section 173 of the Planning and Environment Act 1987

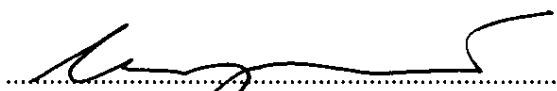
A copy of the agreement is attached to this application

Dated: 9th November 2005

Signed:

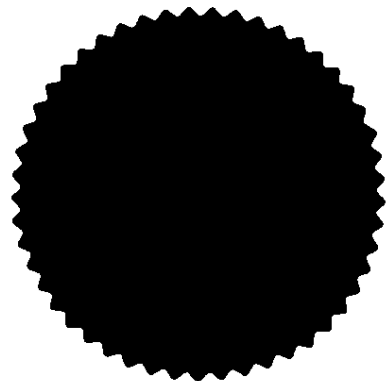
(official of authority or council - specify office held)

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


.....
Chief Executive LINDSAY A MERRITT
Its duly authorised delegate **CHIEF EXECUTIVE**
WARRNAMBOOL CITY COUNCIL

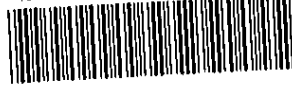
In the presence of:

Witness: Wendy Clark.
.....



AD997715U

15/11/2005 \$92.30 173



RESPONSIBLE AUTHORITY WARRNAMBOOL CITY COUNCIL

THE OWNER

ANDREA TURLAND

LAND AFFECTED

**270 WANGOOM ROAD,
WARRNAMBOOL**

DATED

9 November 2005

**AGREEMENT PURSUANT TO SECTION 173
PLANNING & ENVIRONMENT ACT**

REGISTRATION PARTICULARS

A Memorandum of this agreement was lodged in the Office of Titles pursuant to Section 181 of the Planning & Environment Act 1987 on / /20

DEALING NO.

WARRNAMBOOL

121 Kepler Street,
(P.O. Box 311)
Warrnambool, 3280

Tel: (03) 5560 2100
Fax: (03) 5561 4567

E-Mail: taits@taits.com.au
Internet: www.taits.com.au

MORTLAKE

118 Dunlop Street,
(P.O. Box 1)
Mortlake, 3272

Tel: (03) 5599 2504
Fax: (03) 5599 2036

PORT FAIRY

38 Bank Street,
(P.O. Box 114)
Port Fairy, 3284

Tel: (03) 5568 1402
Fax: (03) 5568 2498

E-Mail:
conlanleishman@taits.com.au

TERANG

99 High Street,
(P.O. Box 114)
Terang, 3264

Tel: (03) 5592 1666
Fax: (03) 5592 1811

WARRNAMBOOL CITY COUNCIL

PLANNING & ENVIRONMENT ACT

- and -

AGREEMENT PURSUANT TO SECTION 173

ANDREA TURLAND

AFFECTED LAND: 270 Wangoom Road, Warrnambool

being the land described in Certificate of Title Volume 10158 Folio 779 ("the Land")

THIS AGREEMENT is made on the 9th day of November 2005

BETWEEN:

The Responsible Authority: **WARRNAMBOOL CITY COUNCIL**

of 25 Liebig Street, Warrnambool 3280 ("the Council")

The Owner: **ANDREA TURLAND**

of 88 Grafton Road, Warrnambool 3280 ("the Owner")

WHEREAS

1. The Owner owns the Land.
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. The Council on July 12, 2005 issued planning permit No. 2005-108 ("the subdivision permit") allowing the Owner to undertake a two lot subdivision of the Land by excision of dwelling in accordance with the submitted and endorsed plan ("the subdivision plan") and subject to the conditions stated in the permit.
5. The subdivision permit is subject to conditions including the following:

"Prior to the issue of a Statement of Compliance for the subdivision, the landowner must enter into an agreement pursuant to Section 173 of the Planning & Environment Act 1987, and register the agreement on the title of both the subject lots pursuant to Section 181 of the Planning & Environment Act 1987. This agreement will include the following to the satisfaction of the responsible authority:

- a. The land has been subdivided under planning permit 2005-108. While the land is contained within a Rural zone, no further subdivision which creates any additional parcel of land is allowed, except where the subdivision is for the re-subdivision of existing titles.

All costs associated with the preparation, lodgement and registration of the agreement must be met by the landowner."

6. The parties enter this agreement in satisfaction of this condition of the subdivision permit.



AD997715U

15/11/2005 \$92.30 173



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 Andrea Turland her successors assigns and transferees and the obligations imposed on and assumed by Andrea Turland shall be binding on the successors transferees purchasers mortgagees assigns of Andrea Turland and any 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 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 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 word 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 affect interpretation.
- 2.4.7. References to any party to this agreement or any other 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 legislative provision substituted

for, and all regulations and statutory instruments issued under such legislation or provision.

2.4.10. References to dollars and "\$" shall be taken as referring to amounts in Australian currency.

2.4.11. 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. NO FURTHER SUBDIVISION

The Land shall not be further subdivided after registration of the subdivision plan except for the re-alignment of boundaries between the lots where no additional lots are created.

4. RE-ZONING OF THE LAND

The covenants of this agreement shall cease to apply to any part of the Land which is re-zoned and is no longer zoned Rural (or its equivalent zone as determined by Council).

5. REGISTRATION

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

6. 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 the nature of this agreement.

7. 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.

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 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 clause shall cease for such time as there appears in the register book at the office 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.

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.

EXECUTED AS A DEED.

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

Chief Executive
Its duly authorised delegate

LINDSAY A MERRITT
CHIEF EXECUTIVE
WARRNAMBOOL CITY COUNCIL

In the presence of:

Witness:

Wendy Clark.

SIGNED by ANDREA TURLAND

in the presence of:

Witness:

June Haulbeck

Andrea 

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

Page 1 of 1

VOLUME 12341 FOLIO 143

Security no : 124127795678H
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LAND DESCRIPTION

Lot 2 on Plan of Subdivision 116579.
PARENT TITLE Volume 09111 Folio 996
Created by instrument AV001284Y 10/11/2021

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP116579 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: 75 BOILING DOWN ROAD WARRNAMBOOL VIC 3280

DOCUMENT END

G

LP116579

EDITION 1

APPROVED 30/9/75

PLAN OF SUBDIVISION OF

PART OF CROWN ALLOTMENT 7

SECTION E

PARISH: WANGOOM

COUNTY: VILLIERS

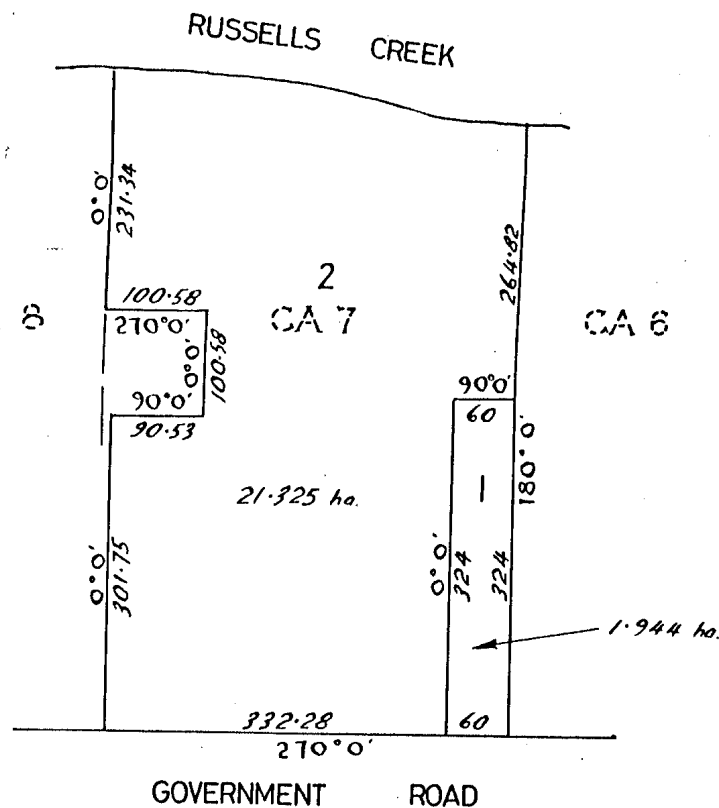
SCALE 100 0 100 200 300
LENGTHS ARE IN METRES

NOTATIONS

WATERWAY NOTATION:

LOT 2 IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE

Vol 3327 Fol 231



CONSENT OF COUNCIL	SURVEYORS CERTIFICATION
	I certify that this Plan has been made by me, Vivian Kirby Hand, and accords with Title C/T V327 F231 and is mathematically correct. REF. No. 1711 <i>[Signature]</i> Licensed Surveyor 3/6/75 V.K. HAND - LICENSED SURVEYOR - WARRNAMBOOL