

MINUTES

**SCHEDULED COUNCIL MEETING
WARRNAMBOOL CITY COUNCIL
5:45 PM - MONDAY 7 MARCH 2022**



VENUE:

**Lighthouse Theatre Studio
Lighthouse Theatre
Timor Street
Warrnambool**

COUNCILLORS

Cr. Richard Ziegeler (Mayor)
Cr. Otha Akoch
Cr. Debbie Arnott
Cr. Ben Blain
Cr. Vicki Jellie AM
Cr. Angie Paspaliaris
Cr. Max Taylor

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can be obtained online at www.warrnambool.vic.gov.au

**Peter Schneider
CHIEF EXECUTIVE OFFICER**

AUDIO RECORDING OF COUNCIL MEETINGS

All Open and Special Council Meetings will be audio recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting. Audio recordings of meetings will be made available for download on the internet via the Council's website by noon the day following the meeting and will be retained and publicly available on the website for 12 months following the meeting date. The recordings will be retained for the term of the current Council, after which time the recordings will be archived and destroyed in accordance with applicable public record standards. By participating in Open and Special Council meetings, individuals consent to the use and disclosure of the information that they share at the meeting (including any personal/sensitive information), for the purposes of Council carrying out its functions.

BEHAVIOUR AT COUNCIL MEETINGS

Thank you all for coming – we really appreciate you being here. These meetings are the place where, we as Councillors, make decisions on a broad range of matters. These can vary greatly in subject, significance and the level of interest or involvement the community has. As part of making these decisions, we are presented with comprehensive information that helps us to form our position – you will find this in the agenda. It should also be remembered that the Council meeting is a “meeting of the Council that is open to the public”, not a “public meeting with the Council.” Each Council is required to have Governance Rules that pertains to meeting procedures. Warrnambool City Council has followed best practice in this regard and its Governance Rules provides regulations and procedures for the governing and conduct of Council meetings. Copies of the Conduct and Behaviour excerpt from Warrnambool City Council's Governance Rules can be obtained online at www.warrnambool.vic.gov.au. We thank you in anticipation of your co-operation in this matter.

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**MINUTES OF THE SCHEDULED MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD
IN THE LIGHTHOUSE THEATRE STUDIO, LIGHTHOUSE THEATRE, TIMOR STREET,
WARRNAMBOOL ON MONDAY 7 MARCH 2022 COMMENCING AT 5:45 PM**

1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

Almighty God
Grant to this Council
Wisdom, understanding and Sincerity of purpose
For the Good Governance of this City
Amen.

ORIGINAL CUSTODIANS STATEMENT

I wish to acknowledge the traditional owners of the land on which we stand and pay my respects to their Elders past and present.

2. APOLOGIES

Nil.

3. CONFIRMATION OF MINUTES

MOVED: CR DEBBIE ARNOTT
SECONDED: CR VICKI JELLIE

That the Minutes of the Scheduled Meeting of Council held on 7 February 2022, be confirmed.

CARRIED - 7:0

**4. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST
IN ANY ITEM ON THE AGENDA**

Section 130 of the Local Government Act 2020 (Vic) (**the Act**) provides that a relevant person must disclose a conflict of interest in respect of a matter and exclude themselves from the decision making process in relation to that matter including any discussion or vote on the matter at any Council meeting or delegated committee meeting and any action in relation to that matter.

Section 126(2) of the Act sets out that a relevant person (Councillor, member of a delegated Committee or member of Council staff) has a conflict of interest if the relevant person has a **general conflict of interest** within the meaning of section 127 of the Act or a **material conflict of interest** within the meaning of section 128 of the Act.

A relevant person has a **general conflict of interest** in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner that is contrary to their public duty.

A relevant person has a **material conflict of interest** in a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken. Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

- **Cr Max Taylor** - Item 7.9 TAC Funded Botanic LATM Project - General Conflict.
- **Cr Vicki Jellie AM** - Item 7.9 - TAC Funded Botanic LATM Project - General Conflict

5. MAYORAL PRESENTATION

- This past month has been one of great activity for all of us.
- The CEO, Peter Schneider and myself attended a Spring Street meeting with members of the Great South Coast now called the SouthWest Alliance to advocate for this part of the world and while we were acting in concert with the Alliance members, we took the opportunity to spruik the needs of our own area, in particular the rail system. We discovered that the rolling stock for our area had not yet even been ordered. We tied that into the importance of the rail to the people of the entire South West which included the export import of freight movements, passenger movements right through to the south east of South Australia; a very important system.
- The Great South Coast Food & Fibre meeting, which was attended by Cr Blain and myself in Hamilton at which the organisation's 18 point to consolidate water sustainability for the south west on the premise that a 10% improvement in efficiency has enormous impact on the local economy up to \$40 million. That particular 18 point plan is being disseminated and discussed with all the stakeholders. An incredibly important plan that we are proud to be part of and I thank Cr Blain for attending.
- Port Campbell Surf Club was the scene for the tourism get together with Dan Tehan, Minister for Tourism. Cr Jellie, Cr Taylor the CEO and myself attended part of that and also the SouthWest Alliance discussions which the CEO has illustrated with much more detail.
- The Portuguese Festival was held the weekend before last; it was a great event for the Portuguese community of Australia given that the Portuguese Ambassador, Ambassador da Silva attended and was here for the weekend. He was most impressed with Warrnambool with the hospitality he was shown and as part of that he was given a tour of Flagstaff Hill. He attended dinner on the Saturday night which the CEO and myself also attended as guests of the Portuguese community and we were treated to a discussion of the reasons for Portuguese interest in Warrnambool by Carlos Pereira de Lemos Commendatore from Portugal currently living in Australia who made famous connections between the possibility of the Portuguese have arrived on our coast and possibly, according to the Portuguese, and probably discovered Australia before anybody else. That was followed on the Sunday by celebrations down at Lake Pertobe.
- I have commenced the Circular Economy course with the United Nations local government and Barwon South West Waste Recovery Group which will be a 6 week course to give me some more insights into developing recoverability and sustainability for rubbish and increasing our knowledge of a circular economy to improve our efforts to be a sustainable and environmentally sensitive community.
- I attended the Port of Warrnambool Reference Group and the Swimming Club this past week as well.

6. PUBLIC QUESTION TIME

6.1 QUESTION FROM BRIAN KELSON, WARRNAMBOOL

“On the 22nd APRIL 2021 - the Warrnambool Standard reported that residents were being asked to have their say on CBD traffic and roundabouts on the Councils “Your say Warrnambool” site, Council stated that the results would be relayed to the community

- 1. When will the results be released to community?*
- 2. With 12 months having elapsed why has it taken so long?*

Could also have response via email as well as verbally in the meeting”

RESPONSE

Council engaged an engineering consultant to undertake a traffic impact assessment on the CBD Traffic Movements also. This work was delayed on multiple occasions due to pandemic restrictions. The work has recommenced and further pedestrian surveys have been completed (both during the weekdays and on a weekend) and it is intended that the results of the investigation will be presented to Council early in the new financial year.

7. REPORTS

7.1. HARBOUR REFERENCE GROUP

DIRECTORATE/DEPARTMENT : Governance, Property, Projects and Legal

PURPOSE:

The purpose of this report is to review the Warrnambool Harbour Reference Group in accordance with its Terms of Reference.

EXECUTIVE SUMMARY

The Warrnambool Harbour Reference Group (the Group) is an advisory group to the Council which was established in 2014 as part of the Harbour Master Plan development.

The Terms of Reference for the Group were due for review on 1 January 2022.

Upon review of the Terms of Reference, it was determined that the purpose of the Group no longer aligns with the purpose of its establishment or the current Council Plan.

The Warrnambool Harbour Reference Group has made a valuable contribution to support the delivery of the Harbour Master Plan and related works and activities of Council in and around the Harbour. After assessing the ongoing requirement for the Group, it has, however, been concluded that the initial need for the Group has been realised, and it is recommended that the Warrnambool Harbour Reference Group be discontinued.

MOVED: CR MAX TAYLOR
SECONDED: CR BEN BLAIN

That Council:

- 1. Terminate the Warrnambool Harbour Reference Group.**
- 2. Acknowledge and thank present and former members of the Warrnambool Harbour Reference Group for their contributions.**

3. **Notify all relevant parties and persons of the Group's termination.**
4. **Investigate and report on options for future communications pertaining to the Warrnambool Port Precinct.**

CARRIED - 7:0

BACKGROUND

The Harbour Reference Group was initially established on 1 September 2014 as part of two committees that were created (a community and a technical group) as part of the Harbour Master Plan development.

On 10 April 2017 after a hiatus the technical group and the community group transitioned into the one Master Plan Reference Group.

In the Council Report issued to the 1 February 2021 Council Meeting, the Terms of Reference for the now named, Warrnambool Harbour Reference Group, the Group is called to meet twice yearly to provide feedback to the Council on policy and strategic development, use and development applications, harbour security, emergency management and operations, projects, or studies relevant to the Harbour and any other matters.

The Terms of Reference for the Group became due for review of 1 January 2022. This triggered a review of the purpose and objectives of the Group and the ongoing requirement or need for the Group.

There are several options available to ensure that information can continue to be provided to key groups and individuals. These include a mailing list (email) to enable valuable information to be distributed in a short time frame and a control group that would consist of key agencies, such as, DELWP, Dept of Transport, Better Boating, Sea Rescue, and a representative of the mooring lessees.

The above options will be provided to Council in greater detail in a future report to Council.

ISSUES

Upon review of the Group, consideration of the reason for the Group's establishment and purpose found that these no longer apply to the Group. With the completion of the Harbour Master Plan and related projects such as the securing of funding for the boat ramp, it has been determined that the original requirement for the group is no longer applicable.

Legislative changes, including under the *Marine and Coastal Act 2018*, and an ongoing review of Council processes as Committee of Management for Crown land have also contributed to the proposal to discontinue the Group. Use and development of the land as well as any strategic development is subject to intensive statutory requirements that support the protection of the coastline and address long-term impacts of climate change and population growth, therefore limiting input of the group in these areas.

Council have also established processes to support community engagement in any strategic planning undertaken which will allow all users and stakeholders to contribute through Council engagement processes.

The Warrnambool Harbour Reference Group does not align with any specific objectives under the current Council Plan which came into force last year, and it is felt that the Group no longer delivers a purpose that supports the Council in any related future strategic decision-making.

Upon analysis of the ongoing benefit of maintaining a Reference Group that has objectives that can be achieved through alternate Council processes and that no longer aligns with Council's objectives under the Council Plan, it is proposed that the Group be discontinued at this point.

FINANCIAL IMPACT

Nil.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

Not Applicable

TIMING

The review of the Group's Terms of Reference was due on 1 January 2022 which triggered a review of the Group's need and purpose.

COMMUNITY IMPACT/CONSULTATION

The discontinuation of the Group will not affect any related community consultation.

The Group have been notified of this report and the proposed discontinuation of the Group.

LEGAL RISK/IMPACT

Nil.

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

A review of the Warrnambool Harbour Reference Group Terms of Reference identified that in accordance with legislative changes, operational process changes, and a change in Council Plan, there is no longer a requirement to maintain the Group and it is therefore recommended that the Group be discontinued.

ATTACHMENTS

Nil

7.2. ACTIVITIES & INITIATIVES 2021-2022: OCTOBER - DECEMBER (QUARTER 2)

DIRECTORATE: Corporate Strategies

PURPOSE:

This report provides information on the progress in achieving the Activities and Initiatives (A&I's) set down for 2021-2022 as part of the Council Plan and Budget process. This report provides Council and the community with an update in the progress of actions across Councils' functional areas.

EXECUTIVE SUMMARY

This report reflects on the progress and achievements of a broad range of Activities and Initiatives set out in the Council Plan and Budget for the financial year 2021 –2022.

Whilst Council has followed all health directives of the state government Council has still been able to achieve the continuation of most of its services to the community in some form despite the impacts of COVID-19 and has additionally altered its program focus where appropriate to respond to supporting the community through our program of works.

Council continues to deliver services that respond that keep us safe. This continues to mean rethinking how we provide our services to the community. Council has adapted its service delivery methods with Covid safe plans and has continued to plan for a post COVID future for this community.

The A&I's underpin activities Council undertakes to work toward the vision 2021 - 2025 of "A thriving city at the heart of coast and country".

The 5 key objectives that support this vision are:

1. We will be a healthy, inclusive and thriving community with equitable access to services, cultural opportunities and recreational activities.
2. We will protect and strengthen local ecosystems, enhance biodiversity and enable sustainable communities.
3. We will support a resilient local and self-sustaining regional economy that encourages economic growth and provides increased employment opportunities that attract ongoing investment.
4. We will provide high quality places that people value and want to live, work, play and learn in
5. We will be recognized as a collaborative Council and a high-performing organization that enables positive outcomes for Warrnambool's community, environment and economy and for Victoria's Southwest.

MOVED: CR BEN BLAIN

SECONDED: CR ANGIE PASPALIARIS

That the Activities & Initiatives 2021 – 2022: October – December (Quarter 2), be received.

CARRIED - 7:0

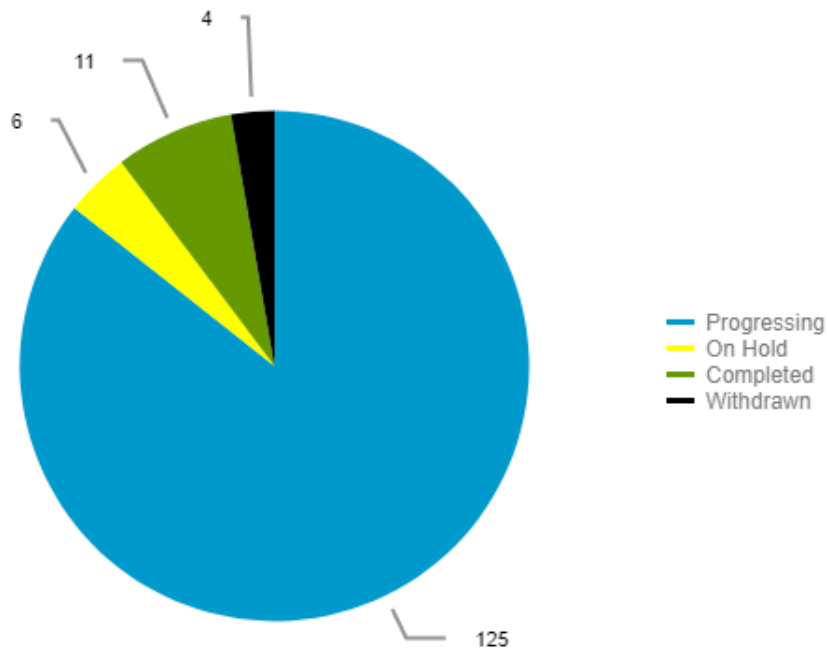
BACKGROUND

The 2021 – 2025 Council Plan is the key planning and strategic document of the Council and details the Council strategic objectives for its community over a 4-year period.

Council is required to set down the A&I's on an annual basis that are to be funded and demonstrate how these actions will contribute to achieving the strategic objectives specified in the Council Plan and Budget.

2021-2022 ACTIVITIES AND INITIATIVES OVERVIEW

This report provides a snapshot as to the progress of the 2021-2022 A&I's.

**ATTACHMENTS**

1. Activities & Initiatives 2021-2022: October - December (Quarter 2) [7.2.1 - 34 pages]



- Completed
- Progressing
- On Hold
- Not Progressing
- Not Completed
- Withdrawn



Warrnambool City Council Activities & Initiatives

**Q2,
2021/2022**

GOAL 1: A HEALTHY COMMUNITY: We will be a healthy, inclusive, and thriving community with equitable access to services, cultural opportunities and recreational activities.

Objective 1: WELCOMING & INCLUSIVE CITY: Warrnambool will be a city that is more welcoming to all and fosters diversity.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
1.1.1	Provide information to new residents that introduces key Council services, organisations and agencies including those in recreation, culture and early childhood.	Manager Communications	50%		Developing a new welcome pack for new residents that will include frequently requested items (maps, information about pet ownership etc). Intention is to liaise with real estate agents to assist with the distribution of packs to new residents to Warrnambool.
1.1.2	Develop and implement a range of Council activities and events to encourage participation from diverse groups within our community.	Manager, Capacity, Access & Inclusion	75%		<p>Volunteer Connect continues to deliver the Volunteer Diversity project objectives. The following training has been delivered Advertise, recruit and retain volunteers and development of understanding and approaching Cald/new migrant communities, people living with disability and first nations to volunteer has commenced with training opportunities to be offered in March, April and June 2022. The Capacity Access and Inclusion (CA&I) Branch has developed a new 'Intake' tool that will capture demographic data of clients and patrons at registration to programs and services. The new tool will provide rich data about the diversity of our program participants and service users.</p> <p>The Ageism Awareness Campaign was hosted by CA&I to draw attention to the existence and impacts of ageism in society. A virtual morning tea was held with staff which included a presentation on ageism followed by discussion, as well as a morning tea for social support participants. A pledge was created at the Lighthouse Theatre where community could sign their names to pledge their support.</p> <p>The Social Connection Project Officer presented at the Community and International Relations Committee (CIRAC) initiatives currently undertaken in the branch and in community to support the multicultural community.</p> <p>Branch staff continue to represent Warrnambool City Council on the Warrnambool Multicultural Network and Wata Watnaenda.</p>
1.1.3	Increase access to participation for all abilities and raise awareness of the community regarding the needs of people with a disability.	Manager, Capacity, Access & Inclusion	75%		A new Accessibility Capital Fund application was distributed to WCC units. Staff were provided with awareness training material and requested to identify projects that would assist Council to comply with the Disability Discrimination Act 1992, the Disability Act 2006 and the relevant Australian Standards; and remove barriers that prevent people living with disability from fully



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					<p>participating in community life.</p> <p>A new HACC PYP program promotion pack was created in consultation with local service providers. The promotional material in the program pack includes information about eligibility, availability of services and referral guide. Referrals to HACC PYP program have had a significant increase as a result of this program.</p> <p>Ongoing partnership with Daybreak Rotary club with their laundry for vulnerable people continues to strengthen, with options for its future being explored.</p>
1.1.4	Engage with community to ensure that a diversity of voices are informing Council policies, strategies, programs, and services.	Manager Community Policy & Planning	50%		<p>Council regularly engages with the community through various mediums on a range of policies, strategies, programs and issues. During this period Council engaged with the community around different issues related to waste management, road and community safety and planning scheme amendments through the YourSay platform. Consultations are also ongoing with a range of stakeholders on strategies to improve and increase the supply of affordable housing in the municipality.</p>
1.1.5	Develop and implement programs to improve community connections and reduce social isolation.	Service Manager Community Support	75%		<p>The Local Support Network continued to meet monthly with an average of 20 community groups, volunteer involving organisations and clubs. This network brings together existing community supports, strengthens community participation and expands opportunities to collaborate in the delivery of support, projects and initiatives that decrease social isolation and increase social connection.</p> <p>Delivered Asset Based Community Development Community Builders Workshop in partnership with Jedar Institute and the Local Support Network. Full day workshop with participation of over 50 community organisations, clubs and groups and local council staff. Broad outcomes included strengthening community and council relationships, encouraging collective support systems, collaborative development of new initiatives and projects that increase social connection, and developing a shared vision for improved community building in a Covid recovery phase.</p> <p>Home is Where the Art Is mural was completed at the Bus Shelter on Derby Street by artist Jimmi Buscombe. This project was an initiative of the Let's Get Neighbourly campaign aiming to reach lonely and isolated people and build social connections. Home is Where the Art Is social media posts reached 9,281 people with 566 engagements. A front-page article in the Standard showcased the mural with increased</p>



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					foot and car traffic observed, including dedicated bus visits.
1.1.6	Provide library programs and collections that facilitate inclusion, understanding and acceptance of diversity.	Manager Recreation & Culture	0%		Duplication Outcomes provided in 1.1.7
1.1.7	Establish LOTE, ESL and LGBTQI+ collections in the library to foster diversity.	Manager Recreation & Culture	0%		To commence with the new library.
1.1.8	Develop and implement programs and activities that improve community engagement and social connection through West Warrnambool Neighbourhood House.	West Warrnambool Neighbourhood House Coordinator	80%		<p>West Warrnambool Neighbourhood House continued to distribute food relief over the October to December quarter, with 1.8 tonnes of food delivered to vulnerable families and individuals within the West Warrnambool Community.</p> <p>With Covid restrictions easing in November playgroup recommenced once a week throughout November and early December. Money allocated earlier in the year through the This Girl Can Campaign assisted in running beginner fitness activities for women from the community at Body Blitz Gym in West Warrnambool. The program titled Bootylicious Bootcamp for Mums and Nans included a free creche and attracted reasonable numbers with a strong interest in the program continuing in 2022.</p> <p>A total of 27 applications were processed for the State Government's Power Saving Bonus over the Oct - Dec quarter.</p> <p>WWNH continues to deliver strong governance through the Community Advisory group with updates to TOR and Strategic plan. A comprehensive paper outlining current facility barriers and scoping potential future opportunities for relocation of the WWNH was complete.</p>

Objective 2: ABORIGINAL COMMUNITIES: Council will pursue improved partnerships and meaningful engagement with Aboriginal people to grow opportunities and better outcomes for Aboriginal people.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
1.2.1	Develop and deliver programs and services in collaboration with Aboriginal people that support inclusiveness, culture and reconciliation	Manager Community Policy & Planning	40%		The process for the development of a Reconciliation Action Plan (RAP) has been explored in consultation with Reconciliation Australia and in discussion with the Registered Aboriginal Party and community elders. A report has been submitted to Council for endorsement to proceed with the development of the (RAP). In addition, an Aboriginal Liaison Officer will be recruited in the next quarter to work across Council to pursue improved partnerships and meaningful engagement with the Aboriginal peoples.

Completed	Progressing	On Hold	Not Progressing	Not Completed	Withdrawn
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Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					Pirtup Meereengeeye (Sandpiper Country) meeting place concept has been designed at Lake Pertrobe in partnership Aboriginal young peoples in the community to practice cultural traditions, celebrate and share cultural knowledge, and become a place of inspiration and reconciliation. This project has provided an opportunity for young people to lead, have ownership of the space while sharing their own stories and important cultural elements of the Maar Nation with the wider community.
1.2.2	Explore the process and development of Reconciliation Action Plan with Reconciliation Australia.	Manager Community Policy & Planning	80%		The process for the development of a Reconciliation Action Plan (RAP) has been explored in consultation with Reconciliation Australia and in discussion with the Registered Aboriginal Party and community elders. A report has been submitted to Council for endorsement to proceed with the development of the (RAP). In addition, an Aboriginal Liaison Officer will be recruited in the next quarter to work across Council to pursue improved partnerships and meaningful engagement with the Aboriginal peoples.
1.2.3	Facilitate and encourage collaborative relationships with Aboriginal and Community Controlled Organisations (ACCOs) to address key barriers to access children's and family services and build a stronger cultural connection.	Manager Children & Family Services	30%		The AMCHI project is progressing well with families being able to have access to resources and supports which are culturally safe within the MCH visits.
1.2.4	Increase participation of Aboriginal families in early years services, with a focus on maternal and child health and kindergarten services.	Manager Children & Family Services	30%		Early Years Intake Worker commenced, services are currently working through Reconciliation Plans for each early years service in consultation with elders in the community.
1.2.5	Increase community awareness of, and promote, Aboriginal heritage, culture and sites of significance.	Manager Community Policy & Planning	50%		Pirtup Meereengeeye (Sandpiper Country) meeting place concept has been designed at Lake Pertrobe in partnership Aboriginal young peoples in the community to practice cultural traditions, celebrate and share cultural knowledge, and become a place of inspiration and reconciliation. This project has provided an opportunity for young people to lead, have ownership of the space while sharing their own stories and important cultural elements of the Maar Nation with the wider community.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

Withdrawn

5



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Objective 3: HEALTH & WELLBEING: Council will take action to improve health, wellbeing and safety outcomes for Warrnambool's community.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
1.3.1	Develop and implement the Municipal Health and Wellbeing Plan 2021-25.	Manager Community Policy & Planning	50%		Council has endorsed the Healthy Warrnambool Plan 2021-25 in October 2021. There are five priority areas:- Physical Health, Social and Emotional Wellbeing, Prevention of Family Violence, Reduced Harm from Alcohol and Other Drugs, and Increased Resilience and Safety from Impacts of Climate Change. The Plan is being implemented through a Community of Practice model in partnership with stakeholders. In areas of Alcohol Harm Reduction, a Local Drug Action Team has been formed, currently coordinated by the SouthWest Primary Care Partnership with funding from the Alcohol and Drug Foundation. A communication campaign is being planned to raise awareness about the harmful effects of alcohol with particular focus on the guidelines developed by the National Health and Medical Research Council. For Prevention of Family Violence, Council partnered with Brophy Family and Youth Services to deliver the 16 Days of Activism Campaign funded by MAV and the Domestic Violence Resource Centre through the Signal Respect program. The program used art to engage people in a collaborative conversation about gender stereotypes. This project included an art competition, a youth focused exhibition and social media campaign based on the themes: Respect, Equality, Accountability, and Empowerment. In areas of Physical Health, Council is partnering with the Stephanie Alexander Kitchen Garden Project to deliver a healthy eating program through its early years services. A communication campaign around healthy eating and active living is currently being developed in collaboration with stakeholders. In areas of Social and Emotional Wellbeing, Council has secured funding from WestVic Primary Health Network to deliver a social prescription program aimed at increasing social connections and active lifestyles for people.
1.3.2	Achieve compliance with the Child Information Sharing and Family Violence Information Sharing reforms.	Service Manager Early Years Learning and Developme	40%		Existing policies to be reviewed to incorporate Multi Agency Risk Assessment Management Framework. Continued training for new and existing staff.
1.3.3	Improve children and families' health and wellbeing through attainment of targets set by the Healthy Achievement Program.	Service Manager Early Years Learning and Developme	50%		Centre Based Child Care services have completed the menu assessment by the Healthy Eating Advisory Service. All 13 early years services have will complete Smiles 4 Miles program during the year.
1.3.4	Deliver culturally safe early years services.	Service Manager Early Years Learning and Developme	50%		Continuing to deliver the Indigenous Language Program to all 4 year old & 3 year old programs.

Completed	Progressing	On Hold	Not Progressing	Not Completed	Withdrawn
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Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
1.3.5	Develop and implement an Aquatic Strategy, including a new business model for AquaZone, to guide the improvement and strategic use of facilities to increase community participation in physical activity.	Aquazone Service Manager	25%		No further action has been undertaken currently. Funding is required to progress.
1.3.6	Develop an AquaZone fitness and program that supports and encourages wellbeing and water safety.	Aquazone Service Manager	50%		Due to COVID constraints till November we have been limited on implementation of the marketing plan that was developed. New programs in fitness such as Rapid Fit, and a 3 week intensive Learn To Swim program were introduced to help the community access programs. This appears to have positively impacted attendance and enrolment numbers to date. Normal programming is all back in place allowing access to over 60 Group Fitness classes weekly, and approximately 100 hours of LTS weekly.
1.3.7	Establish a plan to assist gymnastics to move to a sustainable business model.	Service Manager Warrnambool Stadium	25%		The club continues to explore alternate models for operations at the Gymnastics Centre. Council officers continue to assist the club in realising opportunities with programs and resources at the centre.
1.3.8	Increase community participation in active recreation.	Recreation Planner	50%		Council managed recreation facilities have continued to operate whenever possible within Covid guidelines and restrictions. The definition of "community sport" has been varied with State Sporting Associations divided on vaccination requirements and regulations. This has been an issue for our sport and recreation community, especially for indoor and outdoor sports.
1.3.9	Develop systems and policies that maximise the use of the Warrnambool Stadium.	Service Manager Warrnambool Stadium	55%		The Pandemic continues to impact on Stadium operations and opportunities for the Community to access the Stadium for sports and events. A new Stadium court hire licencing model has been developed and will be implemented with resident sports at the beginning of 2022. The Warrnambool Stadium's facility management system used for point of sale, bookings and reporting is to be reviewed with consideration to be given to an updated version or alternate provider expanding functionality and access for the Stadium team, user groups and customers.
1.3.10	Increase connection with children up to school age through outreach Maternal and Child Health Key Age Stage visits to early years services.	Service Manager Early Years Intervention & Support	5%		The increased connection was to include a new MCH model which takes MCH to early years services to assist families finding it difficult to get to MCH appointments in clinics, ensuring children don't miss out on any key age stage visits, and is completed with parents' permission. Will reactivate once COVID-19 staff shortages ease, planning recommencing.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

Withdrawn

7



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
1.3.11	Support vulnerable families with young children through the enhanced Maternal and Child Health service.	Service Manager Early Years Intervention & Support	40%		Continuing to deliver EMCH throughout the pandemic with PPE and risk assessment.
1.3.12	Provide a broad range of programs for older members of our community.	Manager, Capacity, Access & Inclusion	80%		<p>Archie Graham continue to offer a range of activities for older members in our community including hydrotherapy, and group fitness classes. WCC partner with Senior Citizens group to support the delivery of their scheduled programs through access to facilities and administration support. Many social connection activities are accessible including movie sessions, theatre trips, Out and About bus, and Café meals program. Community are encouraged to visit the Archie cafe and enjoy free tea/coffee wifi and newspaper.</p> <p>The Community Care team offer a range of home and community services to support individuals to remain living independently at home. Domestic assistance, community support, personal care and home/garden maintenance.</p> <p>The 'Celebrate' senior festival golden dance party, was a huge success with approx. 80-100 participants. Other senior week activities included the community garden trip. Archie patrons and staff participated in the Mental Health Week Walk in partnership with Wellways.</p>
1.3.13	Maximise use of sportsgrounds and associated recreational facilities through ensuring shared use, where appropriate.	Recreation Planner	25%		Club consultation has commenced, Reid Oval tenants have been briefed on the policy and new fee model. Remaining sports ground tenant consultation is scheduled for February/March 2022. Winter sport ground allocations for 2022 open 12 February in Reserves Manager.

Objective 4: ACCESSIBLE CITY: Council will improve the physical and social accessibility to community services, facilities, places and precincts.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
1.4.1	Complete the principal pedestrian network to guide the footpath construction and improvement programs.	Director City Infrastructure	80%		The Principle Pedestrian Network document has been discussed at Informal Council meetings and has been advertised for public comment. The document is nearing completion.
1.4.2	Investigate accreditation of Warrnambool based on the UNICEF Child Friendly City Status.	Manager Children & Family Services	20%		Currently working on an action plan to understand the components and roles needed to achieve the status.
1.4.3	Meets the current and future needs of our growing population, programs and services through updated	Manager Community Policy & Planning	5%		A brief is being prepared to review the Community Services Infrastructure Plan, with key census data being considered. This will inform planning of neighbourhood community infrastructure assets.

Completed	Progressing	On Hold	Not Progressing	Not Completed	Withdrawn	8
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Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
	Community Services Infrastructure Plan.				
1.4.4	Implement the objectives set out in the Early Years Compact Agreement.	Service Manager Early Years Intervention & Support	15%		Progress made in reinvigorating a more robust notification process with relevant bodies.
1.4.5	Implement the Multiple Agency Risk Assessment and Management (MARAM) framework within all Early Years programs.	Service Manager Early Years Intervention & Support	5%		Awaiting MAV guide release delayed due to COVID-19.
1.4.6	Implement plans to improve the accessibility and user-friendliness for aged and those with a disability to Council owned community facilities.	Manager, Capacity, Access & Inclusion	70%		<p>The newly developed Accessibility Capital Fund application was distributed to a broad range of Council staff. Providing an opportunity to raise awareness about impacts of living with a disability, the application process identified projects that would assist Council to comply with the Disability Discrimination Act 1992, the Disability Act 2006 and the relevant Australian Standards; and remove barriers that prevent people living with disability from fully participating in community life.</p> <p>A new HACC PYP program promotion pack was created in consultation with local service providers. The promotional material in the program pack includes information about eligibility, availability of services and referral guide. Referrals to HACC PYP program have had a significant increase as a result of this program.</p>
1.4.7	Increased access for people with disabilities by upgrading Council infrastructure through recurrent capital funding.	Manager Facilities & Projects	40%		Facility upgrades have accessibility as a high priority within the planning for improvements and renewals. It has been identified that projects would benefit from input from the Facilities team, during the design phase to lead to suitable outcomes.
1.4.8	Maintain the delivery of high-quality services to enable people to remain as independent as possible in their own homes.	Service Manager Community Support	75%		<p>Home Support: Home support has continued through the last quarter of 2021 despite restrictions imposed under the COVID-19 regulations, staff shortages and reduced administrative support due to enforced isolation after testing positive to COVID-19. Home Care has been triaged to ensure that enough staff have been available to maintain our commitment to Personal Care which has been seen as the priority service. Clients themselves have decided to suspend services to minimise the risk of exposure to the virus. Staff have undergone training in the uses of specific PPE when in line with department of health guidelines and additional PPE is being sourced, specifically for eye protection additional mask protection (N95 masks).</p> <p>Social Support: The social support services have been limited due to the impact of COVID-19. Many of the participant have chosen to self isolate, spots on our "out &</p>



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					<p>about" bus have been limited to 10 and in-house group activities have been cancelled. Our support staff have carried out "over the phone" contacts with many of our clients to ensure social connection have been maintained.</p> <p>Home Maintenance: A significant delays exist with in home modification as a result of a back log in Occupational Therapist assessment of the clients requirements. Council officers will work with the appropriate organisation to try and address this back log.</p> <p>Internal Management: Current management are undertaking a review and documentation of the current work practices in the department ensure that work task are being carried out efficiently and reflectivity. The review is currently focused on the development of a robust intake tool and process document for this activity.</p>
1.4.9	Increased engagement of young people aged 12-25 years in youth development programs and activities.	Youth Development Planner	80%		<p>Youth Council - 8 people participating in fortnightly meeting during school term; platform for advocacy and youth-led initiatives.</p> <p>Youth Council Mental Health Campaign - Annual youth-led Mental Health campaign. Material revised for COVID recovery, inc. 5 animations shared online (>13,000 views), 6000 postcards distributed to secondary school students, posters shared with schools.</p> <p>Merri River School RUOK Day Celebration - 175 Student led recreation and wellbeing day to celebrate rescheduled RUOK Day in Term 4.</p> <p>Green Futures Now- 6 participants. Youth led environmental leadership program.</p> <p>Multicultural Leadership Group - 25 participants from year 7 - 12 at Warrnambool College. Development of a Cookbook based on family/traditional recipes.</p> <p>Signal Respect- partnership with Brophy; received funding from "Respect Vic" MAV -Vic. Domestic Violence Resource Centre. Social media campaign, art competition, and display at Library for 16 Days of Activism, based on the themes: Respect, Equality, Accountability, and Empowerment.</p> <p>Gentleman- partnership with Warrnambool East Primary School for 16 Day of Activism. Live art event and auction. Funds raised for Emma House.</p> <p>South West Emerging Leaders- 8 Graduations of personal development and mentoring program for year 11 students.</p> <p>Laneway Art thing 3.0- part of Warrnambool & Moyne Youth Showcase, rescheduled to virtual delivery. 17 participants; 685 views.</p>



Warrnambool City Council Activities & Initiatives

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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					End of Year Pool Party- partnership with Brophy & Aquazone. Free event with DJ. 59 participants. The Push All Ages Tour - 6 members in event planning crew meeting fortnightly; 12 local bands/performers entered online comp: Maddie Jackway & Snakes Don't Need Keys selected by headline acts.
1.4.10	Implement an accessibility audit of Council playgrounds.	Director City Infrastructure	15%		The oversight of playgrounds is transition to the Recreation and Culture Team and the Strategic Asset Team will assist with the process and this includes the accessibility audit.

Objective 5: RECREATION, ARTS, CULTURE & HERITAGE: Council will support opportunities to participate in a wide range of recreational, arts and cultural activities that promote activity, wellbeing, diversity and heritage, and grow connectedness across the community.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
1.5.1	Deliver the Lake Pertobe Building Better Regions program of projects along with the carpark renewal and upgrade funded through Local Roads and Community Infrastructure Program.	Director City Infrastructure	65%		Water play-space and general play-space contract works have commenced with a target completion date of September 2022.
1.5.2	Complete the Playspace Strategy for community playgrounds and spaces.	Director City Infrastructure	40%		Strategy still required but many of the issues relating to renewal have been solved through funding increases in previous budgets. Asset Team will work with Recreation and Culture Team on the development of the strategy.
1.5.3	Deliver a Lighthouse Theatre program including the annual Primary Performers program, and implement strategies that encourages our community to experience, create, celebrate and participate in the performing arts with a focus on youth (13-25) and the disadvantaged community.	Service Manager Lighthouse Theatre	50%		A full 2022 Theatre Season was developed and launched on 9 December 2021. The new season contains 21 main performances, 6 education/family performances and 5 morning music performances. Early ticket sales are strong and the feedback from our patrons & members following the launch was overwhelmingly positive. The under 25 ticket pricing program has continued in this new season, and further marketing strategies are underway to target programming into this youth cohort. A new Primary Performers program has been locked in (performing Annie Jr) and will commence rehearsals from February 2022, with performances in June 2022.
1.5.4	Develop and implement audience engagement and marketing strategies, including a membership program, to increase participation in performing arts presentations and	Service Manager Lighthouse Theatre	75%		The new Lighthouse Theatre membership program was launched as part of the 2022 Theatre Season launch in December 2021. The membership has been very popular since launch, with 148 returning past subscribers converting to members, and 41 new member signing up since the launch. The program will continue to be promoted as we



Warrnambool City Council Activities & Initiatives

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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
	seasons at the Lighthouse Theatre.				continue to action marketing campaigns as part of the Theatre Season.
1.5.5	Deliver Warrnambool Art Gallery exhibitions and experiences that engage community, attract and increase visitors, support artists and build new audience.	Art Gallery Director	60%		5,500 people attended the WAG Wallawar Festival. Activities were accessible and reminded everyone of the value of connection, creativity, and innovation through the work of 90 participating artists.
1.5.6	Deliver a library program of events and activities that supports lifelong learning and social inclusion.	Service Manager - Library & Learning Hub	50%		Comprehensive program of library events and activities was developed to be delivered from 1st July 2021. Ability to deliver has been limited by COVID restrictions, however program has been very well received by community. Programs are included for all demographics and provide opportunities that support social inclusion, literacy, life long learning and critical thinking.
1.5.7	Develop a Cultural Strategy for Warrnambool.	Manager Recreation & Culture	65%		Draft Strategy and consultation plan has been prepared for action in Q3.
1.5.8	Development and implement policies and strategies to maximize use of community assets in areas of art and culture.	Manager Recreation & Culture	50%		Consultation with existing users groups has progressed. A draft paper has been presented to the Executive Management Team.
1.5.9	Support community organisations to improve participation opportunities that support health and wellbeing, social, cultural and recreational outcomes through Council's community funding programs.	Manager Recreation & Culture	100%		Community Development Fund 2020/2021 round contributed to 54 sports and recreation, arts and culture, events and festivals or environmental and sustainability community groups. Totally funding distributed \$218,131. Funding supported projects that increased participation or supported club sustainability.

Objective 6: COMMUNITY LEARNING PATHWAYS: Council will support and encourage lifelong learning that helps build community resilience and preparedness for change.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
1.6.1	Relaunch the Warrnambool City Library under Council Management through a reinvigorated range of activities and programs.	Manager Recreation & Culture	100%		The Warrnambool Library was successfully transitioned from the Corangamite Regional Library Corporation from 1 July 2021.
1.6.2	Deliver the new Warrnambool Library.	Manager Recreation & Culture	50%		Construction is progressing well, on budget and on target to open September 2022. Covid impacts have been minimal. Project is not affected so far by supply issues.
1.6.3	Deliver library early years programs that support language and literacy	Manager Recreation & Culture	0%		Duplication Outcomes provided in 1.5.6



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
	development and parental efficacy.				
1.6.4	Deliver library programs that develop literacy in all its forms and encourage a love of reading and life-long learning.	Manager Recreation & Culture	0%		Duplication Outcomes provided in 1.5.6
1.6.5	Advocate for opportunities to ensure staff have access to high quality professional development opportunities that support community's needs.	Manager Children & Family Services	30%		Staff in early years services are involved in a community of practice coaching and mentoring program for early years staff with Catharine Hydon, Recognised specialist within the sector.
1.6.6	Deliver Three Year Old kindergarten across services to ensure children have access to 2 years of kindergarten before school.	Service Manager Early Years Learning and Developme	100%		3 year old kindergarten groups commenced in February 2022 across 8 sites.
1.6.7	Maintain and further develop Council's partnership with Deakin University to enable research and development opportunities for community and industry.	Director City Growth	50%		Council has been facilitating a Planning Schemes Amendment C209warr to rezone the eastern-most part of the Deakin University Warrnambool Campus Warrnambool from the Farming Zone to the Public Use Zone 2 (Education) and include the entire Deakin University Warrnambool Campus within Warrnambool's urban settlement boundary. These changes are designed to address some anomalies in zoning with the campus site.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

Withdrawn

13



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

GOAL 2: A SUSTAINABLE ENVIRONMENT: We will protect and strengthen local ecosystems, enhance biodiversity and enable sustainable communities.

Objective 1: NATURAL ENVIRONMENT: Council will enhance open spaces and infrastructure that support a healthy community, wildlife, flora, fauna and biodiversity.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
2.1.1	Develop and implement Pest Plant and Animal Management Framework for the control of environmental weeds and pests.	Coordinator Natural Environment	25%		Implementation of the Fox Action Plan is ongoing within the Warrnambool Coastal Reserve. The Fox Action Plan is a component of a broader Pest Plant and Animal Management Framework for the control of environmental weeds and pests. Planning and development of the Pest Plant and Animal Management Framework is underway and will continue to be progressed in 2022.
2.1.2	Develop and implement strategy and programs that improve biodiversity and protect and enhance flora and fauna.	Coordinator Natural Environment	35%		A suite of projects, programs and strategy development is underway and includes the Wild Warrnambool Bioquest, The Middle Island Project, review of the Warrnambool Revegetation Policy and Guidelines, trail program of the Warrnambool Gardens for Wildlife and implementation of the Wild Coast Landscape Master Plan.

Objective 2: WATER & COASTAL MANAGEMENT: Council will protect and enhance the health of Warrnambool's coastline and inland waterways to protect and improve biodiversity.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
2.2.1	Implement the Domestic Waste Water Management Plan to improve health and environmental outcomes for our community.	Coordinator Environmental Health	5%		Environmental Health Officers have commenced updating the wastewater records system. This will include onsite inspections of original installations and alterations. Officers will be attending the practical component of the Land Capabilities Course in March 2022.
2.2.2	Investigate water use opportunities to improve water resource management.	Director City Infrastructure	25%		Detailed designs for the upper catchment works on the Japan Street catchment have been completed and cost estimates provided. Negotiations with the Integrated Water Management Group hosted by Wannon Water are on going regarding funding.
2.2.3	Implement the Warrnambool Coastal Management Plan to guide the future use, development and management of Warrnambool's coastline.	Coordinator Natural Environment	40%		The implementation of the Warrnambool Coastal Management Plan is ongoing and includes implementation of the Wild Coast Landscape Master Plan which will commence in 2022.
2.2.4	Implement the Moyjil- Point Ritchie Conservation Management Plan.	Coordinator Natural Environment	45%		Implementation of the Moyjil-Point Ritchie Conservation Management Plan is overseen by the Moyjil Advisory Committee and is ongoing.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

Withdrawn

14



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Objective 3: MINIMISE ENVIRONMENTAL IMPACT & THE IMPACT OF A CHANGING CLIMATE: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
2.3.1	Investigate new technologies to reduce waste from landfill towards zero waste to landfill.	Coordinator Local Laws Traffic Fire & Animal Contr	75%		Following the adoption of the waste strategy, Council will continue to meet with Deakin University, and all relevant parties to enable continued improvement and instigation of new ideas, toward a sustainable community.
2.3.2	Deliver the Smart Buildings energy efficiency program to reduce greenhouse gas emissions and utilise renewable energy.	Coordinator Natural Environment	60%		The delivery of the Smart Buildings Program is well advanced and completed projects include LED lighting upgrades at Archie Graham, LED lighting upgrades at the Caravan Parks, trial of electric mowers, feasibility and design of the Solar Panels for Civic buildings and the installation of smart water meters to monitor water usage at facilities and reserves. Projects under development include pool blanket at Aqua Zone, solar at the ARC Stadium and EV charging stations.
2.3.3	Facilitate and support the delivery of climate change mitigation, adaptation and resilience actions to raise awareness and prepare for a changing climate.	Coordinator Natural Environment	30%		Warrnambool City Council led the establishment of the Barwon South West Climate Alliance which will provide an avenue to progress climate change mitigation, adaptation and resilience actions and programs.

Objective 4: WATER RESOURCE MANAGEMENT: Council will promote and encourage awareness of sustainable practices in our work, and the community including water resource management.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
2.4.1	Develop a drainage system litter and contaminants improvement/management plan to reduce gross pollutants into the waterways.	Director City Infrastructure	15%		This project will continue once staffing positions are filled in the Strategic Asset Team.

Objective 5: WASTE MINIMISATION: Council will pursue programs to minimise waste throughout the community, industry and promote the benefits of reduction, reuse and recycling of materials.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
2.5.1	Reduce contamination of recyclable materials.	Coordinator Local Laws Traffic Fire & Animal Contr	90%		The major reduction of public comment received for the Waste Strategy, indicates the general acceptance and importance of the 4 bin system by the residents of Warrnambool. Council will continue to work with Community groups and schools, to promote/educate the importance of recycling.
2.5.2	Ensure financial efficiency and meeting financial targets by developing a	Coordinator Local Laws	95%		The waste strategy was advertised for public comment. All submissions have been



Warrnambool City Council Activities & Initiatives

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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
	Waste Management Asset Management Plan and Strategy.	Traffic Fire & Animal Contr			acknowledged, and the the strategy will be presented to Council in March 2022.

Objective 6: AWARENESS & CELEBRATION: Council will foster community awareness and recognition of the benefits of positive outcomes for Warrnambool's environment.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
2.6.1	Promote awareness and celebrate the outcomes of environmental work including actions that align with the Green Warrnambool plan.	Coordinator Natural Environment	30%		The Community Development Fund acknowledges and celebrates the significant work undertaken by community groups and volunteers with positive outcomes for Warrnambool's environment within the sustainability and environment grant category.
2.6.2	Monitor and manage organisational greenhouse gas emissions and energy usage.	Coordinator Natural Environment	50%		Councils greenhouse gas emissions and energy usage continues to be monitored and managed in partnership with Service Providers and Facility Managers. Council is part of the Victorian Energy Collaboration (VECO) where 40% of Councils electricity will be provided by renewable energy.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

Withdrawn

16



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

GOAL 3: A STRONG ECONOMY: We will support a resilient local and self-sustaining regional economy that encourages economic growth and provides increased employment opportunities attracting ongoing investment.

Objective 1: BUILD ON COMPETITIVE STRENGTHS: Council will support initiatives that foster ongoing development and investment in the industries which underpin Warrnambool's economic strengths and comparative advantages.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
3.1.1	Implement Development Plans and Developer Contributions Plans to provide future resources for improved infrastructure across the municipality.	Coordinator City Development	50%		<p>Development Plan applications and Development Plan amendments continue to be processed and determined by Council, being:</p> <ul style="list-style-type: none"> - 15 Dales Road . - 147 Wollaston Road <p>Council approved 119 Bridge Road in Woodford and a permit has since followed for a multi-lot subdivision.</p> <p>Numerous development applications have been received for subdivision in the growth areas. Where relevant permits include conditions triggering contributions payable in accordance with the relevant DCP.</p> <p>The planning department is developing efficiencies in processing plans to comply to assist developers meet their permit requirements and bring forward land in a timely manner.</p>
3.1.2	Develop programs and collateral to promote Warrnambool as an appealing investment destination.	Manager Economic Development	55%		<p>"Look Around Warrnambool" infographic collateral has been designed which encompasses statistics and information around Workforce & Income, Population & Planning, Tourism Spend, Household and Public Spending, Vacant Properties, Zoning Maps and Statistics Snapshot. This infographic will be updated with the latest (two months in arrears) Spendmapp data in Q3.</p> <p>Council has developed an Investor Visit in collaboration with Martin Ginnane & Associates, under which the CEOs, Executive Directors, Managing Directors etc. of Cushman Wakefield, Australian Retailers Association, Large Format Retailing Association, Australian Sporting Goods Association, Plane 1 Project Management & Consultancy, Colliers, ISPT, CBRE, Ainsworth Property and RPC Property Group were invited to visit Warrnambool. This investor visit has had to be postponed on several occasions due to COVID-19 travel restrictions placed on Metropolitan Melbourne in Q1 and Q2. The investor visit will proceed on dates convenient for the investors, most probably in Q4. Prior to this visit, the infographic collateral will be updated with the latest available statistics and information. It is envisaged that Q3 or Q4 will see</p>



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					Council embark on a project to create an Investment Prospectus for Warrnambool.
3.1.3	Grow engagement with local businesses across the municipality.	Manager Economic Development	65%		Engagement with local businesses continued and increased in Q2, with the continuation of the COVID-19 Business Concierge and Hospitality Support Program (Business Support Officer working three days per week) adding to the existing levels of engagement by Council via the EcoDev Business Support Program. The COVID-19 Business Concierge and Hospitality Support Program fosters engagement with local businesses (in particular Hospitality, Tourism, Independent Retail and Event Management Businesses through in-person visits, phone calls and emails.

Objective 2: EMERGING INDUSTRIES: Council will encourage emerging industry sectors that contribute to Warrnambool's economic growth and diversity.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
3.2.1	Facilitate and partner in initiatives to progress the implementation of the Great South Coast Economic Futures Plan, including the development of renewables in Warrnambool and the Great South Coast region.	Director City Growth	50%		Council continues to work with government and industry partners across the region to identify significant and practical paths to higher value, greater productivity and skilled job creation across the region. These include opportunities such as green hydrogen, reform in renewables generation and transmission across the region, higher-value food and value-adding with fully-secure water supply, greater targeted higher education and training support to these sectors, high-value tourism, especially in hot springs and indigenous cultural tourism; and wider region collaboration for scale in these sectors. Council has been facilitating a planning scheme amendment for the Deakin University site to rezone the eastern-most part of the Deakin University Warrnambool Campus from the Farming Zone to the Public Use Zone 2 (Education) and include the entire Deakin University Warrnambool Campus within Warrnambool's urban settlement boundary.
3.2.2	Review and implement the Warrnambool Economic Development and Investment Strategy to facilitate investment and employment growth across the Warrnambool municipality.	Manager Economic Development	10%		Planning is under way for the new Warrnambool Economic Development and Investment Strategy and grant funding opportunities are being explored.
3.2.3	Facilitate and promote business support initiatives to grow the local economy.	Manager Economic Development	60%		During Q2 Council communicated all Federal and State Grant Funding opportunities to all Warrnambool businesses registered for the EcoDev Business Support eNewsletter (approximately 960 businesses), including its One-on-One Small Business Mentoring Sessions (delivered by Small Business Mentoring Service), Small Business Victoria's Generating Cashflow Workshop, Small



Warrnambool City Council Activities & Initiatives

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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					Business Bus Warrnambool (featuring free 45-minute coaching sessions with the Rural Financial Counselling Service), Xmas Sparkle Campaign (including Black Friday "Buy Local" campaign), the Events & Promotion Team's Level Up event (Grant Writing, Event Marketing) in partnership with Department of Jobs, Precincts and Regions, the Victorian Tourism Industry Council's "Reopening Series" (Customer Aggression Management Training, Visit Victoria Industry Initiative and Back To Work Wellbeing Workshop), the Victorian Government's COVID Safe Outdoor Activation Voucher Program, Innovate with NBN Grant Program in partnership with the Regional Australia Institute, Business + Bookkeeping Workshop (Council in partnership with The Hive at South West TAFE), DJPR Sector Specific COVIDSafe Briefings, launch of improved What's On in Warrnambool website including registration of events, Victorian Government's EV Charging for Business Fleets (EVCBF) and Great South Coast "Localised" Christmas Bonus for Business Competition. Promotion of the Local Councils Outdoor Eating and Entertainment Package (LCOEEP) to encourage Warrnambool residents to "Eat Outdoors. Drink Outdoors. Be Entertained Outdoors!" continued throughout the duration of Q2 on radio stations 3YB and 93.5 COAST FM.
3.2.4	Plan for the development and implementation of precinct structure plans to facilitate investment in appropriate development across the municipality.	Coordinator City Strategy	60%		The East of Aberline Precinct Structure Plan is progressing under the lead of the Victorian Planning Authority. Technical reports and studies are currently underway for flooding and drainage, with detailed traffic modelling to commence in 2022. Implementation of the Hopkins / Coastal, North Dennington and North of the Merri structure plans continue with subdivision and development occurring at a growing rate. The Allansford Strategic Framework Plan has been adopted with an implementation plan currently being developed. External funding has recently been successful to implement the Allansford Strategic Framework Plan, including developing technical studies for traffic, drainage and flooding. External funding has also been successful to develop a strategic framework plan for Bushfield/Woodford.

Objective 3: VISITOR GROWTH: Council will facilitate Warrnambool's visitor growth and year-round visitation through industry development, effective destination management and promotion of attractions and experiences leveraging key events.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
3.3.1	Review and implement the Warrnambool Destination Action Plan in partnership with Great Ocean Road Regional Tourism and industry.	Manager Economic Development	5%		It was intended to convene Industry Operators for consultation around the Destination Action Plan in Q1 subsequent to the VTIC Visitor Information Services Summit, and to be co-facilitated by Council and Great Ocean Road Regional Tourism. Due to changes in COVID-19 travel restrictions in Q1 and



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Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					Q2, the VIS Summit was postponed to October, and then had to be postponed again until late November. With the support of GORRT a consultation and engagement program is being developed to progress the Destination Action Plan in the calendar year 2022.
3.3.2	Increase visitation with events across the year and enhance the profile of Warrnambool as a destination.	Service Manager, Events & Promotion	50%		<p>Following the strict COVID-19 event regulations that had been in place in Q1, Q2 saw the relaxation of regulations and an increase in events going ahead. Events were able to proceed and were assisted with the additional funding in place and permit waivers offered by Council in order to assist events getting off the ground. Travel restrictions were still in place, however events that went ahead all had a very high participation, including an increase of attendance from locals and new events.</p> <p>Two new events that are likely to become annual large events include the Warrnambool Rodeo and Downtown Festival. Both will attract visitation and plan to continue to grow with the return of national and international travel.</p> <p>Council delivered "Level Up" a new conference for businesses and event managers using funds received from the DJPR regional fund. Catriona Rowntree was the host and whilst attendance was primarily from local business and community, which it was designed to be, Catriona posted images and stories of Warrnambool on her social media of over 68K followers.</p>
3.3.3	Develop and share economic data and analysis to business and industry to inform the performance of the Warrnambool economy.	Manager Economic Development	50%		<p>Council continues to use Spendmapp, Remplan, ABS data, AU Government's Labour Market Information Portal etc. to monitor economic performance. The Tourism data dashboard will include existing data sources such as visitation through the VIC, Day & Night Attendance at Flagstaff Hill, National Visitor Survey (NVS), International Visitor Survey (IVS), Australian Accommodation Monitor, Tourism Satellite Accounts and STAR Reports (STR Global's dSTAR Report - Hotel Intelligence Performance).</p> <p>Great Ocean Road Regional Tourism/Tourism Greater Geelong & The Bellarine (TGGB) have applied for grant funding under RDV's Investment Fast Track Fund in order to realise the BSW Visitor Economy Investment Dashboard, based on the tourism data platform VisScope, developed by NEM Australasia under an Austrade-sponsored BRII Proof of Concept grant during which consultation was undertaken with tourism stakeholders including investors, developers, RTOs/RTBs, LGAs, policy makers and Operators. Business Engagement Measures, Changes in GRP, Number of New Business Registrations, grant funding secured, Event Participation, Social Media Community and Engagement Growth and Regional Data Sets from the ABS (Population and People, Economy and</p>



Warrnambool City Council Activities & Initiatives

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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					<p>Industry, Income, Education and Employment, Health and Disability, Land and Environment), Number of New Residential Building Approvals, Regional Population Change by LGA.</p> <p>The ECONOMIC ANALYSIS OF FOOD + FIBRE IN THE GREAT SOUTH COAST Report (Great South Coast Inc.) was completed in the final week of Q2. This report will inform other elements of the data dashboard such as employment, household income, household expenditure and components of GRP by industry.</p>
3.3.4	Increase community participation in the delivery of a diverse range of events through a grants program.	Service Manager, Events & Promotion	50%		25 events were processed during quarter 2, 6 were financially supported by the Community Development Fund or recurrent events and promotions budget, another 4 additional new events were financially supported by the newly created Activate Warrnambool Fund. This additional funding stream saw 5 new events take place in Warrnambool, that would have not otherwise have taken place. This includes the Warrnambool Rodeo, Downtown Festival, Hidden and CircFest. Total attendance across these for events exceeds 5,000.
3.3.5	Participate in the establishment of the Great Ocean Road Coast and Parks Authority to protect and manage visitation of the Great Ocean Road Coast and Parks.	Director City Growth	40%		Established in late 2020 the Great Ocean Road Coast and Parks Authority's primary purpose is to protect and manage visitation of the Great Ocean Road Coast and Parks. Council continues to engage in workshops with the authority, more recently on the development of an asset methodology to better understand the asset needs and service levels across Crown Coastal land in the region.

Objective 4: WORKFORCE CAPABILITY: Council will foster the development of a workforce capable of supporting the needs of the local and regional economy.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
3.4.1	Deliver the Designated Area Migration Agreement (DAMA) representative role for the Great South Coast region and the Regional Certifying Body function on behalf of the Great South Coast.	Designated Area Migration Agreement Coordinator	55%		<p>In the 3rd year of the GSC DAMA Agreement which commenced 26/03/21 we have to this point endorsed 7 new businesses for a labour agreement across 4 LGA's (Moynock x 4 W.Boon x 2 Corangamite x 1 Colac Otway x 1) for a total of 13 workers to be employed.</p> <p>The occupations requested and the worker numbers to be employed are: *Truck Driver x 1 *Mechanic x 3 *Dairy Position x 7 *Cook x 1 *Ag & Hort Mobile Plant Operator x 1</p> <p>A Deed of Variation (DoV) is required for businesses previously endorsed and approved for a labour agreement when seeking to recruit workers in subsequent years. This year has seen 4 businesses endorsed by the GSC DAMA for a DoV</p>



Warrnambool City Council Activities & Initiatives

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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					<p>across 4 LGA's (Glenelg Shire, W.Boo, Corangamite & Moyne) for a total of 16 workers to be recruited and employed.</p> <p>The occupations requested and the worker numbers from Dov requests to be employed are:</p> <p>*Dairy Postions x 13</p> <p>*Mechanic x 3</p> <p>Overall in year 3 we have to date endorsed the recruitment of 29 workers across 11 businesses.</p> <p>This week we had verbal advice the Minister for Immigration has a signed off on variations we had requested to our DAMA Agreement including:</p> <p>*Adding aged care, child care and mariculture occupations to our list</p> <p>*Age limit being increased from 45 to 50 years</p> <p>Since the GSC DAMA began in March 2019 we have endorsed 26 businesses for a labour agreement for a total of 164 workers. Dairy farms now account for 13 of the 26 endorsed businesses.</p>
3.4.2	Partner on projects and initiatives with Deakin University Warrnambool and South West TAFE that help provide a skilled workforce that meets local industry needs.	Manager Economic Development	50%		The Connecting With Asia Program in collaboration with Deakin University Warrnambool (and four other LGAs) concluded in Q1. Council delegates visited Deakin University during Q2 to meet with the Hycle Team, share information and discuss partnership project opportunities for 2022. Council is assisting Deakin University with industry engagement in the manufacturing sector to identify research and innovation opportunities and to potentially access State and Commonwealth funding programs.
3.4.3	Deliver education and advisory services to business and industry to raise awareness of building, planning and heritage requirements.	Coordinator City Development	75%		Council's Heritage Advisory Service is being maintained adhering to COVID-19 restrictions in Victoria and South Australia (where the advisor is based). The service continues to be used frequently including via an online platform e.g zoom. Permit activity within the heritage areas continues to be strong. The services is proving essential with several large projects in Warrnambool including the Callaghans site redevelopment, Stanley Street bridge replacement and pre-application advice on other redevelopment sites within the city. The website has recently been updated and there is an opportunity to add content on the planning pages on frequently asked questions and design guidelines.

Objective 5: DIGITAL CAPABILITY: Council will facilitate greater digital capability.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
3.5.1	Participate in the implementation of the Great South Coast Digital Plan to address connectivity issues for industry and households.	Director City Growth	45%		The Great South Coast Digital Plan identifies gaps in the region's current digital infrastructure and makes recommendations on how these gaps can be addressed. As part of this regional implementation, Warrnambool is developing its own digital strategy and action plan with funding support



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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					from Regional Development Victoria. A consultancy procurement process has been completed in partnership with other participating municipalities and further engagement is expected in early 2022.
3.5.2	Identify and promote investment in digital projects across the Warrnambool municipality to address priority digital infrastructure supply shortfalls, including mobile coverage, and access to business-grade broadband.	Manager Economic Development	40%		The Economic Development Unit represents Council on the Great South Coast Regional Digital Plan. The project aims to developing a digital strategy and action plan for the local government areas of Warrnambool, Corangamite and Moyne. This will provide a strategic approach for the future sequencing of each LGA's digital actions. . Council delegates met with NBN Local Community Engagement Manager - South West Victoria during Q2 for preliminary discussions around potential broadband gaps for Warrnambool Small Businesses.



Warrnambool City Council Activities & Initiatives

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GOAL 4: A CONNECTED & INCLUSIVE PLACE: We will provide quality places that all people value and want to live, work, play and learn in.

Objective 1: EFFECTIVE PLANNING: Council will ensure its planning acknowledges the unique character and attributes of local places, and that it supports social connection, equitable access, appropriate housing and sustainable population growth.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
4.1.1	Deliver the building renewal program.	Coordinator Building Strategy & Services	30%		Building renewal program has commenced and is being reported on in detail via the capital works reporting process.
4.1.2	Develop and adopt a Tree Asset Management Plan including significant and heritage trees.	Director City Infrastructure	90%		Further works required on identification of all significant trees. Tree asset management plan has been adopted by Council. A tree selection and maintenance policy document is to be prepared for Council adoption, once the replacements in the asset team have been recruited.
4.1.3	Complete service level reviews for parks, gardens, roads and drainage services.	Coordinator Municipal Depot Operations	10%		This is completed annually when business plans are reviewed prior to the Budget process. On track for review in January/February 2022.
4.1.4	Review the CBD Parking Strategy including the expansion of off-street parking areas.	Coordinator Local Laws Traffic Fire & Animal Contr	70%		A design is being developed for the land purchased in the vicinity of the new library. The Parking Strategy has been placed on hold due to COVID lockdowns that will effect data collection.
4.1.5	Finalise the Social Housing Planning Project Report to support delivery of social and affordable housing.	Coordinator City Strategy	100%		Implementation plan has been finalised and reported to Councillors in January 2022.
4.1.6	Deliver the redevelopment of Reid Oval.	Manager Recreation & Culture	95%		Project has been delayed due to COVID-19 related staffing issues. The project is expected to be completed within budget. Reid Oval is complete and sport has resumed. Works to training oval are almost complete through grass will need to establish before training can resume. Practical completion of Pavilion expected early to mid March.
4.1.7	Commence planning of neighbourhood community infrastructure assets.	Manager Community Policy & Planning	10%		The Census 2021 data will be released by ABS in June 2022 and this activity will commence after the release of the Census data. The latest data will form the basis of understanding the characteristics of the Warrnambool community and the need for different neighbourhood community infrastructure assets.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

Withdrawn

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Warrnambool City Council Activities & Initiatives

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Objective 2: CONNECTED COMMUNITY: Council will enhance Warrnambool's connectivity through the delivery of, or advocacy for, improvement to roads, public transport, footpaths, trails and digital infrastructure.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
4.2.1	Advocate for essential safety and road improvements on the Princes Highway West.	Director City Infrastructure	75%		Minor works east of Warrnambool have been completed with some further short sections underway currently. Designs for the section between Warrnambool and Port Fairy continuing with no firm date for commencement of works.
4.2.2	Advocate for improved passenger and freight rail services between the South West region and Melbourne.	Director City Growth	40%		Work on the first stage of the \$114 million Warrnambool Line upgrade is continuing, with signalling upgrades between Waurin Ponds and Warrcoort on track to be completed in coming months. More than 24 kilometres of signalling cable has already been installed, along with eight kilometres of access tracks along the line. The project will upgrade more than 50 public level crossings on the Warrnambool line with improved train technology to detect when VLocity trains are approaching and add boom gates to 17 of these crossings to boost safety for motorists and train passengers. Once complete, there will be no unprotected public level crossings on the line. The new crossing loop at Boorcan and a fifth weekday return service between Warrnambool and Melbourne will come into operation following the completion of signalling and commissioning works along the line. The stabling facility at Warrnambool Station will also be upgraded to house the longer VLocity trains, allowing them to start and finish their journey at Warrnambool. Major construction on the second stage of the Warrnambool Line Upgrade will commence by the end of the year, with the project targeted for completion in late 2023.
4.2.3	Plan for growth and changes in traffic movements by identifying current and future traffic volumes and use this to review the Municipal Road Management Plan and Road Hierarchy.	Director City Infrastructure	0%		Action on hold, awaiting replacement staff in the Asset Analyst and Coordinator roles.
4.2.4	Facilitate the implementation of Cycling Reference Group actions adopted by Council.	Director City Infrastructure	40%		The Cycling Reference Group continues to meet remotely. One of the key actions was to advocate for the re-opening of the Gilles Street rail crossing, which has occurred.
4.2.5	Review City Centre traffic flows with implementation of new pedestrian crossings.	Coordinator Infrastructure Management	65%		Road safety audits and community feedback survey complete. Commencing traffic study and SIDRA analysis shortly when traffic flows increase from COVID-19 restrictions. Traffic survey and analysis arranged for March 2022.
4.2.7	Seek funding for and deliver road safety projects.	Coordinator Infrastructure Management	35%		Application lodged for Lava Street and Kepler Street roundabout and Lava Street Bus Exchange site safety improvements.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

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25



Warrnambool City Council Activities & Initiatives

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Objective 3: STRONGER NEIGHBOURHOODS: Council will fostering neighbourhood connection and capacity building including the development of inclusive recreational and cultural opportunities.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
4.3.1	Implement the key initiatives of the Open Space Strategy, including our review of the strategy.	Coordinator City Strategy	75%		<p>The Warrnambool Open Space Strategy is seven years into its implementation and is progressing on schedule. A detailed progress report was presented to Council in 2021 to highlight achievements to date. Some of the recommendations more recently completed include:</p> <ul style="list-style-type: none"> - a Wayfinding Sign Design Package for the Foreshore, City Centre, and Russell's Creek (with several signs now installed), - investigation of open space opportunities through the Allansford Strategic Framework Plan, - acquisition of new open space adjoining the Merri and Hopkins Rivers, - completion of all recommendations from the Jubilee Park Master Plan at Woodford, - completion of the South of Merri Open Space Precinct Plan. An implementation plan has been prepared for the South of Merri Precinct, with successful external funding recently received to implement works within the Woodend Road reserve and Platypus Park precincts. <p>100% of City-wide recommendations have commenced or are complete, and 78% of precinct-based recommendations are complete or underway.</p>

Objective 4: SUSTAINABLE PRACTICES: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
4.4.1	Identify and regularly monitor condition of Council's built assets to ensure effective management.	Director City Infrastructure	30%		Renewals for current financial year are progressing and condition assessment data will continue to be collected and used to develop individual schedules for each facility (long term goal).

Completed

Progressing

On Hold

Not
ProgressingNot
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Withdrawn

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Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

GOAL 5: AN EFFECTIVE COUNCIL: We will be recognised as a collaborative Council and a high-performing organisation that enables positive outcomes for Warrnambool's community, environment and economy and Victoria's south west.

Objective 1: LEADERSHIP & GOVERNANCE: Council will be a high-functioning team committed to respectful relationships, collaboration, and ongoing engagement. It will provide strong, effective leadership, sound governance and informed decision-making.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.1.1	Ensure key priorities of the community are appropriately reflected in the development and review of the Council Plan with the appropriate prioritisation of resources to key strategic themes.	General Counsel, Strategy & Procurement	100%		The annual review of the Council Plan is underway with community engagement planned and staff review being completed. Any updates to the Council Plan will be reviewed and considered prior to being adopted at the end of this financial year.
5.1.2	Identify and report on changes to Council operations, policies and procedures in line with the Local Government Act.	Governance, Property, Projects & Legal	95%		All items required under the Local Government Act 2020 have been completed and delivered in accordance with the Act with the exception of the Asset Plan under section 92, which isn't due until 30 June 2022.
5.1.3	Improve Council's systems and policies through review of Governance Framework.	Governance, Property, Projects & Legal	0%		Not yet commenced.
5.1.4	Improve asset management practices.	Director City Infrastructure	35%		Asset plans continue to be reviewed and adopted. Waste Management Asset Management Plan is currently advertised for public comment and the Saleyards Asset Management Plan is under development.
5.1.5	Improve the Warrnambool Planning Scheme which controls land use and development within the municipality.	Coordinator City Strategy	55%		<p>The Warrnambool Planning Scheme is continuously monitored to ensure officers are kept abreast of State Government planning reforms and trends and relevant reforms are reported to Council. Recent State Government planning reforms include streamlined provisions for non-government schools; social and affordable housing; State and Local Government Infrastructure projects, and introduction of a new Buffer Area Overlay.</p> <p>Other recent improvements to the Warrnambool Planning Scheme include approval of a new planning policy framework including a new Municipal Planning Strategy for the municipality; and adoption of a local planning policy for advertising signs. New flood controls for the Russells Creek and parts of the Merri River catchments in north Warrnambool to reflect updated and improved flood modelling for these areas, have recently been exhibited with 21 submissions now referred to an Independent Planning Panel for review and consideration. Rezoning land at Deakin</p>



Warrnambool City Council Activities & Initiatives

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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
					University to reflect it's intended purpose and support the initiatives of the University, has also recently been adopted.
5.1.6	Work with neighbouring Councils to develop sub-regional and regional plans and advocacy strategies to benefit the region and deliver on the community's aspirations.	Chief Executive	100%		Developed the Great South Coast Advocacy Plan which has been supplied to various Ministers; meetings have also been held with various Ministers regarding the advocacy plan. Ongoing advocacy to take place.
5.1.7	Align the implementation of the Warrnambool 2040 Plan with the Financial Sustainability Plan.	Director Corporate Strategies	100%		The long term financial plan is aligned to Warrnambool 2040. The priorities relevant to Council are picked up in the long term financial plan and Council continues to balance competing demands from many sources. Council continues to review and change its priorities with consultation with its community and updates and modifies its financial plans accordingly.
5.1.8	Ensure achievement and maintenance of organisation-wide Child Safe Standards compliance and currency of Working With Children Checks.	Manager Organisation Development	50%		A review of current practice with a view to improvement is being conducted by the Child Safety Committee.
5.1.9	Develop and rollout the Regional and Rural Liveability Strategy in partnership with State Government and South West Primary Care Partnership.	Manager City Strategy & Development	30%		First collaborative discussions which includes South West Primary Care Partnership in conjunction with the Community of Practice for the Healthy Warrnambool 2021-25 has commenced this week.

Objective 2: ENGAGED & INFORMED COMMUNITY: Council will ensure ongoing community engagement to identify changing needs and priorities when developing and delivering services and programs.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.2.1	Improve accessibility, transparency and accountability of Council decision-making.	Governance, Property, Projects & Legal	30%		Improvements to Council Meetings which will allow Councillors and the community to view amendments to motions is being prepared and will be delivered in coming months. This supports improved decision-making by ensuring Councillors and community know exactly what the wording and specifics of the motion Council are debating and voting on are.
5.2.2	Monitor and report on the reach and effectiveness of Council's communications measures.	Manager Communications	50%		The Promenade newsletter is moving to a quarterly production with delivery to households via unaddressed mail. This is an economical means to distribute the newsletter while increasing its reach to 15,500 homes in Warrnambool.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

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Warrnambool City Council Activities & Initiatives

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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.2.3	Produce the annual State of the Assets Report that identifies the asset renewal funding performance to inform renewal expenditure.	Director City Infrastructure	75%		State of the Assets Plan has been developed and is due to be presented to Council by the end of March 2022.
5.2.4	Review adopted Asset Management Plans for major asset classes to inform operational activities.	Director City Infrastructure	75%		Asset plans continue to be reviewed, developed and adopted by Council.
5.2.5	Review strategies and plans to comply with Council's Asset Management Policy.	Director City Infrastructure	25%		Process will be managed by the new Coordinator Strategic Asset Management.
5.2.6	Provide communications support to promote Council services, facilities, programs and events.	Manager Communications	50%		Plans underway to engage the community in the annual review of the Council Plan and in the preparation of the 2022-2023 Budget.

Objective 3: CUSTOMER-FOCUSED SERVICES: Council will continue and develop a program of Council services that are delivered to the community's satisfaction.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.3.1	Review and update Council's complaint handling policy and processes in line the Local Government Act changes and Ombudsman's guidelines.	Governance, Property, Projects & Legal	80%		The Council Complaints Policy has been updated in accordance with the Ombudsman's guidelines and best practice, and has been adopted by Council. Process to best support council's complaints handling are continue to be reviewed and approved.
5.3.2	Improve outcomes in the delivery of Council's customer services.	Customer Service Team Leader	30%		Currently investigating options to improve Council's online customer communications.
5.3.3	Deliver library customer programs in partnership with community organisations, non-government organisations and business.	Manager Recreation & Culture	25%		Duplicated in 1.5.6
5.3.4	Develop and influence strategic integrated planning process and decisions to ensure Council strategy is appropriately prioritised and executed.	General Counsel, Strategy & Procurement	80%		Integrated planning continues to improve across Council and is now prioritised among officers. Council Plan and budgeting process for 22/23 is underway with clear understanding of expectations to ensure that every employee is working towards the achievement of the Council Plan.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

Withdrawn

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Warrnambool City Council Activities & Initiatives

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Objective 4: HIGH-PERFORMANCE CULTURE: Council will foster an organisational culture to support engaged, committed and high-performing staff for the effective delivery of Council's services and programs.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.4.1	Prepare and develop appropriate service and organisational review processes to maximise operational efficiency.	Director Corporate Strategies	55%		A high level executive review of the the structure has been concluded as part of the the development of Councils workforce plan requirements and the core structural elements remain unchanged as the core service functions remain unchanged. The key focus for service review remains in the Corporate Strategies directorate with the shared Information technology project underway with Moyne and Corangamite shires. A parallel process is being developed to determine the next service area for review and this will be presented to Council. Concurrently process re-engineering continues around billing, payroll, rosters development and contracts management to improve efficiency and add automated processes.
5.4.2	Support an organisational approach to strategic procurement to ensure effective operational decision making that improves organisational performance.	General Counsel, Strategy & Procurement	35%		Organisational approach to procurement recognised and supported. Training to be enhanced and progressed.
5.4.3	Review and improve human resource operational processes to ensure best practice.	Manager Organisation Development	75%		HR practices continue to evolve. A business case to recruit additional resource to the team has been approved and recruitment is underway.
5.4.4	Enhance organisational awareness of Victoria's Child Safe Standards.	Manager Organisation Development	50%		The Child Safety Policy has been reviewed and adopted. The reformed Child Safety Committee continues to meet to introduce the processes to ensure contemporary Child Safe practices are imbedded within Council.
5.4.5	Continue to evolve the staff training and development programs in order to drive enhanced employee engagement and culture.	Manager Organisation Development	75%		Staff training and development continues to evolve with the expansion of the training needs analysis to include development training in conjunction with mandated OHS required training.
5.4.6	Implement workplace actions to meet the requirements of the Gender Equality Act 2020 resulting in improved gender equity outcomes.	Manager Organisation Development	75%		A Draft Gender Equity Action Plan has been developed and distributed for consultation.
5.4.7	Support the resourcing of Development Engineering assessments and approvals.	Director City Infrastructure	90%		Development Engineering group is now fully resourced.

Completed

Progressing

On Hold

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Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.4.8	Develop a Workforce Management Plan which will include an approach to attracting and enhancing workforce to the area/region and ensure effective resource planning.	Manager Organisation Development	100%		The Workforce Plan has been developed and adopted.
5.4.9	Improve systems and structures that facilitate the recruitment and retention of volunteers.	Manager, Capacity, Access & Inclusion	90%		The development of a Volunteer Strategy will aim at building a volunteer management framework that will streamline the processes and procedures of volunteering, valuing and managing volunteers at Council to improve recruitment and retention of volunteers.

Objective 5: ORGANISATIONAL & FINANCIAL SUSTAINABILITY: Council will ensure organisational and financial sustainability through the effective and efficient use of Council's resources and assets.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.5.1	Review and embed the legal and procurement processes to ensure compliance and risk mitigation and that Council is operationally effective.	General Counsel, Strategy & Procurement	90%		The Legal Services Policy and Legal Services Procedure has now been approved and socialised across Council. Procurement and Legal Services training to be implemented in this financial year.
5.5.2	Review Council's property management processes, including for Crown land that Council is the Committee of Management for, with consideration of rental agreements, property and current market valuations and disposal of surplus land.	Governance, Property, Projects & Legal	25%		Incremental improvements to processes continue, with the drafting of procedures to support statutory and best practice activities underway.
5.5.3	Allocate financial resources in accordance with strategic plans.	Manager Financial Services	60%		A draft Budget has been completed and is being review by the Executive Management Team before being presented to Council.
5.5.4	Review and update the Long Term Financial Plan to ensure Council remains financially sustainable into the future.	Manager Financial Services	55%		A draft Budget has been completed and will be used as the basis for the future long term financial plan to ensure Council remains financially sustainable.
5.5.5	Enhance business processes including IT systems integration.	Manager Financial Services	60%		A number of initiatives are in various stages of progress including the rostering system which is being utilised by a number of test sites prior to a full implementation across the relevant Council services. The Accounts Payable automation project is completed and is operational. A post implementation review will short begin on this project to assess benefits and identify areas for further improvement.



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Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.5.6	Improve digital capacity for Council staff.	Manager Information Services	50%		<p>The Shared Service with Moyne and Corangamite is progressing. Information Professionals appointed to guide the Enterprise Resource Planning procurement process. Probity and Quality Control also appointed. Development of specification for procurement has commenced. Project kick off was 3/1/2022. In parallel Warrnambool, Moyne and Corangamite have commenced development of a shared ICT Strategy for the next 5 years with the objective of progressively aligning ICT services in the three organisations over those 5 years (in addition to ERP). Consultant appointed, consultation has occurred, 2 drafts delivered, feedback given. Now awaiting 3rd draft.</p> <p>Council subscribes to the TechnologyOne AMS program (pre-purchased support hours) which is used in part to improve staff knowledge and use of the TechnologyOne suite of applications (our ERP system).</p> <p>Budget allocation is made for staff training. One IT staff member is currently undertaking tertiary study in Cyber Security. 2 x Records Staff scheduled for Cert 3 training. Internal training is conducted on an as needs basis.</p>
5.5.7	Monitor asset condition to ensure they meet users' needs and remain fit for purpose.	Director City Infrastructure	40%		Currently delivering the asset condition assessment program, fit for purpose assessment is undertaken through the Asset Management Plans. Process will be continued by new Coordinator. State of the Assets report will assist in driving the process.
5.5.8	Implement COVID-19 recovery plans for Council business units.	Manager Recreation & Culture	100%		All of Council business units have current COVID plans that align with government public health orders. Plans are updated regularly to adapt to changing restrictions.
5.5.9	Recommence rollout of Shared Services Project with surrounding councils.	Director Corporate Strategies	100%		The Shared Services Program has recommended with Warrnambool City, Moyne Shire and Corangamite Shire.

Objective 6: RISK MITIGATION: Council will mitigate and manage organisational risks through sound management systems and processes.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.6.1	Review the IT Strategy and system resilience in relation to data security, confidentiality and critical incidents.	Manager Information Services	70%		Development of a Shared ICT Strategy with Moyne and Corangamite nearing completion - awaiting a 3rd draft. These issues will be addressed in this strategy. Project to create greater alignment with our adherence to Data Security protection act is in train. Specification for professional services to assist has been written, RFQ advertised. Currently evaluating 11 responses. Anticipate completion of discovery, risk analysis and action plan to completed by end June 2022.



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Q2, 2021/2022

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.6.2	Assist development of Victorian Protective Data Security Plan and lodging of attestation to Office of the Victorian Information Commissioner.	Manager Information Services	35%		Specification for professional services written and RFQ run. 11 responses received, evaluations in progress. Anticipate selecting partner by 18 February. Expectation is that this engagement will be complete by end June 2022.
5.6.3	Ensure effective Business Continuity Planning (BCP) is in place.	Manager Organisation Development	100%		The overarching BCP has been reviewed and is in place. Work continues on the sub-plans.
5.6.4	Enhance Councils risk management processes to ensure key strategic and operational decision making considers risk factors.	Manager Organisation Development	60%		A Strategic Risk Review Workshop was held with Councillors and the Executive Management Team. Council's Risk register is being updated to reflect the outcomes of this workshop.
5.6.5	Continue the development and implementation of Councils Health and Safety Management System with a focus on injury prevention, improved return-to-work processes, OHS training calendar implementation and increased organisation engagement.	Health & Safety Project Officer	70%		Councils Health and Safety Management System continues to be reviewed, refined and implemented. All Health and Safety Management System documents are now in controlled documents and available to all staff via the intranet page.
5.6.6	Partner with State Government to activate and maintain Public Health Pandemic and Emergency Management Operations for staff and community wellbeing.	Director City Infrastructure	50%		Continuing to provide services in line with directions from Chief Health Officer and state government directions.

Objective 7: EFFECTIVE ADVOCACY: Council will pursue effective advocacy by providing compelling materials for desired support and funding for community priorities through establishing strong relationships with other levels of government, strategic partners and key stakeholders.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.7.1	Provide materials to support advocacy efforts and report on advocacy outcomes.	Manager Communications	75%		Draft advocacy plan prepared. After a considerable period of advocacy and background work Council has been successful in obtaining funding for a dredging program at the Port of Warrnambool to complement the work that is soon to start on the upgrade of the boat ramp.
5.7.2	Advocate for access to safe and secure housing that is appropriate and affordable for a diversity of needs.	Manager Infrastructure Services	50%		Ongoing as per previous update. Advocacy for diversity of housing leading to affordability is being undertaken through representation at the regionally based key worker housing strategy project. Advocacy and active engagement is also being undertaken at a regional level through the Big Housing Build agency.



Warrnambool City Council Activities & Initiatives

Q2, 2021/2022

Objective 8: REGIONAL ROLE & RELATIONSHIPS: Council will acknowledge Warrnambool's capability as the regional centre of south-west Victoria through appropriate leadership, advocacy and partnerships that enable greater opportunity for the region.

Action Code	Action Name	Responsible Officer	Progress	Traffic Lights	Comments
5.8.1	Participate in shared services project - for a shared Information technology enterprise system and associated processes - with Moyne and Corangamite shires.	Director Corporate Strategies	65%		<p>The consortium has gone to the market and appointed its professional advisors for the development of the specification for the enterprise system for the three Councils. The initial sessions with Information Professionals have commenced and the Joint venture terms of reference documentation is being finalized.</p> <p>Preparation for re-engagement with subject matter experts within each of the organisations is being developed. Probity and quality assurance auditors are providing project oversight and the new project milestones for the State Government are in hand.</p>
5.8.2	Pursue funding for animal shelter redevelopment in collaboration with surrounding municipalities to facilitate a regional facility if appropriate.	Coordinator Local Laws Traffic Fire & Animal Contr	85%		Council has commenced an agreement with the Glenelg Shire to transfer their stray animals to the Warrnambool shelter which is the first step toward a regional pound facility. This is also a cost effective option for both council's. Council will continue to source funding to ensure the redevelopment, to meet the code of practice requirement, for the operation of a shelter/pound.
5.8.3	Participate in advocacy efforts as part of Regional Cities Victoria, Regional Capitals Australia and Great South Coast Group of Councils.	Director Corporate Strategies	50%		Regional Cities Victoria - Advocacy Plan being finalised and will be provided to various Ministers to be followed up with ongoing discussions. Developed the Great South Coast Advocacy Plan which has been supplied to various Ministers; meetings have also been held with various Ministers regarding the plan.

Completed

Progressing

On Hold

Not
ProgressingNot
Completed

Withdrawn

34

7.3. PLANNING APPLICATION FOR A CONVENIENCE RESTAURANT (KFC) PP2021-0197**DIRECTORATE : City Growth****PURPOSE:**

This report recommends that a Notice of Decision (NOD) to Grant a permit be issued for planning permit application PP2021-0197 for 'buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant' within the Northpoint Shopping Centre at 1/72 Mortlake Road, Warrnambool.

EXECUTIVE SUMMARY

- The permit application was received 15 July 2021 and the application fee was paid on 21 July 2021.
- The proposal is for buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant within the Northpoint Shopping Centre on the existing undeveloped, vacant grassed area in the south west corner of the site.
- The permit application was supported by plans and a Traffic Impact Assessment Report (TIAR).
- The application was subject to public notice from 7 September 2021 for a period of two (2) weeks.
- Eleven (11) objections have been received to the application.
- The proposal is able to be supported subject to a condition requiring amended plans be submitted to address queuing within the car park at the entrance to the drive-thru area of the restaurant in order to reduce potential congestion within the existing car parking area associated with the existing shopping centre and the provision of a designated ambulance parking bay being detailed on the plans.
- It is proposed to issue a Notice of Decision to grant a permit with conditions.

MOVED: CR MAX TAYLOR

SECONDED: CR DEBBIE ARNOTT

That Council having caused notice of Planning Application PP2021-0197 to be given under Section 52 of the Planning and Environment Act 1987 (the Act) and having considered all the matters required under Section 60 of the Act decides to issue a Notice of Decision to Grant a Permit under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 TP 889015N, 1/72 Mortlake Rd WARRNAMBOOL VIC 3280, for 'buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant' subject to the following conditions:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) copies must be provided. The plans must be generally in accordance with the plans submitted on 2 September 2021 but modified to show:

- a. Modifications to the layout of the convenience restaurant to meet the recommendations of the Parking Management Plan.

b. The provision of a designated ambulance bay with appropriate dimensions

2. Parking Management Plan

Before the development starts a Parking Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. The Parking Management Plan must consider and respond to:

- a. Queuing at the entry of the convenience restaurant and the potential for cars to extend into the car park, and the areas where this would occur,
- b. Direction of travel to the convenience restaurant for vehicles entering the car park from both Mortlake Rd and Hayley Dr
- c. Direction of travel for vehicles exiting the convenience restaurant
- d. The circulation of vehicles within the car park particularly in the vicinity of the entry to the convenience restaurant
- e. The impact of services such as taxi collection, 'click and collect' and 'car park delivery' services offered by business in the shopping centre and how this might impact on the circulation of vehicles in the vicinity of the convenience restaurant
- f. The location of all areas on-site to be used for staff parking;
- g. The location of all areas on-site to be used for parking by medical practitioners including the location of the ambulance bay
- h. The impact on the safety of motorists and pedestrians as a result of all the above.
- i. Any recommended changes to layout of the convenience restaurant or specific traffic management measures e.g line-marking, traffic islands, directional signage etc to improve the safety and efficiency of traffic movements within the car park.

When approved the Traffic and Parking Management Plan will be endorsed and will then form part of the permit. The approved Parking Management Plan must be implemented to the satisfaction of the Responsible Authority before the convenience restaurant is first brought into use.

3. Amended Traffic Report

Before the development starts, an amended Traffic Impact Assessment (TIA) must be submitted to and approved by the responsible authority. The amended TIA must have regard to the report submitted with the application (ESR Transport Planning dated 12/7/21) and:

- a. a) Take into account the traffic generated by the apartment development on the west side of Mortlake Road (69-75) for which the exit of all residents will be via the signalised intersection.

4. Layout Not Altered

The development hereby permitted must be carried out in accordance with the endorsed plans and must not be altered without the prior written consent of the responsible authority.

5. General Amenity

The development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a. Transport of materials, goods or commodities to or from the land;
- b. Appearance of any buildings, works or materials;
- c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
- d. Presence of vermin.

6. Delivery Times

Unless otherwise consented to in writing by the responsible authority, deliveries to and from the site must occur between the hours of:

- a. 6am to 10 pm Monday to Sunday.

7. Utility Provision

- a. All basic services, including water, electricity, gas, sewerage, telephone and other telecommunication facilities must be installed underground and located to the satisfaction of the responsible authority; and
- b. The entire site must be connected to the existing underground drainage and sewerage systems to the satisfaction of the responsible authority.

8. Building Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

9. Stormwater Management Plan

Before development starts a detailed Stormwater Management Plan is to be submitted to and endorsed by the responsible authority prior to any works commencing. The works must be designed in accordance with the current responsible authority's Design Guidelines, the endorsed application plans and the endorsed Development Plan and must include:

- a. Details of how the works on the land are to be drained and/or retarded;
- b. Where interim or temporary works are proposed, details must be provided to show details on how these interim or temporary works will integrate with the ultimate drainage systems;
- c. Where drainage is required to be conveyed across privately owned land, demonstration of the consent of the landholder and/or easements must be provided to the satisfaction of the responsible authority;
- d. Identify any existing drainage on the site;
- e. Computations of the existing and proposed drainage;
- f. Independent drainage or on-site retention facility for the site;
- g. Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- h. The storm water discharge from this development must be limited to predevelopment runoff for a 5% AEP storm event;
- i. Documentation demonstrating approval for the legal point of discharge;
- j. The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system;
- k. Maintenance schedules for treatment elements;
- l. Designed and constructed to satisfy AS/NZS 3500; and
- m. Demonstrate storm water runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within development.

The endorsed storm water management plan is to be implemented prior to use or occupation of the development.

10. Construction Management Plan

Before development starts (including any preliminary site preparation and establishment works, demolition or material removal) a Construction Management Plan must be submitted to and endorsed by the responsible authority.

The Construction Management Plan must include and address the following:

- a. Details of Public Safety, Amenity Considerations and Site Security;
- b. Environmental Management Plan (EMP) in accordance with the Environment Protection Authority document Environmental Guidelines for Major Construction Sites, February 1996 or its successor document, including:
 - i. Operating Hours, Noise and Vibration Controls;
 - ii. Air and Dust Management;
 - iii. Stormwater and Sediment Control; and
 - iv. Waste and Materials Reuse Management.

- c. **Construction Program;**
- d. **Traffic Management Plan;**
- e. **Evidence of Responsible authority approvals and insurance required to undertake works; and**
- f. **Asset Condition Report, with photos and assessment of any prior damage to public infrastructure and identified actions to minimise damage to infrastructure during construction.**

Once endorsed, the Construction Management Plan will be endorsed and form part of this permit.

11. Construction Amenity

To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:

- a. **Stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and must have measures in place to prevent the movement of such material off site;**
- b. **Building operations such as brick cutting, washing tools, concreting and bricklaying must be undertaken on the building block. The pollutants from these building operations must be contained on site; and**
- c. **Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.**

All works on the land must be undertaken in accordance with the endorsed plans to the satisfaction of the responsible authority.

12. Car Park Modifications/Alterations

Before the use commences, the modifications/alterations to the car parking area and an appropriate ambulance parking bay must be provided on the site and finished to the satisfaction of the responsible authority. The works must be designed in accordance with the following where plans are to be submitted to and endorsed by Council prior to construction.

- a. **In accordance with Australian Standards;**
- b. **Finished with an all-weather surface;**
- c. **Drained in accordance with the endorsed storm water management plan; and**
- d. **Provision for appropriate lighting, signage and line marking.**

13. Signage

- a. **The location and details of the signage shown on the endorsed plans must not be altered without the written consent of the responsible authority;**
- b. **All signs must be constructed to the satisfaction of the responsible authority and maintained to the satisfaction of the responsible authority;**
- c. **All external lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse impact on adjoining land;**
- d. **The sign lighting must be designed, baffled and located to prevent any adverse effect on nearby residences within view of the site to the satisfaction of the responsible authority;**
- e. **Signs must not:**
 - i. **Contain any flashing light;**
 - ii. **Dazzle or distract drivers due to its colouring;**
 - iii. **Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles; and**
 - iv. **Be able to be mistaken as an instruction to drivers.**
- f. **The intensity of the light in the signs must be limited so as not to cause glare or distraction to motorists or other persons to the satisfaction of the responsible authority.**

14. Signage Expiry

This permit in so far as it relates to signage expires fifteen (15) years after the date it is issued.

LOST - 5:2

Crs. Arnott, Akoch, Jellie, Paspaliaris and Ziegeler voting against the motion

Crs. Taylor and Blain voting for the motion

BACKGROUND

The application site is located within the south west corner of the Northpoint Shopping Centre which is located approximately 1.5km north of the Warrnambool CBD. Access to the site is via a signaled intersection on Mortlake Road with a secondary vehicle access point to the site via Hayley Drive. This area was intended to be developed with a convenience restaurant/takeaway food premises at the time the land was rezoned. The general locality includes land which is zoned both commercial and residential and is used for retail, service, community and residential purposes.

The subject site is zoned Commercial 1 (C1Z) and is not impacted by any Overlays. The site is surrounded by land to the north and east that is included within the wider Northpoint Shopping Centre and comprises a range of retail uses to service the local residential area. Land to the west, east, south and north east of the shopping centre is zoned General Residential 1 and is used for residential purposes and other complementary uses such as the indoor cricket centre and the former indoor tennis centre that is proposed to become a new place of worship for the Salvation Army to the south and the Warrnambool Fire station, a veterinary clinic and a row of local shops on the western side of Mortlake Road. Land directly to the north west of the site contains an existing bottle shop and tavern that is currently under construction and further to the north is a commercial area containing a petrol station, restaurant, laundromat, bakery and a fish and chip shop.

The planning permit application proposes buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant. The restaurant is to be operated by KFC. Planning approval is not required for the use of the site as a convenience restaurant is defined under the general definition as a retail premises. Planning approval is required for buildings and works on the site and the display of business identification signage.

The new restaurant will occupy the existing undeveloped open grassed area in the south west corner of the Northpoint Shopping Centre. The restaurant will contain seating for 44 patrons. A drive-thru area will be provided in association with the restaurant and the entrance to the drive-thru is proposed to be located to the east of the new building with vehicles entering the drive-thru from the central aisle of the car park which is oriented in a north-south direction. Once vehicles enter the drive-thru they will wrap around the southern side of the building and exit at the western end of the building and then through to the existing car parking area of the shopping centre before exiting the site primarily onto Mortlake Road.

A key purpose of the Commercial 1 Zone is *“to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses”*. The Municipal Planning Strategy focuses on supporting development that *“reinforces the Warrnambool activity centre hierarchy at Clause 11.03-1L-01”*. The Planning Policy Framework details that development should support the Neighbourhood Activity Centre at Northpoint Village and *“limit further retail and commercial development to existing designated activity centres”*.

The proposed development must be considered on its merits, having regard to the purpose and decision guidelines of the zone and the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework.

A key indicator as to whether a proposal responds appropriately to the zone is compliance with the decision guidelines of the Commercial 1 Zone at Clause 34.01-8 of the Planning Scheme which provides relevant matters that must be considered in Council's assessment. The proposed development generally the requirements of Clause 34.01-8 however there are concerns that the drive-thru associated with the restaurant may cause congestion within the existing car parking area associate with Northpoint Shopping Centre and consideration must be given to *'the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport'*.

ISSUES

Public notice of the application was given to neighbouring landowners and occupiers and a sign was also displayed on the subject site. A total of eleven (11) objections were received to the proposed development including an objection from Ambulance Victoria, seven (7) objections from tenants or agents for tenants which occupy premises within the Northpoint Shopping Centre and three (3) objections from residents including the owners of the site directly to the south of the subject site at 66 Mortlake Road.

The objections primarily relate to the following matters:

1. Deficiencies in the plans submitted with the application;
2. Traffic and car parking concerns;
3. Leasing arrangements;
4. Emergencies and ambulance parking bay provision;
5. Change to the 'feel of the area';
6. Potential odour, noise and rubbish impacts; and
7. Public health concerns.

Myers Planning Group is the applicant and have responded to the objections with a written statement dated 13 October 2021.

The objection from Ambulance Victoria was withdrawn based on the response which was provided by the applicant.

A response to the objections is provided in the delegated officer report but in summary the following conclusions have been reached:

1. Deficiencies in the plans submitted with the application – It is considered that the plans are generally acceptable however greater consideration should be given to the entrance to the drive-thru area in terms of the location of queuing of vehicles entering the drive-thru to ensure that the drive-thru traffic does not obstruct other vehicles and result in increased congestion and reduced functionality of the existing car parking area associated with the shopping centre. The plan showing the proposed vehicle entry path to the drive-thru and the TIAR provided with the application are not considered to provide adequate specific information or details to address the concerns in relation to vehicles queuing at the entrance to the drive-thru and therefore the issues raised by some of the objectors is considered to be valid and the plans require further refinement. Generally, the plans detailing the layout of the building and business identification signage are considered to be acceptable;
2. Traffic and car parking concerns – The permit which originally allowed the construction of the existing shopping centre included provision for a proposed convenience restaurant/takeaway food premises in the same location as is currently proposed. This permit included a car parking waiver and as such it is considered that within the confines of the site all available car parking has been provided and the total number of car parking spaces which are provided is acceptable (it is noted that 3 car parking spaces will be lost as a result of the proposed development). The impact on the circulation of traffic within the car park based on the siting of the entrance to the proposed drive-thru to the restaurant is a concern as vehicles queuing at the entrance to the drive-thru would impact the circulation of

vehicles and increase congestion within the existing car parking area. The entrance to the drive-thru area and the queuing of vehicles within the car parking area should be addressed by the applicant by revisiting the way in which vehicles access the drive-thru area prior to the plans associated with the development being approved;

3. Leasing arrangements – The particular leasing arrangements between existing tenancies within the Northpoint Shopping Centre and the owner of the site is not a relevant planning matter;
4. Emergencies and ambulance parking bay provision – A condition will be included on the permit requiring the designation of a dedicated ambulance parking bay on the plans. Ambulance Victoria has agreed to withdraw their objection based on the applicant confirming that an ambulance parking area will be provided;
5. Change to the ‘feel of the area’ – The area of the site that will be developed forms part of the Northpoint Shopping Centre and is zoned Commercial 1. Although it is currently an undeveloped grassed area it has always been identified as an area that would be developed in the future with a convenience restaurant or takeaway food premises and therefore the built form on the site is appropriate in a commercial setting;
6. Potential odour, noise and rubbish impacts – The site will function the same as any other convenience restaurant within a commercial area. A condition of the permit will provide for the protection of the amenity of the surrounding area and serve to ensure that the site is managed in an appropriate manner; and
7. Public health concerns – This is not a relevant planning matter.

FINANCIAL IMPACT

The costs associated with assessing the application have been accommodated within the 2021-2022 budget. This includes if the matter progresses to VCAT.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

3 A strong economy

3.1 Build on competitive strengths: Council will support initiatives that foster ongoing development and investment in the industries which underpin Warrnambool’s economic strengths and comparative advantages

4 A connected, inclusive place

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

TIMING

Statutory timeframes are imposed under the *Planning and Environment Act 1987*.

COMMUNITY IMPACT / CONSULTATION

The application has been subject to public notice in accordance with the *Planning and Environment Act 1987*. The applicant has responded to objections.

Councillors, Council officers, the applicant and objectors met on site on 25 January 2022.

LEGAL RISK / IMPACT

The application has been considered in accordance with the relevant legislation.

OFFICERS' DECLARATION OF INTEREST

None

CONCLUSION

There is policy support for the proposed development (subject to requested changes) having regard to the relevant provisions of the Warrnambool Planning Scheme and the Planning Policy Framework.

ATTACHMENTS

- Plans submitted with the application
- Objections
- The applicants response to objections
- Delegate planning report



Delegate Planning Assessment Report

Application Details

Application is for:	Buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant
Applicant's/Owner's Name:	Myers Planning Group PO Box 207 WARRNAMBOOL VIC 3280
Date Received:	21 July 2021 Further Information Received: 2 September 2021
Application Number:	PP2021-0197
Land/Address:	Lot 1 TP 889015N 1/72 Mortlake Rd WARRNAMBOOL VIC 3280
Zoning:	Commercial 1 Zone (C1Z) Adjoins Transport Zone 2 (TRZ2) – Mortlake Road (Hopkins Highway)
Overlays:	None apply
Under what clause(s) is a permit required?	Clause 34.01-4 (C1Z) Clause 52.05-11 (Signs)
Restrictive covenants on the title?	No covenants or section 173 Agreements are registered on the Certificate of Title for the subject site. Caveat AM084987W is registered on the Certificate of Title for the subject site.
Current use and development:	Vacant undeveloped land within the south west corner of the existing Northpoint Shopping Centre

Subject site & locality

The site is located approximately 1.5 kilometres to the north of Warrnambool's Central Business District within the Northpoint Shopping Centre which is an existing commercial neighbourhood activity centre servicing the northern residential areas of the City. The subject site is zoned Commercial 1 and abuts Mortlake Road (Hopkins Highway) which is classified as a Transport Zone 2 (TRZ2). Mortlake Road runs along the western boundary of the site and acts as a main road in to Warrnambool from the north.

The broader site in which the proposed development is to take place contains the Northpoint Village Neighbourhood Activity Centre. The southern part of the Northpoint Village site is rectangular in shape and comprises an area of approximately 1.629 hectares with a frontage of approximately 100 metres to Mortlake Road (Hopkins Highway). The main vehicle access to the site is from the west via Mortlake Road with a set of traffic lights being provided within the road at the entrance to the Northpoint Village shopping complex. A secondary access point provides vehicle access to the site from Hayley Drive which is located to the north of the site.

Figure 1: Aerial photograph of subject site and surrounds (Source: Exponare)



Figure 2: Enlarged aerial photograph of subject site (Source: Exponare)



Figure 3: Photograph of subject site - view looking east from Mortlake Road (Source: Google Maps)



Figure 4: Photograph of subject site - view looking south from the internal car park (Google Maps)



Figure 5: Photograph of Mortlake Road and the vehicle entrance to the subject site - view looking north (Google Maps)

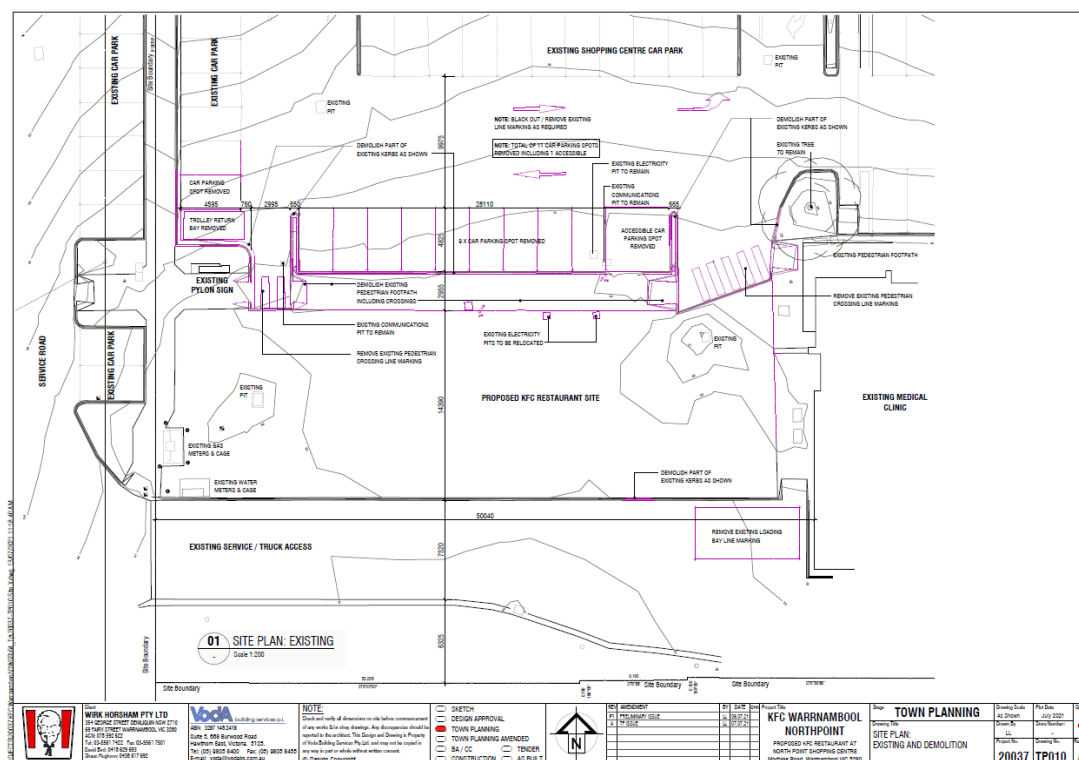


The Northpoint Village contains a range of commercial tenancies on the eastern and southern portions of the site including a supermarket (Coles), medical centre, pharmacy, laundromat,

café, bakery, butcher, hairdresser, newsagent and takeaway food premises including *Domino's Pizza* and a fish and chip shop operating as *Harry's Fish & Chips*. The north western part of the site is occupied by an existing bottle shop and a tavern which is currently under construction (39-45 Hayley Drive). A large open area which is central to the site is established as an existing car parking area associated with the retail uses on the site.

The actual site for development is located within the south west corner of the site which is an area of the site that is currently a vacant, undeveloped grassed space which is devoid of any buildings or vegetation. The site is relatively flat with some low points for stormwater drainage located on the grassed area and within the surrounding car parking area.

Figure 6: Existing conditions plan (Source: Plan submitted by the applicant)



Further to the north west of Hayley Drive commercial operations such as a service station (98 Mortlake Road), takeaway food premises, bakery, laundromat and restaurant (62 Hayley Drive) are all located. This area also forms part of what is considered to be Northpoint Village but was developed prior to the development of the main shopping centre.

The north and north east of Hayley Drive has been developed primarily for residential purposes with some non-residential uses including a place of worship (Jehovah's Witness) at 100 Mortlake Road. Directly to the west of the site is Mortlake Road and associated service roads on both sides of the road. Further to the west is the *Warrnambool Fire Station* and a large residential lot which is currently being developed with the construction of 68 dwellings and associated uses (69-75 Mortlake Road) as part of a recent planning approval. To the south of the fire station a range of other commercial uses such as veterinary rooms (operated by *The Vet Group*) and row of smaller scale shops occupied by such commercial activities as a café, takeaway food premises and laundromat are located.

To the east of the subject site residential land is located within Paul Court and Adam Court with standard residential lots sizes being developed with single dwellings being the normal configuration of the sites. To the south of the site a residential dwelling is located at 66 Mortlake Road being sited approximately 12 metres away from the development site. Land which was formerly used for the *Warrnambool Indoor Tennis Centre* is located further to the south at 58-60 Mortlake Road. The indoor tennis site has recently become vacant and this site has planning approval to be developed with a place of worship by the *Salvation Army*.

In the broader context residential uses predominantly surround the site with the area generally being well established however there are some sites which are currently being developed or are proposed to be developed for more intensive residential development.

Proposal

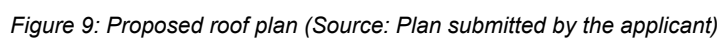
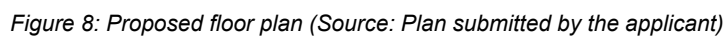
The proposal is for buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant.

The proposal would see the development of the land with a convenience restaurant that is to be operated by *KFC* in the established Northpoint Village Activity Centre.

The key elements of the proposed development are as follows:

- The restaurant will be located within the south west corner of the subject site on an area which is currently a grassed, open area that was always intended to be developed with a convenience restaurant of some sort;
- The new building is to be set back approximately 13.8 metres from the southern lot boundary and approximately 12 metres from the eastern lot boundary;
- The building is considered to be of a modern design with generally flat roofing hidden behind parapet walls.
- The building will have a maximum height of 6 metres stepping down to lower heights of 5.4 metres and 4.9 metres;
- The internal layout comprises an area of approximately 300 square metres and includes the restaurant with seating for 44 patrons, service counter, kitchen, cool rooms, freezers and office, fully enclosed dumpster room with roller door access to the loading bay, and three (3) bathrooms including one (1) accessible bathroom, one (1) female bathroom and one (1) male bathroom; and
- The external materials and colours of the building are consistent with other *KFC* developments and have been varied to reduce the mass of the building. The building is predominantly clad with fibre cement panels finished in a range of colours including light grey, red, white and a raw finish. Feature materials and colours include black painted metal work, woodgrain finish aluminium battens, steel wall cladding finished in a matt black colour and red perforated steel.

Figure 7: Proposed site plan (Source: Plan submitted by the applicant)



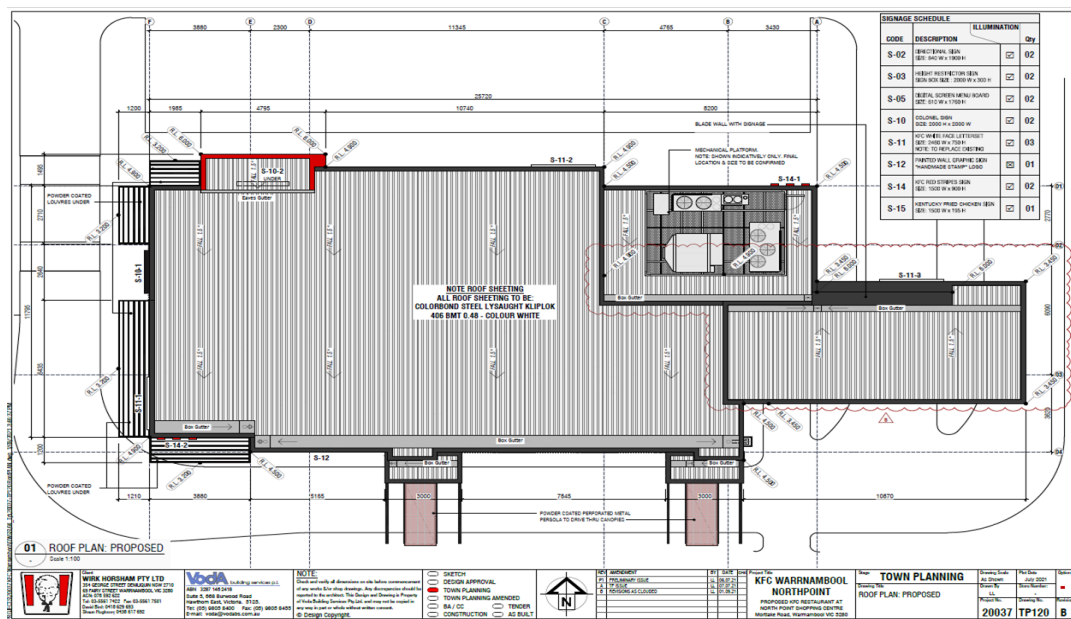


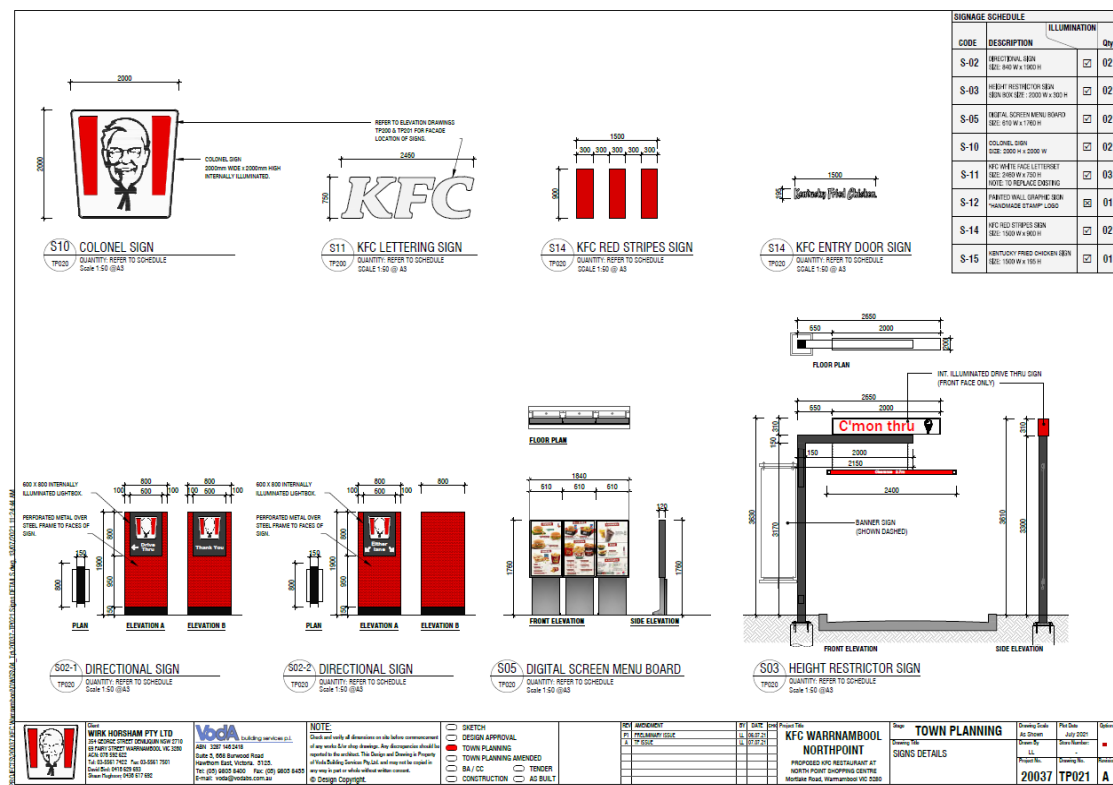
Figure 10: Proposed external finishes schedule (Source: Schedule submitted by the applicant)

EXTERNAL FINISHES SCHEDULE					
NOTE: FINISHES LEGEND & SCHEDULES ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION AND DRAWINGS - REFER TO PLANS, ELEVATION & SECTION DRAWINGS AS DETAILED.					
CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION	SUPPLIER	SAMPLE IMAGE
W	KFC 'ALABASTER WHITE'	BRAND: WATLYL SOLAGARD COLOUR: KFC EXTERNAL WHITE	EXTERNAL WALLS	SUPPLIER: WATLYL PAINTS CONTACT: MARIO MILLAN Email: mario.millan@shenwin.com Phone: +61 2 8867 5335 Mob: +61 458 322 513	
B	KFC 'BLACK'	BRAND: DULUX COLOUR: BLACK CAVAR SN4HS-Sn4 ON 9mm EXDOTEK OR SIMILAR APPROVED	EXTERNAL WALLS	SUPPLIER: DULUX	
TH	KFC 'GREY'	BRAND: DULUX COLOUR: DULUX 'TEAHOUSE' SN4S6 ON 9mm EXDOTEK OR SIMILAR APPROVED	EXTERNAL WALLS	SUPPLIER: DULUX	
R	KFC 'RED BOX'	BRAND: BRITE GLO SIGNAL RED COLOUR: KFC EXTERNAL RED ON 9mm EXDOTEK OR SIMILAR APPROVED	EXTERNAL WALLS	SUPPLIER: WATLYL PAINTS CONTACT: MARIO MILLAN Email: mario.millan@shenwin.com Phone: +61 2 8867 5335 Mob: +61 458 322 513	
BL	BLACK PAINT / METALWORK	BLACK PAINT / METALWORK BRAND: WATLYL SOLAGARD COLOUR: NEW BLACK / 70.50	EXTERNAL METALWORK	SUPPLIER: WATLYL PAINTS CONTACT: MARIO MILLAN Email: mario.millan@shenwin.com Phone: +61 2 8867 5335 Mob: +61 458 322 513	
MC	METAL CLADDING	TYPE: ZINTEC STANDING SEAM 190 COLOUR: MONUMENT MATT	EXTERNAL WALLS	HVG FACADES 29 HENDERSON STREET TURRELLA NSW 2205 https://www.hvgfacades.com.au Phone: 1300 861 712	
CS	EXTERNAL PRE-FINISHED PANELS	BRAND: CEMINTEL CODE: BARESTONE EXTERNAL FINISH: RAW	EXTERNAL WALLS	CEMINTEL http://www.cemintel.com.au Phone: 1300 236 468	
PS	PERFORATED METAL SHEET	PATTERN: R05541 COLOUR: RED (POWDERCOATED)	SCREENING FEATURES	SUPPLIER: LOCKER GROUP	
T	TIMBER LOOK ALUMINIUM RAILS	BRAND: ALWOOD COLOUR: SNOWGUM SIZE: 30 X 50 CLIP - ON CODE: 0050005 CFC SHEETING BEHIND TO BE PAINTED DULUX 'BLACK' 0050005	EXTERNAL WALLS	SUPPLIER: ALWOOD https://alwood.com.au/ Phone: 1500 254 906	

Drive-thru

- A drive-thru facility is proposed to be constructed in association with the restaurant and will wrap around the new perimeter of the new building. The entrance to the drive-thru will be provided under a gantry from the existing car parking area of the shopping centre which leads into an area at the eastern end of the building. The drive-thru then continues around the southern side of the building with vehicles re-entering the car park at the western end of the building;
- Two (2) service lanes for entering and ordering within the drive-thru have been detailed on the plans for at the start of the drive-thru area;
- The service lanes then merge into one (1) lane for payment and service windows;
- Ordering points are located at the eastern end of the building with payment and serving windows located of the southern side of the building;
- The southern side of the drive-thru area is partially screened with fibre cement panels, timber look battens and aluminium metal screens;
- Nine (9) vehicles are able to be accommodated within the drive-thru area.

Figure 11: Proposed signage specifications (Source: Specifications submitted by the applicant)



Signage

The following signage is proposed on the site in association with the convenience restaurant:

- Two (2) illuminated "Colonel" signs measuring 2 metres in width by 2 metres in height and being located on the northern and western building facades;
- Three (3) signs with "KFC" lettering measuring 2.4 metres in length by 0.7 metres in height;
- Two (2) "KFC red stripes" signs measuring 1.5 metres in width by 0.9 metres in height;
- Two (2) "KFC entry" door signs measuring 1.5 metres in width by 0.195 metres in height;
- A painted wall graphic displaying a "Handmade" stamp logo located on the southern façade measuring 2.4 metres by 3.33 metres;
- Direction signs around the building;
- Illuminated signs above the drive-thru;
- Digital screen menu boards; and
- Smaller signs as displayed on the plans provided with the application.

Figure 12: Proposed signage locations on the site (Source: Specifications submitted by the applicant)

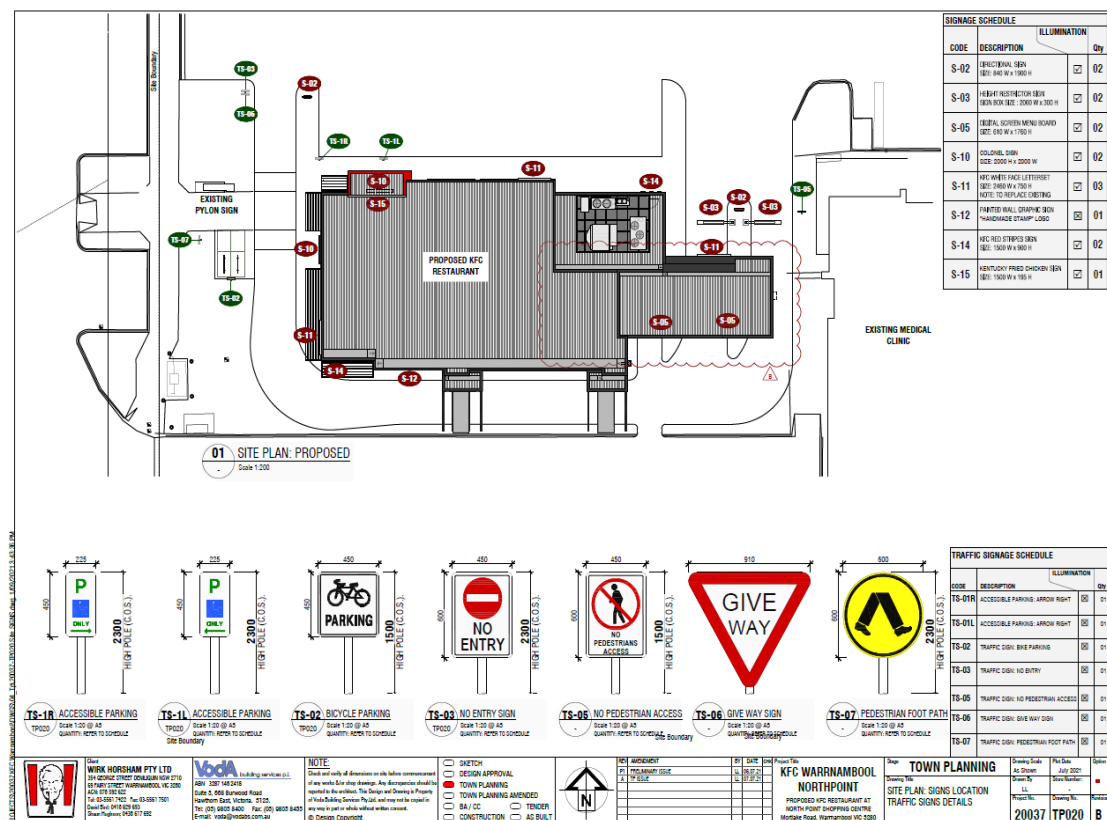
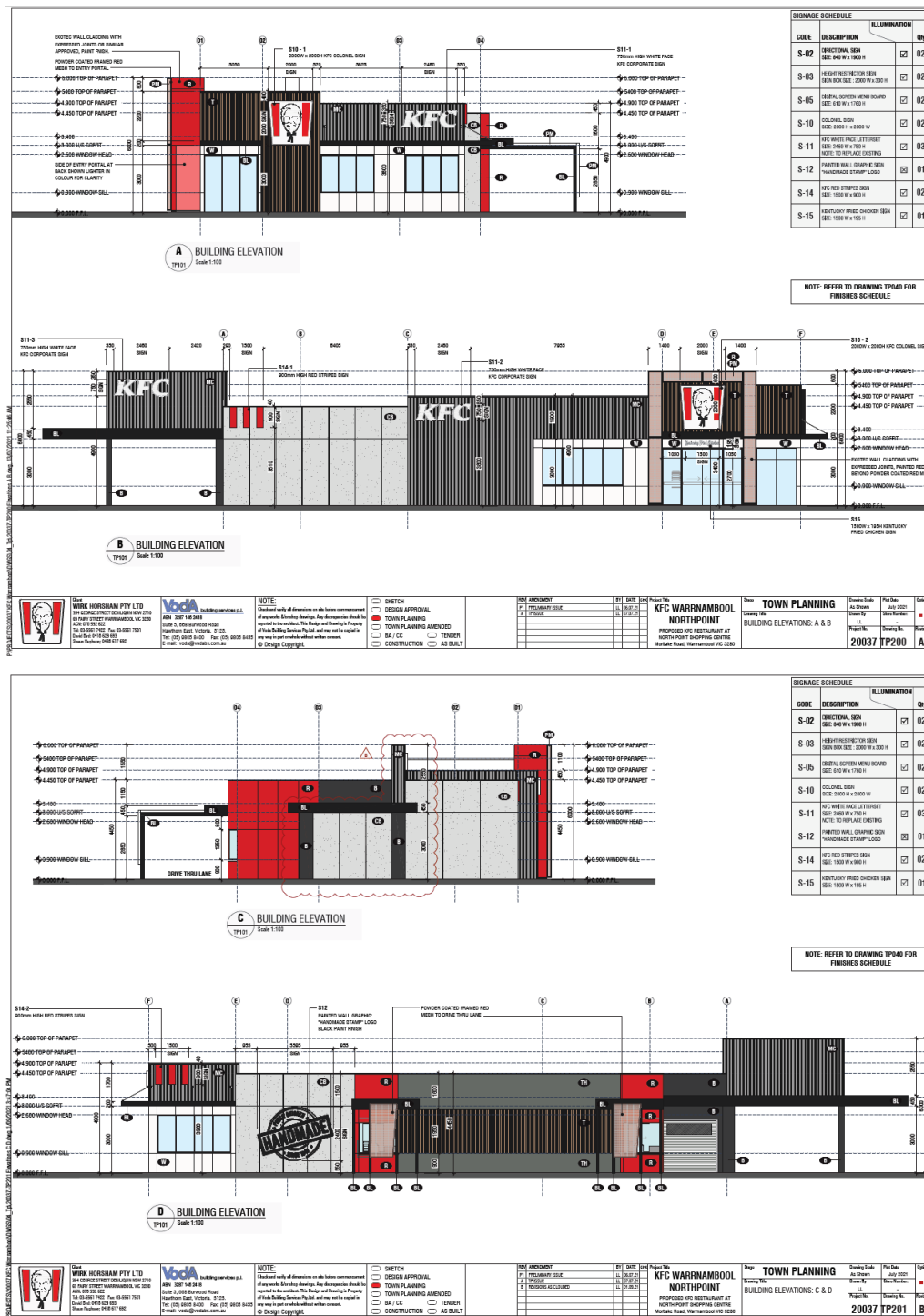


Figure 13: Proposed elevations (Source: Plans submitted by the applicant)



Car Park

The general car parking layout of the existing car park associated with the Northpoint Shopping Centre will remain with only minor changes to the car park proposed as part of the development of the site with the convenience restaurant. The changes will relate to the existing row of car parking spaces immediately to the north of the proposed building and car parking spaces that located to the north west of the building are proposed to be modified to allow for sufficient space to allow for entry and exit points to the proposed drive-thru. A total of three (3) car parking spaces will be removed to allow for the development to occur as detailed on the proposed plans. An existing trolley bay area located to the north west of the proposed building will also be removed and minor works within the car parking area, including removing parts of the existing kerbs and line marking, to allow for the proposed development.

Figure 14: Proposed vehicle access pathway to drive-thru (Source: Plan submitted by the applicant)



Bicycle Parking

Bicycle parking is proposed to be provided to the west of the restaurant on the western side of thru drive-thru exit lane. Two (2) bicycle racks will be provided and four (4) bicycle parking spaces to accommodate at least six (6) bicycles.

Pedestrian crossing

A pedestrian crossing is proposed to be provided over the drive-thru entrance to connect to the exiting footpath to the front of the medical centre with the footpath to the front of the restaurant.

Bins

Bins are to be provided adjacent to the bicycle parking area and facing the car parking area at the entrance to the drive-thru area.

Documents considered with the application are:

- Town Planning Report dated 14 July 2021
- Traffic Impact Assessment (esr Transport Planning) dated 12 July 2021
- Plans prepared by VodA building services b.l.:
 - TP000 Cover sheet & drawing register (Revision B)
 - TP002 Location plan: proposed & vehicles travel path (Revision A)
 - TP010 Site plan: existing (Revision A)
 - TP011 Site plan: proposed (Revision B)
 - TP020 Signage location & traffic signage details (Revision B)
 - TP021 Signage details (Revision A)
 - TP040 Finishes schedule (Revision A)
 - TP101 Floor plan (Revision B)
 - TP120 Roof plan (Revision B)
 - TP200 Building elevations: elevations A & B (Revision A)
 - TP201 Building elevations: elevations C & D (Revision B)

Permit/Site History

Planning History

Development Plan

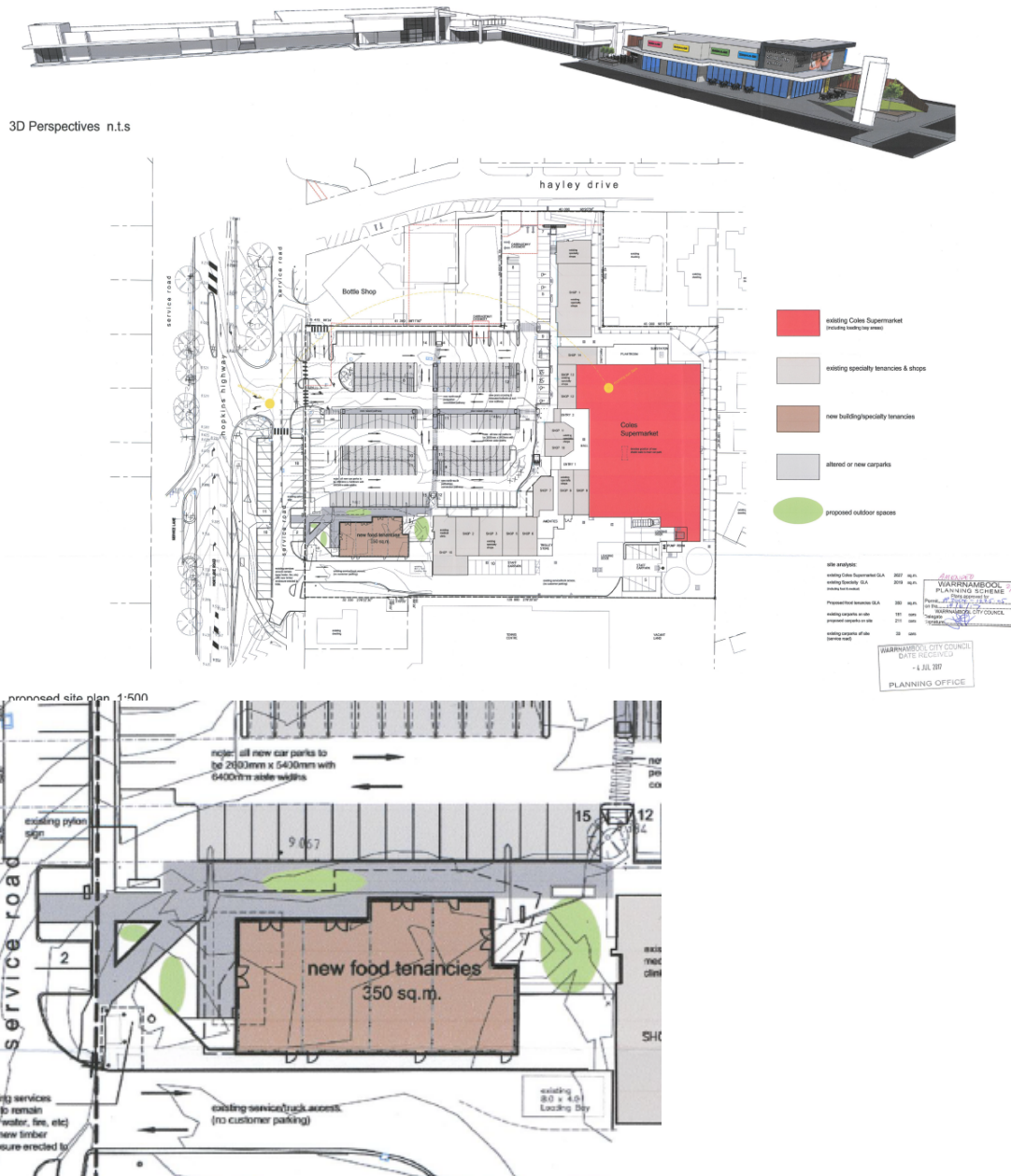
A previous Development Plan relating to the Warrnambool Shopping Centre at 70-82 Hopkins Highway (Plan 0330 TP03p December 2004) detailed the proposed future construction of a convenience restaurant and fast food premises in the same location as is currently proposed. The plan also detailed a proposed drive-thru associated with the fast food premises and a 'future application' site of 900 square metres in close proximity to the entrance of the site which has now been developed as an extension to the existing car park area. Due to the age of the approval of the Development Plan and the change in circumstances of the central 'future application' site which has now been developed as an extension to the existing car park the vehicle circulation and provision of any new drive-thru to a convenience restaurant needs to be carefully considered under current standards to ensure that it is appropriate, functional and safe.

Amendment C37

The site was subject to Planning Scheme Amendment C37 to the Warrnambool Planning Scheme. The Amendment was a combined Planning Scheme Amendment and Planning Permit Application, which sought to rezone the land from Residential 1 Zone to Business 1 and the development of the Centro Shopping Centre (now known as Northpoint) and restaurant. The original permit PP2004-0225 was divided into two parts. The subject site was identified as being part of 70-82 Mortlake Road and 35-37 Hayley Drive and No. PP2004-0225a (which was updated to PP2004-1225 on 17/8/2017) was assigned to the main portion of the site including the north east and southern parts of the site. PP2004-0225b was assigned to the north eastern part of the site containing a proposed tavern and bottle shop. PP2004-0225 has been amended and issued with a number of extensions of time. The current

endorsed plan does not provide any drive-thru associated with the proposed 'new food tenancies' on the subject site and has substituted car parking spaces within the previous drive-thru area which was detailed on the plans associated with the Development Plan and Amendment C37.

Figure 15: Current endorsed plan under PP2004-1225.05 detailing removal of drive-thru area from plans and replacement with car parking spaces (Source: Property file)



Land in the north-west corner of the Northpoint Shopping Centre site

In relation to the land which contains the bottle shop and proposed tavern at 43-45 and 39-41 Hayley Drive the following permits have been issued:

- PP2008-0034 - Erect illuminated signage on south side of building facing supermarket carpark;
- PP2010-0055 - Buildings and works, on-premises liquor licence in association with a restaurant, dispensation from car parking requirements of Clause 52.06 of the Warrnambool Planning Scheme (Car Parking Provisions), dispensation from bicycle requirements of Clause 52.34 of the Warrnambool Planning Scheme (Bicycle Facilities), creation of carriageway easement. The plans were endorsed on 23/12/2021;
- PP2010-0185 - General liquor licence and the red line area plan. Issued on 8 November 2010. This permit for has been amended three times; and
- PP2019-0124 - Construction and display of signage.

Cultural Heritage Sensitivity

The site is located within an Area of Cultural Heritage Sensitivity. A planning permit (2004-225) was issued for the construction of the existing shopping centre which included the construction of a convenience restaurant in the same location as is currently proposed. The permit was issued on 24 August 2006 which as such pre-dates the introduction of the *Aboriginal Heritage Regulations*. It is considered that pursuant to Regulation 46 of the *Aboriginal Heritage Regulations* a Cultural Heritage Management Plan is not required to be prepared as the proposed buildings and works are associated with the existing retail premises which was lawfully being used prior to 28 May 2007.

Covenants/Restrictions

There are no covenants or section 173 Agreements apply to the subject land however the site does have existing easements along the northern lot boundary of the site for carriageway, footway and an overhanging canopy. The easements are not located in close proximity to the proposed buildings and works. There is also an existing caveat, AM084987W, is registered on the Certificate of Title however this is of no consequence to the current planning permit application.

Statutory Controls

Clause 73.03 of the Warrnambool Planning Scheme defines a 'convenience restaurant' as 'land used to prepare and sell food and drink for immediate consumption, where substantial provision is made for consumption both on and off the premises'. A convenience restaurant is included in the general definition of a retail premises.

The following permit triggers are relevant to the application:

Clause	Permit Trigger
Clause 34.01 Commercial 1 Zone (C1Z)	Pursuant to Clause 34.01-4 a permit is required to construct a building or construct or carry out works. Note: The use of the site does not require planning approval as a convenience restaurant is generally defined a retail premises which is a Section1 use in C1Z.
Clause 52.05 Signs	Pursuant to Clause 52.05-11 a permit is required as the total signage exceeds 8m ² and the internally illuminated signage exceeds 1.5m ² in area.

Note: Additional consideration of the car parking requirements under Clause 52.06 was not deemed to be a permit trigger as a prior car parking waiver approved as part of the original planning approval PP2004-225 considered the location of a convenience restaurant in the same location that is currently proposed.

Public Notification

In accordance with the provisions of the Commercial 1 Zone an application to construct a building or construct or carry out works is not exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act as the land is within 30 metres of land (not a road) which is in a residential zone.

The application was advertised with letters being sent to the owners and occupiers of adjoining and adjacent land and a sign was also displayed on the subject site for a minimum period of 14 days. A statutory declaration was provided by the applicant on 28 September 2021 detailing that the required sign had been displayed on the site for a minimum of 14 days.

Eleven (11) objections were received to the application. One (1) objection was received from Ambulance Victoria, seven (7) objections were received from existing tenants or agents on behalf of existing tenants of the Northpoint Shopping Centre and three (3) objections were received from surrounding residents including the owners of the site directly to the south of the subject site at 66 Mortlake Road.

The objections raised the following matters:

1. Deficiencies in the plans submitted with the application;
2. Traffic and car parking concerns;
3. Leasing arrangements;
4. Emergencies and ambulance parking bay provision;
5. Change to the 'feel of the area';
6. Potential odour, noise and rubbish impacts; and
7. Public health concerns.

The applicant provided a response to the objections dated 13 October 2021.

Assessment of the objections

1. Deficiencies in the plans submitted with the application

It is agreed that there are some deficiencies with the plans and information that have been submitted with the application particularly the level of detail that is contained within the Traffic Impact Assessment Report (TIAR) as related to the way in which vehicles will queue and then access the drive-thru area associated with the convenience restaurant. It is considered that the entrance to the drive-thru area and any potential queuing within the existing car park should be further investigated and a more appropriate design should be provided to ensure that vehicles queuing to enter the drive-thru from the car parking area do not impede the circulation of other vehicles within the existing shopping centre car park.

2. Traffic and car parking concerns;

Valid concerns have been raised in the objections in relation to the impact that the development will have on the functionality of the existing shopping centre car park and the detrimental impact that will occur from vehicles queuing within the car parking area to access the drive-thru area associated with the restaurant causing unreasonable congestion and traffic management issues on the site. There is also the potential to impact the entrance to the site from Mortlake Road and create traffic congestion at the entrance to the car parking area.

3. Leasing arrangements

The leasing arrangements are not a relevant planning matter. The leasing arrangement is an agreement between the owners of the site and the tenants and is not an issue that would be considered as part of the planning assessment of the proposed development.

4. Emergencies and ambulance parking bay provision

It is considered that if a permit were to issue an ambulance bay will be detailed on the plans to service the shopping centre. Ambulance Victoria initially raised concerns in relation to the removal of an existing area on the site which is utilised as an ambulance parking bay. The applicant agreed to a condition being included on any permit should one be granted detailing an ambulance bay on the site. Ambulance Victoria withdrew their objection based on the fact that the ambulance parking area will be detailed on the plans in association with the proposed development of the site.

5. Change to the 'feel of the area'

The subject site is zoned Commercial 1 (C1Z). The Planning Scheme anticipates that the existing activity centre will be used for a range of different uses. Some developments may impact the amenity, particularly where there is an interface with residential areas. The nearest dwelling to the proposed convenience restaurant is at 66 Mortlake Road which is sited approximately 12 metres to the south of the subject site. There is currently substantial screening between the dwelling at 66 Mortlake Road and the subject site and no additional screening is deemed to be required. It is appropriate that should a permit issue conditions covering matters relating to the protection of the amenity of the area be placed on the planning permit to ensure that the convenience restaurant is managed appropriately.

6. Potential odour, noise and rubbish impacts; and

The site is adjacent to the Hopkins Highway, within 50 metres of a signalised intersection and there are existing commercial/retail tenancies already established on the site. The residential amenity does not appear to have been compromised as a result of the previous development and it is not anticipated that the construction of a convenience restaurant will create any unreasonable amenity impacts. On balance it is considered acceptable to include conditions and advisory notes which relate to general amenity concerns should a permit issue.

7. Public health concerns.

Council's Health Unit has been referred the application. The business would be required to adhere to any licence issued by Council. The Commercial 1 Zone carries mandatory conditions which ensure that any use of the land must not adversely affect the amenity of the area.

Consultation

The application has been the subject of lengthy consultation between the applicant and Council. After initial concerns were raised with the drive-thru area associated with the convenience restaurant minor changes were made to the plans. The applicant has been advised that there are still concerns with the way in which the existing car parking area associated with the Northpoint Shopping Centre would be impacted by the location of the drive-thru associated with the restaurant. In particular, concerns were raised that vehicles accessing the entrance to the drive-thru via the central aisle of the car park which runs in a north-south direction will queue within the car parking area before entering the drive-thru area. It is considered that queuing at the entrance to the drive-thru will obstruct other vehicles seeking to park and circulate within the car parking area in order to park or exit when visiting other commercial tenancies within the shopping centre. It was suggested that consideration be given to altering the orientation of the building to provide access to the drive-thru at the western end of the building or that other alternatives to locating the entrance to the drive-thru in the south west corner of the site be further investigated.

The applicant took the matter under advisement but has not made any substantial changes to the plans to address the concerns that have been raised in relation to the entrance to the drive-thru area and congestion within the existing car parking area.

Referrals

Section 55 Referrals

None required.

Section 52 Referrals

- Department of Transport (DoT)
No objection was raised to the proposed development in the referral response from the DoT.

Internal Referrals

- Strategic Planning

No concerns were raised and the following response was received:

The subject site is located within the Commercial 1 Zone, and is not affected by any overlays.

Northpoint Shopping Centre is part of a designated Neighbourhood Activity Centre within the activity centre hierarchy that is underpinned by the Warrnambool Retail Strategy, 2007. The proposed convenience restaurant and associated signage is an appropriate use for a Neighbourhood Activity Centre, and is supported by policy direction at Clause 02.03-1 of the MPS and Clause 11.03-1L-01 of the PPF.

It is considered that the proposal is appropriate for the site, and has the strategic support of the planning scheme, retail strategy and zoning.

- Infrastructure

A referral response included observations and suggestions for consideration by the applicant in relation to the vehicle travel paths and signage, car park bays and pedestrian crossing. This information was conveyed to the applicant and some minor changes were made to the proposed development. Council's Infrastructure Department also proposed three (3) advisory notes that should be placed on any planning permit, if granted, in relation to applications for a Road Reserve Works Permit, an Asset Protection Permit and the discharge of polluted water.

Comment

Relevant advisory notes would be able to be included on any permit, if granted, in relation to applications for a Road Reserve Works Permit and an Asset Protection Permit and the discharge of polluted water.

- City Building Services

No objection was raised and it was advised that a Registered Building Surveyor should assess compliance with the Building Code of Australia.

Comment

An advisory note would be able to be included on any permit, if granted, in relation to an application for a building permit.

- Environmental Health

Commented that compliance is required with the following legislation:

- *Environment Protection Act 2017 and all sub regulations;*
- *Public Health and Wellbeing Act 2008 and all sub regulations;*
- *Food Act 1984 and all sub regulations; and*
- *Relevant Australian Standards.*

Take note of the following publications:

- *EPA publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues;*
- *How to prevent stormwater pollution on building sites and reducing stormwater pollution: business and industry;*
- *EPA Publication 1834 Civil construction, building and demolition guide;*
- *Compliance with Food Act 1984 – Food Standards Code and Australian Standards; and*
- *Compliance with current Chief Health Officer directions.*

Comment

An advisory note would be able to be included on any permit, if granted, in relation to the legislation, standards and publications referred to above.

Strategic Framework

Municipal Planning Strategy (MPS)

Relevant Clauses in the MPS include

- Clause 02.01 – Context
- Clause 02.02 Vision
- Clause 02.03 Strategic Directions

Activity Centres

Northpoint Village Neighbourhood Activity Centre – where the highest-order retail attractor is a supermarket.

Council's strategic directions for activity centres are:

- Supporting use and development that reinforces the Warrnambool activity centre hierarchy at Clause 11.03-1L-01.
- Directing core retail activities to the Warrnambool City Centre including the majority of major retail stores.
- Locating further regional level retailing, services, facilities and activities in the Warrnambool City Centre as a first preference.

Clause 02.03-3 Environmental risk and amenity

Climate change

Land use conflicts

Clause 02.03-5 Built environment and heritage

Urban design

Clause 02.03-7 Economic development

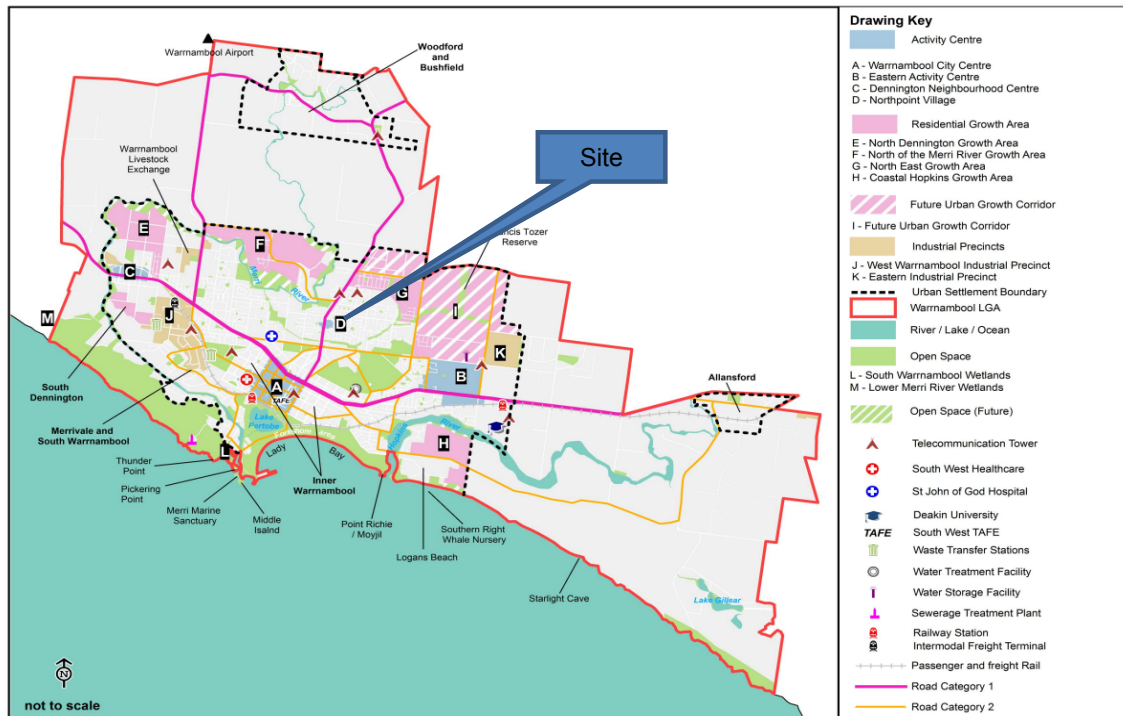
Commercial

Clause 02.03-8 Transport and infrastructure

Transport

Development infrastructure

Figure 16: Warrnambool Strategic Framework Plan (Source: Warrnambool Planning Scheme)



The provisions of the MPS provide:

- Identify Warrnambool City as Victoria's largest coastal regional city with the fastest growing economy and population centre in the south west. Accordingly there is a need to plan for demand for community facilities and services
- Recognise Warrnambool as a major tourist hub in the south west with the Princes Highway as a major thoroughfare.
- Encourage improvements to the visual quality of major transport routes and entrances to Warrnambool, including development of active street frontages, consolidation of advertising signage.
- Encourage the development of a 'Sustainable Warrnambool' through creation of employment choices, range of shops and services,
- Identify a hierarchy for activity centres within Warrnambool.
- Ensure the development of activity centres fosters a high quality urban environment that is attractive, safe, compatible with the surrounding neighbourhood and promotes civic pride.

Assessment

The siting, design and location of the built form provides for highway exposure and the design of the built form is consistent with other commercial developments already completed on the site creating an acceptable new building within the surrounding urban environment. The

proposed convenience restaurant is consistent with the objectives of the Activity Centre and would contribute to the services provided in the area.

However based on consideration of how the site operates and the fact the a portion of the site which was identified originally as being a 'future application' site at the front of the site has been developed with an extension to the car parking area, the increase in traffic in this space changes how a potential drive-thru area to a convenience restaurant would function.

Planning Policy Framework (PPF)

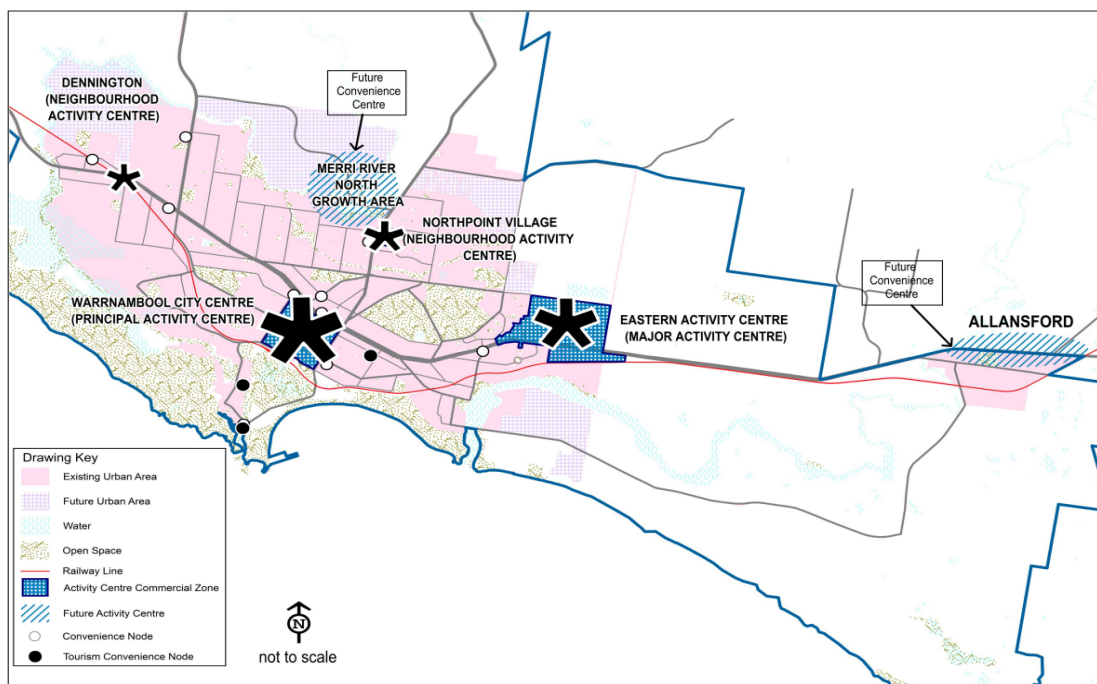
Relevant state policies include:

Clause 11 Settlement

Clause 11.01 Victoria

- Clause 11.01-1S – Settlement
- Clause 11.01-1R – Settlement: Great South Coast

Figure 17: Activity Centre Map (Source: Warrnambool Planning Scheme)



Clause 11.03 Planning for Places

- Clause 11.03-1S – Activity centres
- Clause 11.03-1L-01 – Activity centres in Warrnambool

Objective

To establish or expand activity centres consistent with the activity centre hierarchy and the designated role of the centre reflecting its function relative to other centres.

Strategies

Support Neighbourhood Activity Centres at Dennington and Northpoint Village.

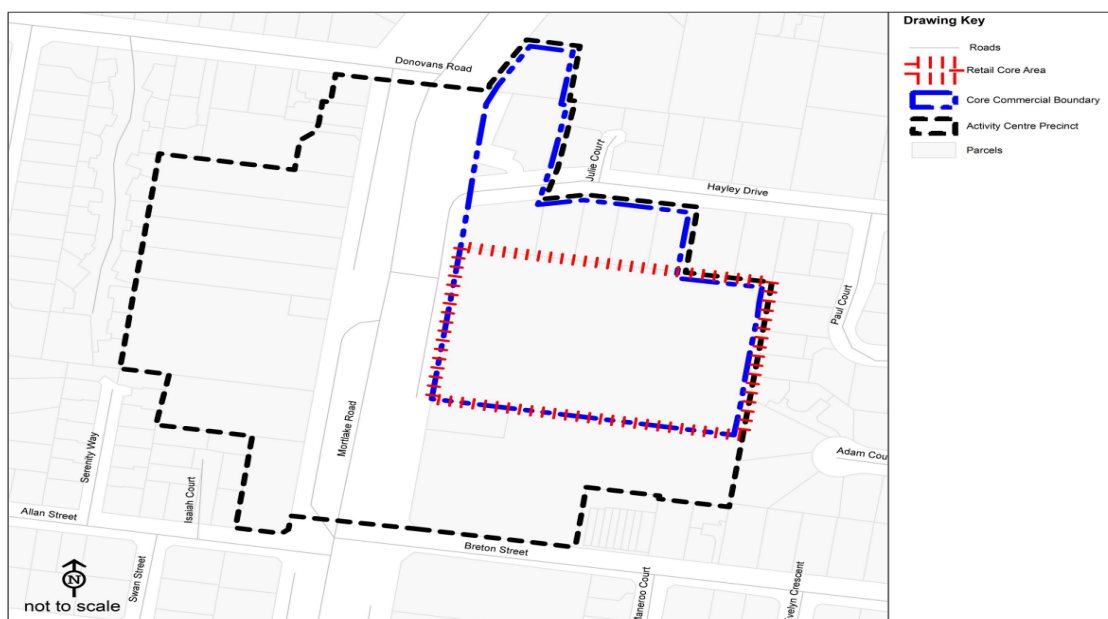
Limit expansion of floorspace within each centre so that:

- *The designated role of other centres in the activity centre hierarchy is not compromised.*
- *The ability of other centres to regenerate or respond to change is not adversely impacted.*

Diversify activities within each centre to encompass a range of retail, commercial, community, entertainment, hospitality, institutional, housing, leisure and tourism activities.

Limit further retail and commercial development to existing designated activity centres.

Figure 18: Northpoint Village Neighbourhood Activity Centre Map (Source: Warrnambool Planning Scheme)



Clause 13 Environmental Risks and Amenity:

- Clause 13.05 – Noise
 - Clause 13.05-1S Noise abatement
- Clause 13.07 – Amenity and Safety
 - Clause 13.07-1S Land use compatibility

Clause 15 Built Environment and Heritage

- Clause 15.01 Built Environment

Clause 15.01-1S Urban design

Objective

To create urban environments that are safe, healthy, functional and enjoyable and contribute to a sense of place and cultural identity.

Strategies

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Clause 15.01-2S Building Design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Strategies

Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

Clause 17 Economic Development

➤ Clause 17.02 Commercial

Clause 17.02-1S Business

Clause 18 Transport

➤ Clause 18

Clause 19 Infrastructure.

➤ Clause 19

Clause 19.03 Development Infrastructure

Clause 19.03-2S Infrastructure design and provision

Clause 19.03-3S Integrated water management

The provisions of the PPF can be summarised as follows:

- Seek to develop a network of activity centres that differ in size and function as a focus for business, shopping, working, leisure and community facilities
- Call for new convenience shopping facilities that provide for the needs of the local population within, or immediately adjacent to, existing commercial centres.
- Promote the adoption of a best practice environmental management and risk management approach which aims to avoid or minimise environmental degradation and hazards

- Ask for all new land use and development to appropriately respond to its landscape, valued built form and cultural context, and to protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.
- Promote high quality urban design and architecture that contributes positively to local urban character and sense of place and promotes attractiveness of towns and cities within broader strategic contexts
- Minimises detrimental impact on neighbouring properties.

Assessment

The proposed development would be located within the Northpoint Village Neighbourhood Activity Centre and offer convenience to the local population and passers-by. Consideration has been given in the application to an architectural response that complements the architecture elsewhere in the activity centre.

Although the built form is acceptable, the proposed layout of the convenience restaurant and in particular the proposed entrance to the drive-thru is highly likely to detrimentally impact both the circulation and functionality of the existing car parking area of the Northpoint Shopping Centre. The actual construction of the buildings would be acceptable if no drive-thru facility was provided on the site or the entrance to the drive-thru was provided with dedicated queuing lanes prior to entering the drive-thru. The proposed location of the entrance to the drive-thru occupying a central location within an existing aisle of the car park is likely to adversely impact on amenity of the area and be inconsistent with the way in which the other commercial uses on the site operate.

The proposal is generally in accordance with the PPF with the exception of Clause 15.01-1S and Clause 15.01-2S on account of the potential traffic concerns within the site.

Other Documents

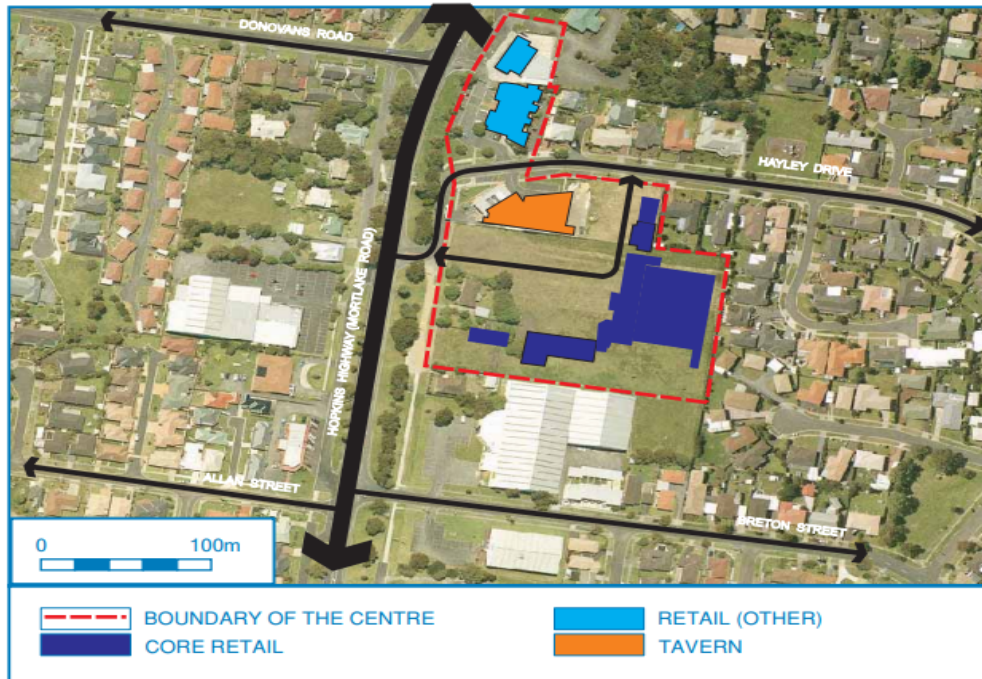
Warrnambool Retail Strategy (November 2007)

Clause 5.6.3 of the Strategy References the Northpoint Village and its role as an important local retail function for residents living in north Warrnambool. Clause 7.6 provides the recommended hierarchy comprising:

- The Warrnambool City Centre
- The Eastern Activity Precinct; and
- Northpoint Village.

The prior expansion of Northpoint Village has elevated the role of the centre from a local convenience to a neighbourhood activity centre which provides important retail, social and community functions and for the day to day convenience needs of communities residing in north Warrnambool.

Figure 19: Northpoint Village Neighbourhood Activity Centre Map (Source: Warrnambool Retail Strategy 2007)



Zoning

COMMERCIAL 1 ZONE (C1Z) – Clause 34.01

Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

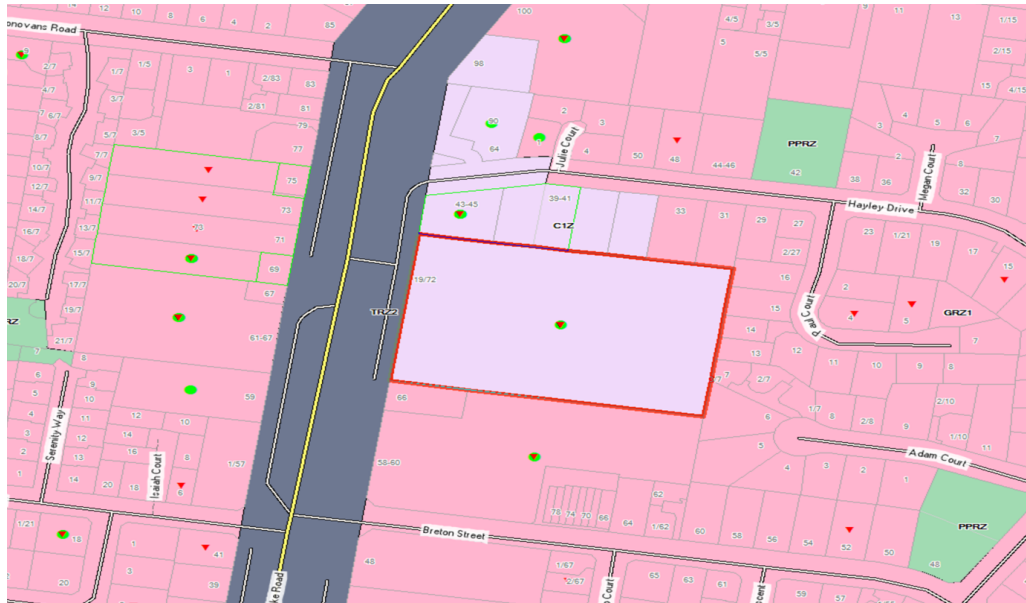
Permit Requirement

In accordance with Clause 34.01-4 a permit is required to construct a building or construct or carry out works. In accordance with Clause 34.01-2 permit is not required for the use of land for a convenience restaurant which is included in the general definition of a retail premises.

Decision Guidelines

In accordance with Clause 34.01-8 before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate the relevant decision guidelines detailed below:

Figure 20: Zoning Map (Source: Exponare)



General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The interface with adjoining zones, especially the relationship with residential areas.

Building and works

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- Consideration of the overlooking and overshadowing as a result of building or works affecting adjoining land in a General Residential Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.
- The availability of and connection to services.
- The design of buildings to provide for solar access.

Signs

In accordance with Clause 34.01-9 sign requirements are at Clause 52.05 (refer to assessment below under Particular Provisions). This zone is in Category 1.

Assessment

The Commercial 1 Zone seeks to create vibrant mixed use commercial centres. The addition of a convenience restaurant to complement and function alongside the existing uses, that would add visual interest to the site particularly when seen from Mortlake Road (Hopkins Highway) and could be managed sympathetically in regard to adjoining land uses which could be an appropriate outcome for the activity centre. The design is considered to provide an appropriate response to access, waste management and amenity.

Traffic movement and circulation issues remain problematic on the site particularly in relation to the use of the 'drive-thru' associated with the convenience restaurant which is likely to result in congestion within the existing car parking area which would detrimentally impact the movement of vehicles using the site and trying to access other commercial tenancies of the shopping centre.

Overlay(s)

None apply.

Relevant Particular Provisions

SIGNS - Clause 52.05Purpose

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Category

In accordance with Clause 52.05-11 Category 1 signs for Commercial areas detail whether a permit is required for signage as detailed below:

Section 1 - Permit not required

Sign	Condition
Bed and breakfast sign	The total display area of all signs to each premises must not exceed 8 sqm. This does not include a sign with a display area not exceeding 1.5 sqm that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.
Business identification sign	
Home based business sign	
Promotion sign	

Direction sign	None specified
Internally illuminated sign	<p>The total display area to each premises must not exceed 1.5 sqm.</p> <p>No part of the sign may be above a verandah or, if no verandah, more than 3.7 m above pavement level.</p> <p>The sign must be more than 30 m from a residential zone or pedestrian or traffic lights.</p>

Section 2 - Permit required

Sign	Condition
Any sign not in Section 1	None specified

Section 3 - Prohibited

Sign
Nil

Permit Requirement

The proposed signage does not meet the conditions under Section 1 as the total signage exceeds 8m² in area and the internally illuminated signage exceeds 1.5m² in area. Therefore is considered to be classified within Section 2 and requires planning approval.

Clause 52.05-8 Decision Guidelines

- *The character of the area*
- *Impacts on views and vistas*
- *The relationship to the streetscape, setting or landscape*
- *The relationship to the site and building*
- *The impact of structures associated with the sign*
- *The impact of any illumination*
- *The impact of any logo box associated with the sign*
- *The need for identification and the opportunities for adequate identification on the site or locality.*
- *The impact on road safety.*

Assessment

The application has been assessed against the relevant decision guidelines for business identification signage - given the total business signage would be in excess of 8m² and illuminated signage would be in excess of 1.5m². The proposed signage is considered to be appropriate for the site in association with development of the site with a convenience restaurant. The location and design of the signage is appropriate within a commercial setting. Although the signage would be prominent when seen by road users the signage is considered to be normal to a convenience restaurant and would not contribute to visual clutter or be detrimental to visual amenity. All signage would be contained within the boundary of the site and conditions of any permit, if granted, can limit the intensity of the light source to address the relevant decision guidelines. The nature of the use and its location within a Commercial area and the Northpoint Activity Centre lends itself to a diverse range of signage, including that which has been proposed.

CAR PARKING – Clause 52.06

Purpose

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*
- *To promote the efficient use of car parking spaces through the consolidation of car parking facilities.*
- *To ensure that car parking does not adversely affect the amenity of the locality.*
- *To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.*

Number of car parking spaces required – Clause 52.06-5

A car parking requirement may be calculated as either:

- *A number of car parking spaces; or*
- *A percentage of the total site area that must be set aside for car parking*

Number of car parking spaces required by other uses - Clause 52.06-6

For a convenience restaurant 0.3 spaces per person are required for each patron permitted. The submitted report relies upon a figure of 44 patrons to the restaurant for the purpose of car parking demand and therefore 13 spaces would ordinarily be required.

Assessment

As the combined Planning Scheme Amendment and Permit for the construction of the shopping centre (C37) contemplated the overall layout of the site with consideration of the construction of a convenience/fast food restaurant in the same area as is currently proposed, including a dispensation from providing the required car parking for the entire development, it is considered that the total car parking requirement for the site has already been met. Accordingly no waiver has been sought or is deemed to be required in relation to the proposed buildings and works which are associated with the construction of the convenience restaurant.

The area detailed on the plan associated with Amendment C37 as a 'future application' site which measured 900m² has since been developed as an extension to the existing car parking area and as such, additional car parking spaces have been made available in association with the use of the shopping centre that were not previously required.

The Traffic Impact Assessment Report which has been provided to support the application details the modifications that will be undertaken to the existing car park to provide for the proposed drive-thru associated with the restaurant. The alterations would result in a net loss of three (3) car parking spaces and any waiver is considered to have been assessed as part of the original planning approval for the development of the site and is considered to be appropriate.

LAND ADJACENT TO THE PRINCIPAL ROAD NETWORK - Clause 52.29

Purpose

- *To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.*
- *To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.*

Permit Requirement

A permit is required to create or alter access to a road in a Transport Zone 2.

Decision Guidelines - Clause 52.29-6

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The views of the relevant road authority.*
- *The effect of the proposal on the operation of the road and on public safety.*
- *Any policy made by the relevant road authority pursuant to Schedule 2, Clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.*

Assessment

It is considered that there is no permit trigger under this clause as there will be no change to the vehicle access point to the site from Mortlake Road (Hopkins Highway) which forms part of a Transport Zone 2 (TRZ2). The application was not referred to Department of Transport (DoT) pursuant to section 55 of the *Planning & Environment Act 1987* as access to the site from Mortlake Road (Hopkins Highway) is not being altered as a result of the proposed development on the site. However a referral was sent to DoT under section 52 of the *Act* in order to ascertain whether there would be any concerns due to a higher volume of traffic potentially frequenting the site and the impact on the entrance from Mortlake Road (Hopkins Highway). DoT raised no objection to the proposed development.

BICYCLE FACILITIES - Clause 52.34

Purpose

- *To encourage cycling as a mode of transport.*
- *To provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.*

Provision of bicycle facilities

Clause 52.34-1 A new use must not commence or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage has been provided on the land

Required bicycle facilities

Table 1 to Clause 52.34-5 details that for a convenience restaurant 1 bicycle space is required to each 25m² floor area available to the public for employees and 2 spaces for shoppers.

Assessment

Approximately 100m² of the restaurant will be available to the public and as such four (4) bicycle spaces should be provided for staff and an additional two spaces for shoppers. A total of six (6) bicycle should ordinarily be provided in accordance with Clause 52.34-5. The applicant has detailed four (4) bicycle parking spaces and two bicycle racks to the west of the restaurant to comply with the requirement to provide bicycle parking facilities.

STORMWATER MANAGEMENT IN URBAN DEVELOPMENT - Clause 53.18

Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Stormwater management objectives for buildings and works

- *To encourage stormwater management that maximises the retention and reuse of stormwater.*
- *To encourage development that reduces the impact of stormwater on the drainage system and filters sediment and waste from stormwater prior to discharge from the site.*
- *To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.*
- *To ensure that industrial and commercial chemical pollutants and other toxicants do not enter the stormwater system.*

Assessment

The preparation of a Stormwater Management Plan and a Construction Management Plan could form conditions of a permit, if granted, to ensure that stormwater was appropriately managed on the site at all times.

General Provisions

DECISION GUIDELINES – Clause 65.01

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
- *Any significant effects on the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*
- *The impact the use or development will have on the current and future development and operation of the transport system.*

Assessment

The proposed development is generally in accordance with the Decision Guidelines of Clause 65.01. However, concerns remain as to whether the development would result in the orderly planning of the area as a result of a lack of consideration to traffic movements within the site

An assessment of the proposal finds that the potential conflict between users of the car park would be contrary to certain objectives and strategies of Clauses 15.01-1S (Urban Design) and Clause 15.01-2S (Building Design) as follows (emphasis added):

Clause 15.01-1S Urban Design

Objective:

To create urban environments that are safe, healthy, functional and enjoyable and contribute to a sense of place and cultural identity. Strategies

Strategies:

Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.

Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.

Clause 15.01-2S Building Design

Objective

To achieve building design outcomes that contribute positively to the local context and enhance the public realm.

Strategy

Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.

Conclusion

The proposal seeks planning approval for buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant. The subject site is located within the Northpoint Shopping Centre and the development is proposed to take place on the last remaining undeveloped space within the south west corner of the site.

The original Development Plan and Amendment C37 detailed a convenience restaurant and drive-thru on the subject site however the current endorsed plan associated with PP2004-1225.05 seeks to deliver a restaurant rather than drive-thru as proposed.

The actual built form of the convenience restaurant on the subject site is appropriate and is consistent with the design and finish of surrounding commercial buildings. However due to the proposed location of the entrance to the drive-thru associated with the convenience restaurant at the end of a central aisle of the car parking area it is considered that vehicles queuing to enter the drive-thru will detrimentally impact the functionality of the existing Northpoint Shopping Centre car park. Such concerns have been raised by other tenants within the Centre.

Despite Council's requests for the applicant to investigate the impact of queuing at the entrance to the drive-thru area, the applicant has made no significant amendments to the layout. Concerns therefore remain in relation to the continued functionality of the car park.

The issue is considered to be able to be resolved by a detailed investigation into the impacts of queuing and the subsequent changes to the car parking layout to ensure the safe and efficient movements of cars and pedestrians. As such, conditions are proposed to address these matters to Council's satisfaction.

Recommendation

That Council having given notice of the application in accordance with the provisions of the Warrnambool Planning Scheme and Section 52 of the *Planning and Environment Act 1987*, and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit (NOD) under of the *Planning and Environment Act 1987* and the provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 TP 889015N, 1/72 Mortlake Rd WARRNAMBOOL VIC 3280, *for buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant* subject to the following conditions:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) copies must be provided. The plans must be generally in accordance with the plans submitted on 2 September 2021 but modified to show:

- a) Modifications to the layout of the convenience restaurant to meet the recommendations of the Parking Management Plan.
- b) The provision of a designated ambulance bay with appropriate dimensions

2. Parking Management Plan

Before the development starts a Parking Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. The Parking Management Plan must consider and respond to:

- a) Queuing at the entry of the convenience restaurant and the potential for cars to extend into the car park, and the areas where this would occur,
- b) Direction of travel to the convenience restaurant for vehicles entering the car park from both Mortlake Rd and Hayley Dr
- c) Direction of travel for vehicles exiting the convenience restaurant
- d) The circulation of vehicles within the car park particularly in the vicinity of the entry to the convenience restaurant
- e) The impact of services such as taxi collection, 'click and collect' and 'car park delivery' services offered by business in the shopping centre and how this might impact on the circulation of vehicles in the vicinity of the convenience restaurant
- f) The location of all areas on-site to be used for staff parking;
- g) The location of all areas on-site to be used for parking by medical practitioners including the location of the ambulance bay
- h) The impact on the safety of motorists and pedestrians as a result of all the above.
- i) Any recommended changes to layout of the convenience restaurant or specific traffic management measures e.g line-marking, traffic islands, directional signage etc to improve the safety and efficiency of traffic movements within the car park.

When approved the Traffic and Parking Management Plan will be endorsed and will then form part of the permit. The approved Parking Management Plan must be implemented to the satisfaction of the Responsible Authority before the convenience restaurant is first brought into use.

3. Amended Traffic Report

Before the development starts, an amended Traffic Impact Assessment (TIA) must be submitted to and approved by the responsible authority. The amended TIA must have regard to the report submitted with the application (ESR Transport Planning dated 12/7/21) but

- a) Take into account the traffic generated by the apartment development on the west side of Mortlake Road (69-75) for which the exit of all residents will be via the signalised intersection.

4. Layout Not Altered

The development hereby permitted must be carried out in accordance with the endorsed plans and must not be altered without the prior written consent of the responsible authority.

5. General Amenity

The development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a) Transport of materials, goods or commodities to or from the land;
- b) Appearance of any buildings, works or materials;
- c) Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
- d) Presence of vermin.

6. Delivery Times

Unless otherwise consented to in writing by the responsible authority, deliveries to and from the site must occur between the hours of:

- 6am to 10 pm Monday to Sunday.

7. Utility Provision

- a) All basic services, including water, electricity, gas, sewerage, telephone and other telecommunication facilities must be installed underground and located to the satisfaction of the responsible authority; and
- b) The entire site must be connected to the existing underground drainage and sewerage systems to the satisfaction of the responsible authority.

8. Building Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

9. Stormwater Management Plan

Before development starts a detailed Stormwater Management Plan is to be submitted to and endorsed by the responsible authority prior to any works commencing. The works must be designed in accordance with the current responsible authority's Design Guidelines, the endorsed application plans and the endorsed Development Plan and must include:

- a) Details of how the works on the land are to be drained and/or retarded;
- b) Where interim or temporary works are proposed, details must be provided to show details on how these interim or temporary works will integrate with the ultimate drainage systems;
- c) Where drainage is required to be conveyed across privately owned land, demonstration of the consent of the landholder and/or easements must be provided to the satisfaction of the responsible authority;
- d) Identify any existing drainage on the site;
- e) Computations of the existing and proposed drainage;
- f) Independent drainage or on-site retention facility for the site;
- g) Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- h) The storm water discharge from this development must be limited to predevelopment runoff for a 5% AEP storm event;
- i) Documentation demonstrating approval for the legal point of discharge;
- j) The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system;
- k) Maintenance schedules for treatment elements;
- l) Designed and constructed to satisfy AS/NZS 3500; and
- m) Demonstrate storm water runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within development.

The endorsed storm water management plan is to be implemented prior to use or occupation of the development.

10. Construction Management Plan

Before development starts (including any preliminary site preparation and establishment works, demolition or material removal) a Construction Management Plan must be submitted to and endorsed by the responsible authority.

The Construction Management Plan must include and address the following:

- a) Details of Public Safety, Amenity Considerations and Site Security;
- b) Environmental Management Plan (EMP) in accordance with the Environment Protection Authority document Environmental Guidelines for Major Construction Sites, February 1996 or its successor document, including:
 - i. Operating Hours, Noise and Vibration Controls;
 - ii. Air and Dust Management;

- iii. Stormwater and Sediment Control; and
- iv. Waste and Materials Reuse Management.
- c) Construction Program;
- d) Traffic Management Plan;
- e) Evidence of Responsible authority approvals and insurance required to undertake works; and
- f) Asset Condition Report, with photos and assessment of any prior damage to public infrastructure and identified actions to minimise damage to infrastructure during construction.

Once endorsed, the Construction Management Plan will be endorsed and form part of this permit.

11. Construction Amenity

To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:

- a) Stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and must have measures in place to prevent the movement of such material off site;
- b) Building operations such as brick cutting, washing tools, concreting and bricklaying must be undertaken on the building block. The pollutants from these building operations must be contained on site; and
- c) Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.

All works on the land must be undertaken in accordance with the endorsed plans to the satisfaction of the responsible authority.

12. Car Park Modifications/Alterations

Before the use commences, the modifications/alterations to the car parking area and an appropriate ambulance parking bay must be provided on the site and finished to the satisfaction of the responsible authority. The works must be designed in accordance with the following where plans are to be submitted to and endorsed by Council prior to construction.

- a) In accordance with Australian Standards;
- b) Finished with an all-weather surface;
- c) Drained in accordance with the endorsed storm water management plan; and
- d) Provision for appropriate lighting, signage and line marking.

13. Signage

- a) The location and details of the signage shown on the endorsed plans must not be altered without the written consent of the responsible authority;
- b) All signs must be constructed to the satisfaction of the responsible authority and maintained to the satisfaction of the responsible authority;

- c) All external lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse impact on adjoining land;
- d) The sign lighting must be designed, baffled and located to prevent any adverse effect on nearby residences within view of the site to the satisfaction of the responsible authority;
- e) Signs must not:
 - i. Contain any flashing light;
 - ii. Dazzle or distract drivers due to its colouring;
 - iii. Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles; and
 - iv. Be able to be mistaken as an instruction to drivers.
- f) The intensity of the light in the signs must be limited so as not to cause glare or distraction to motorists or other persons to the satisfaction of the responsible authority.

14. Signage Expiry

This permit in so far as it relates to signage expires fifteen (15) years after the date it is issued.

Notes

a) Permit Expiry

This permit will expire if one of the following circumstances applies:

- i. The development is not started within two years of the date of this permit.
- ii. The development is not completed within four years of the date of this permit.

The responsible authority may extend the period in which to start the development or commence the use if a request is made in writing before the permit expires or within six months afterwards. The responsible authority may extend the period in which to complete the development if a request is made in accordance with the provisions of the *Planning and Environment Act 1987*.

b) Road Reserve Works Permit

Before the commencement of works a Road Reserve Works Permit must be approved by Council for all works on Council roads and assets.

c) Asset Protection Permit

Before the commencement of works an Asset Protection Permit must be approved by Council for all works on Council roads and assets.

d) Discharge of Polluted Water

Polluted drainage must be treated and/or absorbed on the lot from which it emanates to the satisfaction of the responsible authority.

e) Building Regulations

A building permit is required for the proposed development and a Registered Building Surveyor should assess compliance with the Building Code of Australia.

f) Environmental Health Considerations

The proposed development should be in accordance with the *Environment Protection Act 2017* and all sub regulations, the *Public Health and Wellbeing Act 2008* and all sub regulations, the *Food Act 1984* and all sub regulations and relevant *Australian Standards*. The applicant should take note of the following publications the *EPA publication 1826.4 Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues*; *How to prevent stormwater pollution on building sites and reducing stormwater pollution: business and industry*; *EPA Publication 1834 Civil construction, building and demolition guide*; *Compliance with Food Act 1984 – Food Standards Code and Australian Standards*; and compliance with current Chief Health Officer directions.

Office Use Only

Application No.:

Date Lodged: / /

Application for a **Planning Permit**

The Land

Address of the Land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No:	St. No.: 72	St. Name: Mortlake Road
Suburb/Locality: Warrnambool		Postcode: 3280

Formal Land Description *

Complete either A or B

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.: 1	<input type="radio"/> Lodged Plan	<input checked="" type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.: 889015N
OR					
B	Crown Allotment No.:			Section No.:	
Parish/Township Name:					

The Proposal**For what use, development or other do you require a permit? ***

Buildings and works (to construct a convenience restaurant) and construct and display business identification signage

Estimated cost of development *

Cost \$1,800,000

You may be required to verify this estimate. Insert '0' if no development proposed

Existing Conditions**Describe how the land is used and developed now ***

See enclosed town planning report.

Title Information**Encumbrances on title ***

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- ☐ Yes, see enclosed town planning report for additional information.
- ☒ No
- ☐ Not applicable (no such encumbrance applies)

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title:	First Name: Cameron	Surname: McNeill
Organisation: Myers Planning Group		
Postal address:		If it is a PO Box, enter the details here:
Unit No:	St. No.:	St. Name: PO Box 207
Suburb/Locality: Warrnambool		State: VIC Postcode: 3280

Provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone: (03) 5562 9443	Email: admin@myersplanninggroup.com.au
Mobile phone:	Fax: --

Where the preferred contact person for the application is different from the applicant, provide details of that person.

Name:		Same as applicant <input checked="" type="checkbox"/>
Title:	First Name:	Surname:
Organisation:		
Postal address:		If it is a PO Box, enter the details here:
Unit No:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

Owner *

The person or organisation who owns the land.

Name:		
Title:	First Name:	Surname:
Organisation: Green Bay Properties Pty Ltd		
Postal address:		If it is a PO Box, enter the details here:
Unit No: 1	St. No.: 70	St. Name: St Kilda Road
Suburb/Locality: St Kilda		State: VIC Postcode: 3182

Declaration

This form must be signed by the applicant *

I declare that I am the applicant, and that all the information in this application is true and correct; and the owner has been notified of the permit application.

Signature: 	Date: 14 July 2021
--	--------------------

Has there been a pre-application meeting with a council planning officer?

☐ No ☒ Yes

If 'Yes', with whom?: James Phillips

Date: June 2021

day/month/year



14 July 2021

James Phillips
Coordinator City Development
Warrnambool City Council
PO Box 198
Warrnambool VIC 3280

By email only: planning@warrnambool.vic.gov.au

Dear James,

Application for a Planning Permit, 72 Mortlake Road, Warrnambool

Please find enclosed an application for a planning permit for the above address.

Enclosed are the following documents for your assessment:

1. Completed application form - the application fee to be paid after lodgement, please email an invoice to admin@myersplanninggroup.com.au
2. Town Planning Report;
3. Recent Certificate of Title
4. Town Planning Drawings, prepared by Voda Building Services Pty Ltd;
5. Traffic Impact Assessment Report, prepared by ESR Transport Planning Pty Ltd.
6. Site and signage context photos

If you have any questions, please contact me on telephone (03) 5562 9443 or email cameron@myersplanninggroup.com.au

Yours sincerely,



Cameron McNeill
Senior Planning Consultant

Myers Planning Group Pty Ltd
ABN 53 253 414 622
182B Lava Street,
Warrnambool VIC 3280
www.myersplanninggroup.com.au

MYERS Building Design
PLANNING GROUP Town Planning
Project Management

Planning Permit Application

72 Mortlake Road, Warrnambool
Prepared for Wirk Horsham Pty Ltd

Issued
14 July 2021

182B Lava Street
Warrnambool VIC 3280

(03) 5562 9443
www.myersplanninggroup.com.au

Overview

Background

Applicant / Owner	Wirk Horsham Pty Ltd
Address	72 Mortlake Road, Warrnambool
Lot Description	Lot 1 TP 889015N (Volume 10959 Folio 037)

Relevant Planning Controls

State Planning Policy Framework	Clause 11.01-1S - Settlement
	Clause 11.01-1R - Settlement: Great South Coast
	Clause 11.03-1S - Activity centres
	Clause 15.01-1S - Urban design
	Clause 15.01-2S - Building design
	Clause 17.02-12S - Business
	Clause 18.02-1S - Sustainable personal transport
	Clause 18.02-4S - Car parking
	Clause 19.03-2S - Infrastructure design and provision
	Clause 19.03-3S - Integrated water management
Local Planning Policy Framework	Clause 21.01 - Municipal profile, Council vision and strategic directions
	Clause 21.01-4 - Strategic directions
	Clause 21.02-1 - Activity centres
	Clause 21.06-1 - Urban environment
	Clause 21.08-1.1 - Out of centre development
Zone	Commercial 1 Zone
Overlays	None applicable
Particular Provisions	Clause 52.05 Signs
	Clause 52.06 Car Parking
	Clause 52.34 Bicycle Facilities
	Clause 53.18 Stormwater Management in Urban Development
Strategic Planning Documents	Warrnambool Retail Strategy 2007
Permit Application Details	
Description of Proposal	Buildings and works (to construct a convenience restaurant) and construct and display business identification signage

Permit requirement

Clause 34.01-4: Commercial 1 Zone - a permit is to construct a building or construct or carry out works.

Clause 52.05-2: Signs - a permit is required to construct and display signs.

Acknowledgement of Country

We acknowledge the Traditional Owners of the Country on which this application applies and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

We care about our community

We donate a fixed percentage of our income each year to local organisations that work towards a better world. We also advise and represent a select group of clients on a reduced cost or pro bono basis.

Quality assurance

Town Planning Report

72 Mortlake Road, Warrnambool
Prepared for Wirk Horsham Pty Ltd

Project Number

21-445

Revision

00

Prepared By

AP

Reviewed By

CM

Project Lead

CM

Issued

14 July 2021

Revision	Date	Issue
00	14 July 2021	Final issue to Council

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1 Introduction

1.1 Purpose

This report has been prepared by Myers Planning Group on behalf of Wirk Horsham Pty Ltd in support of a planning permit application for buildings and works (to construct a convenience restaurant) and construct and display business identification signage at 72 Mortlake Road, Warrnambool (the 'Site').

The proposal provides a site responsive design which directly responds to the provisions of state and local planning policy and complies with the Warrnambool Planning Scheme.

Accordingly, the proposal triggers the following permit requirements:

- Clause 34.01-4: Commercial 1 Zone - a permit is to construct a building or construct or carry out works.
- Clause 52.05-2: Signs - a permit is required to construct and display signs.

Having considered the proposal with respect to the Warrnambool Planning Scheme, it is the conclusion of this report that proposal is consistent with both state and local planning policy. As such, this report recommends, and requests Council issues a permit for the proposal.

The following documents should be read in conjunction with this report and are provided as part of the application:

- Certificates of title
- OneMap Site Report
- Site Photos
- Town Planning Drawings prepared by Voda Building Services Pty Ltd
- Traffic Impact Assessment Report, prepared by ESR Transport Planning Pty Ltd.

1.2 Limitations

This report has considered the following documents:

- Warrnambool Planning Scheme (as of 14 July 2021);
- Certificate of Title (dated 28 June 2021).

2 Site and surrounds

2.1 Site description and title particulars

Site address	72 Mortlake Road, Warrnambool
Title details	Lot 1 TP 889015N (Volume 10959 Folio 037)
Site description	The Site is rectangular in shape with an area of 1.629 hectares and a frontage of approximately 100 metres to the Hopkins Highway.
Landowners	For the purposes of Section 48 of the Planning and Environment Act 1987, Green Bay Properties Pty Ltd are the registered landowners.
Easements, restrictions or covenants	The site is not encumbered by any restrictions or covenants pursuant to Section 173 of the Planning and Environment Act 1987 and the Subdivision Act 1988. The Site is encumbered by easements for carriageway, footway and an overhanging canopy, although these are located along the northern boundary of the Site and are not affected by the proposal.

Refer to Appendix A - Certificate of Title.

2.2 Site analysis

The Site comprises a large rectangular Site, developed and used as part of a neighbourhood shopping centre known as Northpoint Village. The Site is developed with the retail buildings generally located on the eastern and southern portion, and open car parking areas on the western portion. Access to the Site is via a service road accessing Mortlake Road to the west, and a smaller access point from Hayley Drive to the north.

Existing commercial tenancies include a supermarket (Coles), medical centre, laundromat, takeaway food shops, butcher, bakery, coffee shop and newsagent.

The proposed development is to be located in the south-west corner of the Site, which is currently undeveloped and is covered in grass. The Site is relatively flat, with some low points for stormwater drain gage located on the grassed area, and within the car parking areas.

Existing landscaping is located throughout the Site, and along the southern boundary near the development Site.

Refer to Figure 1 - Aerial Plan.



Figure 1: Aerial Plan

2.3 Site context

The Site is located approximately 1.5 kilometres north of the Warrnambool CBD. The Site is located to the east of Mortlake Road, a main road into Warrnambool from the north. The Site is within a commercial precinct (Northpoint Village) which extends north of Hayley Drive, and also includes a service station. To the west is a fire station, as well as a veterinarian, and a small row of shops including a baker, takeaway food shop and laundry. Beyond these commercial uses, the broader locality is used for residential purposes. Recently, an apartment complex (approximately 68 dwellings), with some associated uses such as a medical centre and take away food premises has been approved to the west of Mortlake Road, but construction has not commenced (69-75 Mortlake Road).

The Site's key interfaces are as follows:

North	<p>39-45 Hayley Drive. This land is within the Commercial 1 Zone and is developed with a bottle shop and a tavern under construction. To the east of this is land used for access and as part of the Northpoint Village centre.</p> <p>31 and 33 Hayley Drive are within the General Residential Zone and each is developed with a dwelling.</p>
East	<p>East of the Site is the rear of lots which address Paul Court and Adam Court. These lots are located within the General Residential Zone and developed with dwellings.</p>
South	<p>66 Mortlake Road is located immediately to the south of the Site, and is developed with a dwelling and an acoustic fence.</p> <p>58-60 Mortlake Road also adjoins the Site on the south, and comprises a large buildings used as an indoor tennis centre. The indoor tennis site at the time of writing has approval for the use and development for a Salvation Army Corp site.</p>
West	<p>West of the Site is the road reserve of the Mortlake Road, which includes a signalised intersection and service roads. Further west is a fire station, future residential development site, a veterinarian, and a small shops including a bakery, laundromat, and takeaway food shop.</p>

Refer to Figure 2 - Context Plan.

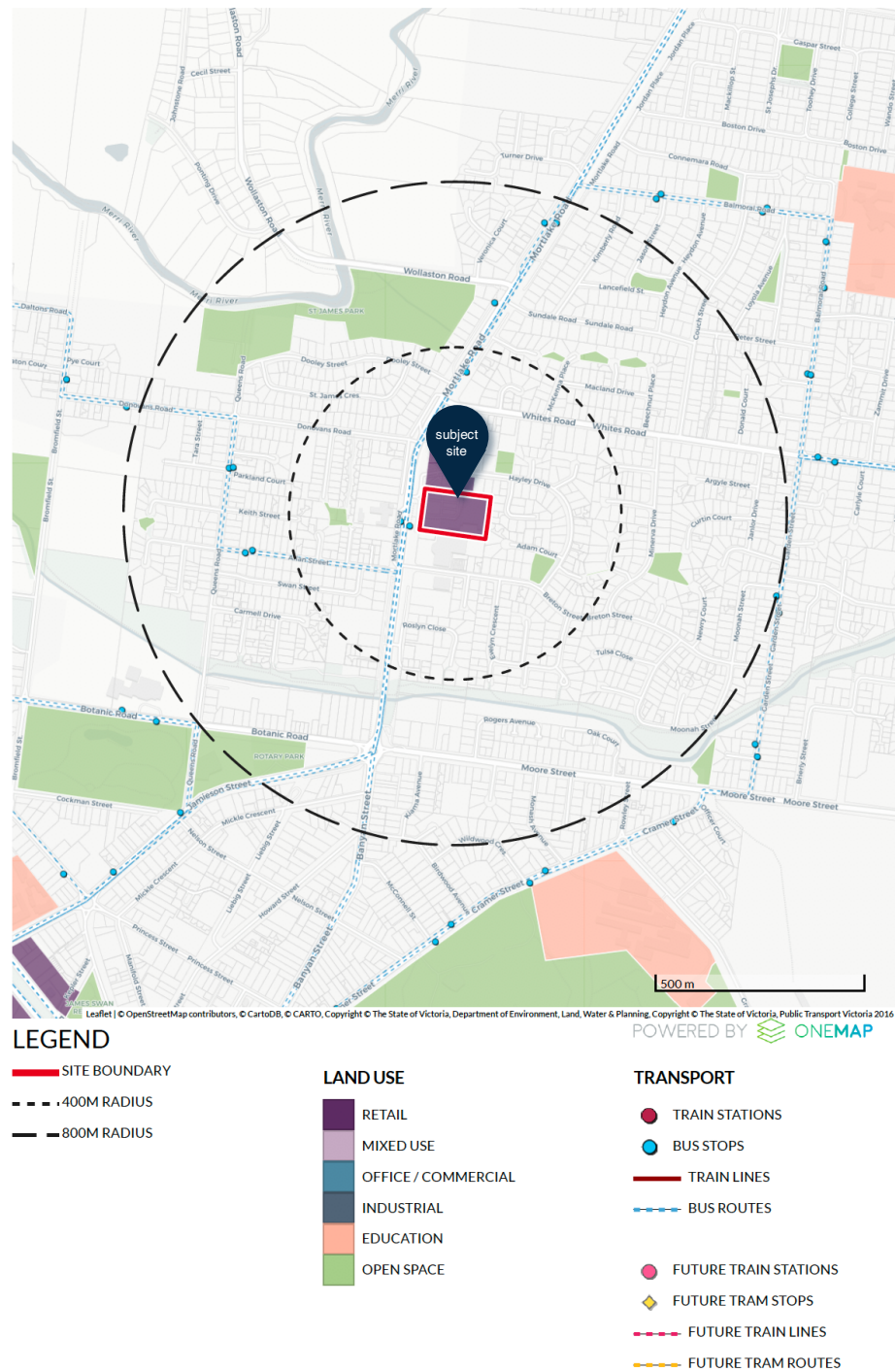


Figure 2: Context Plan

3 Proposal

3.1 Overview

The proposal seeks planning approval for buildings and works (to construct a convenience restaurant), and construct and display business identification signage.

Refer to enclosed town planning drawings for full details of the proposal.

3.2 Planning permit triggers

In accordance with the provisions of the Warrnambool Planning Scheme, the proposal triggers the following planning permit requirements:

- Clause 34.01-4: Commercial 1 Zone - a permit is to construct a building or construct or carry out works.
- Clause 52.05-2: Signs - a permit is required to construct and display signs.

3.3 Key elements

Key elements of the proposal include:

Overall Site layout

- The restaurant building is located in south-western portion of the Site, on the existing grassed area.
- Drive-thru ordering points are located east of the restaurant building, with payment and serving windows located on the southern side of the restaurant building.
- An existing row of car parking spaces is to be modified to the north of the restaurant building.
- Bicycle parking is located to the west of the restaurant building.
- Bins are provided adjacent to the bicycle parking and facing the parking area.
- New pedestrian crossings over the drive-thru are to be provided, to connect to the existing internal footpaths on the site.

Restaurant building

- The building is to be setback approximately 13.8 metres from the southern boundary, and approximately 12 metres from the western boundary.
- The building comprises a modern design with almost flat roofs hidden behind parapet walls. The building is 6 metres high at the tallest point. The building then steps down to lower heights of 5.4 metres and 4.9 metres. Refer to Town Planning Drawings for full details.
- External materials and colours are varied to create visual interest and reduce the mass of the building. The building is mostly clad with fibre cement panels finished in a range of colours including light grey, red, white and a raw finish. Feature materials and colours include black painted metal work, woodgrain finish aluminium timber-look battens, steel wall cladding in Monument matt black, and red perforated steel.
- The internal layout comprises an area of approximately 300 square metres and includes:
 - o Restaurant with seating for 44 patrons
 - o Service counter, kitchen, cool rooms, freezers and office
 - o Fully enclosed dumpster room with roller door access to loading bay
 - o One accessible bathroom, one female bathroom and one male bathroom

Drive-thru

- The drive-thru wraps around the east, south and west of the restaurant building, with a drive-thru gantry and attached sign indicating the entrance to the drive-thru from within the car parking area. The total queue capacity of the drive-thru is 9 vehicles.
- Two service lanes for entering and ordering are provided, with two ordering bollards and signs each located under a 3.4 metre high pergola.
- The two lanes then merge to one lane for payment and service windows. These are located on the southern side of the building, and are partially covered by a canopy roof and perforated metal pergolas.
- The southern side of the drive-thru lane is partially screened with fibre cement panels, timber look aluminium battens, and perforated metal screens.

Signage

- Business identification signs are proposed on the façade of the building and include:
 - o Two 2 metre by 2 metre "Colonel Signs", one each located on the northern and western facades.
 - o Three "KFC lettering" with dimensions 2.4 metres by 0.70 metres.
 - o Two 'KFC Red Stripes Signs' with dimensions 1.5 metres by 0.9 metres.
 - o Two 'KFC Entry Door Signs' with dimensions 1.5 metres by 0.195 metres.
 - o A painted wall graphic displaying a "Handmade Stamp Logo" to be located on the southern façade, with dimensions 2.4 metres by 3.33 metres.
- Additional signs around the building include direction signs and small signs above the drive-thru, and digital screen menu boards. These signs, along with the building façade signs, are proposed to be illuminated.
- A number of smaller signs are located throughout the site, including a banner sign attached to the drive-thru including directional signs and traffic control signs. See Town Planning Drawings for full details of signage.

4 Planning policies and controls

4.1 Planning Policy Framework (PPF)

To ensure the overarching objectives of planning in Victoria are met, policies contained within the Planning Policy Framework (PPF) must be considered. The PPF clauses of most relevance to the Site and the proposal are set out below.

Clause 11 Settlement

- **Clause 11.01-1S - Settlement** - aims to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.
- **Clause 11.01-1R - Settlement: Great South Coast** - seeks to attract more people to the region.
- **Clause 11.03-1S - Activity centres** - Seeks to encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres that are highly accessible to the community.

Clause 15 Built Environment

- **Clause 15.01-1S - Urban design** - Seeks to create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.
- **Clause 15.01-2S - Building design** - Seeks to achieve building design outcomes that contribute positively to the local context and enhance the public realm.
- character, cultural identity, and sense of place.

Clause 17 Economic Development

- **Clause 17.02-1S - Business** - Seeks to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Clause 18 Transport

- **Clause 18.02-1S - Sustainable personal transport** - Seeks to promote the use of sustainable personal transport.
- **Clause 18.02-4S - Car parking** - Seeks to ensure an adequate supply of car parking that is appropriately designed and located.

Clause 19 Infrastructure

- **Clause 19.03-2S - Infrastructure design and provision** - Seeks to provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.
- **Clause 19.03-3S - Integrated water management** - Seeks to sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Local Planning Policy Framework (LPPF)

The Local Planning Policy Framework (LPPF) sets out local and regional planning policy with a focus on specific areas and issues within Warrnambool. The Municipal Strategic Statement (MSS) and local policies relevant to the proposal are detailed below.

Clause 21.01 - Municipal Profile, Council Vision and Strategic Directions - provides an overview of the drivers for growth and change within the City of Warrnambool. The municipality includes the major centre of Warrnambool (residential, commercial and industrial land uses) and the surrounding rural hinterland. Warrnambool is Victoria's largest coastal regional city and is the main service centre for south-western Victoria.

Clause 21.01-4 - Strategic directions - identifies Council is committed to creating a sustainable city which allows people to walk or cycle to access their everyday needs and that fosters community interaction and encourages

physical activity. In order to achieve this, Council has established a clear strategic direction to provide a network of activity centres to provide a mix of shops and services.

The Northpoint Village is identified as a Neighbourhood Activity Centre, where the highest-order retail attractor is a supermarket.

Clause 21.02-1 Activity centres - recognises the hierarchy of activity centres within Warrnambool and the role of each. Northpoint Village is identified as a Neighbourhood Activity Centre with a 'Neighbourhood Centre (providing weekly goods and services)' retail classification. Expected types of retail development include:

- Retail: supermarket, convenience store and supporting specialties and retail services.
- Other commercial: Offices, cafes, take away food premises, petrol station and carwash.
- Community and Leisure: Childcare centre, medical centre, gymnasium and other leisure activities.

Clause 21.06-1 - Urban environment - seeks to achieve urban design of the highest standard and improve the appearance of the major entrances to urban areas. This clause also seeks to provide for advertising signs that are in context with the scale of development, the surrounding environment and with the surrounding signage patterns.

Clause 21.08-1.1 - Out of centre development - aims to ensure Warrnambool's activity centre network develops as a consolidated activity centre system. Further retail and commercial development should generally only occur within existing designated activity centres.

4.2 Commercial 1 Zone

The Site is located within the Commercial 1 Zone (Clause 34.01). The purposes of the Commercial 1 Zone include:

- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.
- To provide for residential uses at densities complementary to the role and scale of the commercial centre.

The use of land for a 'Retail premises' (which includes convenience restaurant) is a Section 1 Use for which no permit is required.

Pursuant to Clause 34.01-4, a permit is required to construct a building or construct or carry out works.

Application requirements are listed at Clause 34.01-6. See Town Planning Drawings (Appendix D) for information which meets the application requirements.

Refer to Appendix B - OneMap Site Report.

4.3 Particular Provisions

4.3.1 Clause 52.05 Signs

Clause 52.05 seeks to:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

The locality is within a Category 1 - Commercial area which has minimum limitation in relation to signs.

A permit is required pursuant to Clause 52.05-11 for the signage associated with the proposal. Please refer to Section 5.2.4 of this Report, Appendix C Site Photos, and Appendix D Town Planning Drawings for information addressing application requirements of Clause 52.05-6.

Decision guidelines are listed at Clause 52.05-8.

4.3.2 Clause 52.06 Car Parking

Clause 52.06 seeks to:

- Ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- Ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- Support sustainable transport alternatives to the motor car.
- Promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- Ensure that car parking does not adversely affect the amenity of the locality.
- Ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

The Combined Planning Scheme Amendment and Permit (C37 Explanatory Report and PP2004-1225) showed the overall layout of the land, and specifically identified the Site as being for 'convenience restaurant / fast food'. The Amendment also considered and approved via the Permit a dispensation from car parking requirements where the number of car parking spaces associated with the range of uses, including the convenience restaurant and fast food shop, were supported. The car parking is provided for the Site as a whole.

As identified in the Traffic Impact Assessment Report (Appendix E), modifications will be undertaken to the existing car park to provide for the development and the drive-through facility. The net loss of 3 spaces is considered to have been previously dealt with under the original and no additional parking waiver is required.

4.3.3 Clause 53.18 Stormwater Management in Urban Development

The purpose of this clause is to ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

The proposal must meet the listed objectives for stormwater management for buildings and works and site management, and should meet Standard W2 and W3.

It is anticipated that a stormwater management plan and construction management plan (if required) could be reasonably included as a condition on any permit to be granted.

4.3.4 Clause 52.34 Bicycle Parking

Clause 52.34 seeks to:

- Encourage cycling as a mode of transport
- Provide secure, accessible and convenient bicycle parking spaces and associated shower and change facilities.

The Combined Planning Scheme Amendment and Permit (C37 Explanatory Report and PP2004-1225) considered and approved via the permit a dispensation from bicycle requirements, including the requirement to provide lockable bicycle parking for the Site as a whole. This included the consideration of part of the Site being used as a convenience restaurant / fast food premises.

Notwithstanding the previous bicycle parking reduction, the proponent has provided additional bicycle rails to cater for customers of the KFC. See Town Planning Drawings (Appendix D) for details.

4.4 **Other planning considerations**

4.4.1 Aboriginal Cultural Heritage Sensitivity

The Site is identified as being an 'area of cultural heritage sensitivity' pursuant to the Aboriginal Heritage Regulations 2018. These areas relate to landforms and soil types where Aboriginal places are more likely to be located.

A Cultural Heritage Management Plan (CHMP) is required for an activity if the activity is a 'high impact activity' and falls in whole or part within an area of cultural heritage sensitivity. Division 2 of the Aboriginal Heritage Regulations 2018 set out various exempt activities for which a CHMP is not required.

Pursuant to Regulation 46, a CHMP is not required as the buildings and works are associated with the existing use of the land for a retail premises which was being lawfully used before 28 May 2007.

5 Planning assessment

5.1 Overview

The following chapter outlines the key planning considerations of the proposal in response to relevant policy and the provisions of the Warrnambool Planning Scheme. In summary, the following key considerations are relevant to the assessment of the proposal:

- Is the proposal consistent with the Planning Policy Framework?
- Is the proposal consistent with the Local Planning Policy Framework?
- Does the proposal appropriately respond to the Commercial 1 Zone?
- Does the proposal appropriately respond to Clause 52.05 Signs?

5.2 Key considerations

5.2.1 Is the proposal consistent with the Planning Policy Framework?

The proposal provides an appropriate outcome with regards to the PPF. The proposal will provide for a development and investment opportunity within a key commercial area of Warrnambool, consistent with Clause 11.01-1s Settlement. The proposal also responds positively to Clause 11.01-1R by providing for growth and investment within Warrnambool. With regard to Clause 11.03-1S Activity centres, the Site is located within a key commercial activity centre, and provides for a well located convenience restaurants in the north Warrnambool area.

The proposal provides a suitable response to Clause 15 Built Environment and Heritage. The proposal responds to the context of the site location in a commercial area, and is of a scale and design which will complement the existing built form on the Site. The design of the car parking area will ensure a safe environment is provided for users and will allow for easy and efficient use.

The proposal complies with the objectives and strategies relating to Clause 17.02 Economic Development – Commercial. The proposal will provide for a commercial use in an area planned as an activity centre, and will meet the needs of the local population and passing tourist trade. The proposal will generate additional jobs in the local economy which is considered to provide a net community benefit.

The proposal provides for appropriate parking and bicycle facilities, as detailed in 4.3.2 and 4.3.4 of this report. The proposal is therefore considered to provide a suitable response to the requirements of Clause 18.02 in relation to movement networks.

The proposal complies with the relevant objectives and strategies at Clause 19.03 Development Infrastructure. Required services are available to the site and will be connected to the building. The site will be drained using best practice water sensitive urban design principles, in accordance with the requirements of Council. It is not anticipated that approval of this development would place any undue pressure on the delivery of these services.

5.2.2 Is the proposal consistent with the Local Planning Policy Framework?

The development is appropriately located within the Northpoint Village Neighbourhood Activity Centre, and the Site has been identified as a convenience restaurant since the Planning Scheme was amended to facilitate the retail development. The layout and design of the building on the Site will maintain pedestrian access to the shopping centre, and provide for appropriate pedestrian and vehicle movements. The proposal is consistent with the identified role of the activity centre, consistent with Clauses 21.02-1 Activity centres and Clause 21.08-1.1 Out of centre development.

The building has been designed to provide a high level of articulation along all building facades, so as to provide an appropriate level of design and an interesting built form. Various design techniques have been incorporated create visual interest, including a mix of building materials and colours, different heights, and varied setbacks. Advertising signage has been included which identifies the business and meets commercial objectives. Building heights are less than the existing highest points of the broader retail building, and will complement and respect the existing character of these buildings. The proposal responds appropriately to Clause 21.06-1 Urban environment.

The proposal is consistent with the Local Planning Policy Framework.

5.2.3 Does the proposal appropriately respond to the Commercial 1 Zone?

The proposal is consistent with the purposes of the Commercial 1 Zone, and will enhance an existing vibrant, mixed use commercial centre by providing a convenience restaurant of an appropriate scale and built form.

The development provides for suitable movement of pedestrians and cyclists and will largely retain the existing parking arrangements on the Site. The measures to improve pedestrian path widths as described in the Traffic Impact Assessment Report can be implemented via permit conditions, if the Responsible Authority considers these necessary. Vehicle access for deliveries, waste removal and emergency services will remain as existing, with larger vehicles able to use the manoeuvring area in the south-west corner of the Site as required. Appropriate car parking has been provided, as detailed in section 4.3.2 of this report.

The building has been designed to complement the existing built form on the land, and be respectful to the existing mixed use built form character of the area, which includes the retail building on the Site, the bottle shop / tavern (under construction) to the north, and the fire station to the west. The setbacks provided will be consistent with the existing pattern of development on the Site.

Appropriate provision has been made on the Site for the storage of rubbish and materials for recycling within the bin enclosure room. Waste is to be collected by contractors and removed from the building as needed. Defining the responsibility for the maintenance of buildings, landscaping and paved areas.

The proposal will not result in any impacts with regards overlooking or overshadowing to the land in the adjoining residential zone to the south. The existing acoustic fence will protect the dwelling from overshadowing.

The proposal has appropriate availability to connect to the required services. The proposal appropriately responds to the Commercial 1 Zone.

5.2.4 Does the proposal appropriately respond to Clause 52.05 Signs?

The proposed signage is consistent with the purpose of Clause 52.05, and the character of the Northpoint Village activity area. The signs on the façade of the building do not protrude above the roofline and are of a scale and design which will identify the business without contributing to excessive visual clutter or disorder. The illuminated signs are consistent with existing illuminated signs within Northpoint Village.

No view lines or vistas will be affected by the proposed signs and the signs will not distract drivers or present a road safety hazard. The signage is appropriate for the proposal and within the context of the locality.

6 Conclusion

This report has described the proposal and provided an assessment the proposal against relevant policy and planning controls of the Warrnambool Planning Scheme.

It is the conclusion of this report that the application is consistent with the purposes and intent of the planning controls and policy framework of the Warrnambool Planning Scheme. It follows as the recommendation and request of this report that Council issue a planning permit for the proposal.

We look forward to working with Council during the assessment of the application.

Myers Planning Group

July 2021

Appendices

Appendix A	Certificate of Title
Appendix B	OneMap Site Report
Appendix C	Site Photos
Appendix D	Town Planning Drawings
Appendix E	Traffic Impact Assessment Report

Appendix A Certificate of Title



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

Page 1 of 2

VOLUME 10959 FOLIO 037

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LAND DESCRIPTION

Lot 1 on Title Plan 889015N.
PARENT TITLE Volume 10655 Folio 049
Created by Application No. 124723P 17/07/2006

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
GREEN BAY PROPERTIES PTY LTD of 1 /70 ST KILDA ROAD ST KILDA VIC 3182
AL731587T 05/03/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL731588R 05/03/2015
WESTPAC BANKING CORPORATION

CAVEAT AM084987W 06/08/2015
Caveator
GAVAN JOHN DWYER
Grounds of Claim
AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S)
Date
04/03/2015
Estate or Interest
INTEREST AS A GRANTEE OF AN EASEMENT
Prohibition
UNLESS AN INSTRUMENT IS EXPRESSED TO BE SUBJECT TO MY/OUR CLAIM
Lodged by
DAVID RYAN & ASSOCIATES
Notices to
DAVID RYAN & ASSOCIATES of 152 TIMOR 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.

DIAGRAM LOCATION

SEE TP889015N 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



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

Page 2 of 2

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 22/10/2016

DOCUMENT END



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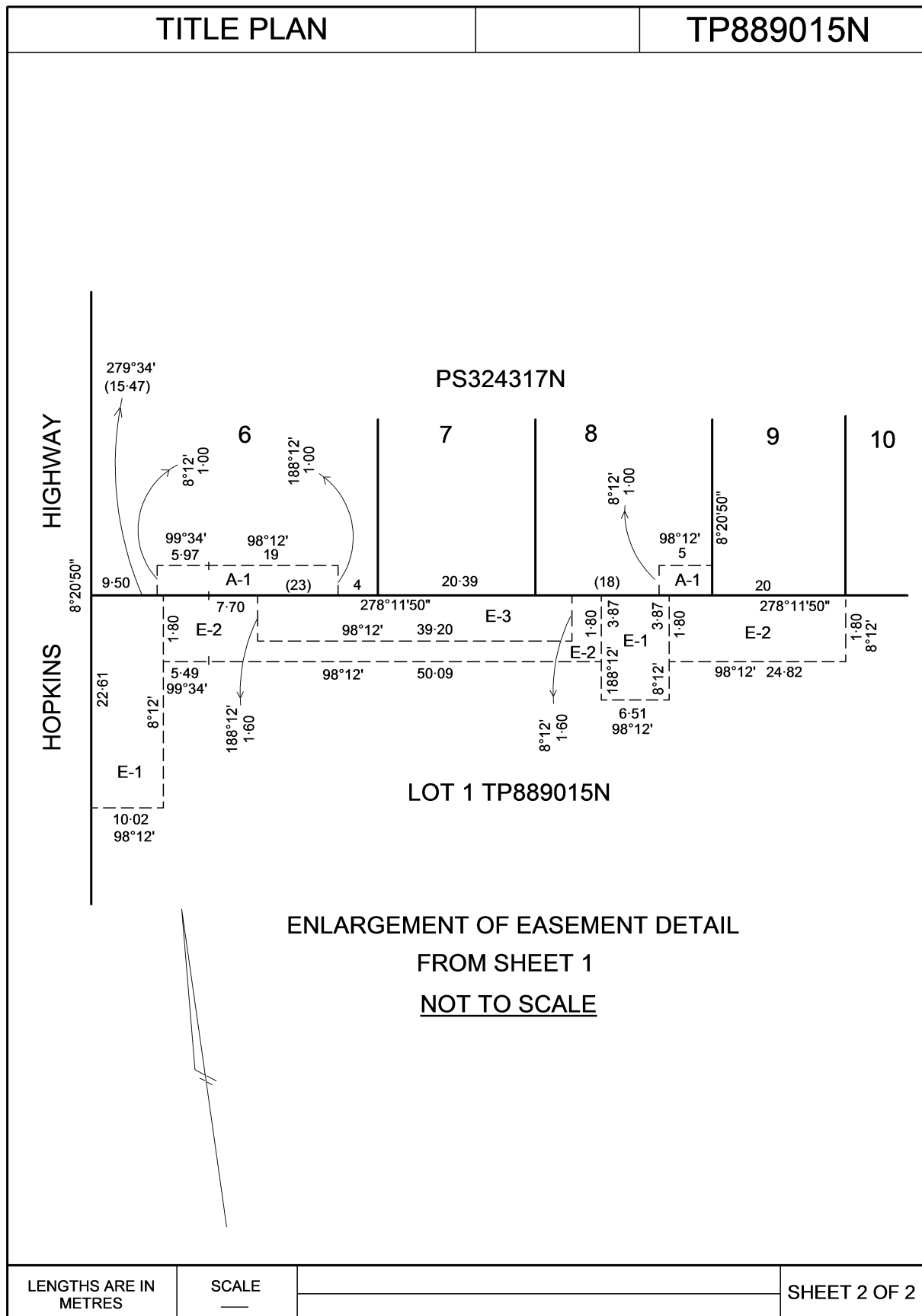
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TITLE PLAN		EDITION 3	TP889015N
LOCATION OF LAND PARISH: WANGOOM TOWNSHIP: SECTION: A CROWN ALLOTMENT: 3 (PART) CROWN PORTION: LAST PLAN REFERENCE: LOT 1 ON TP808104W DERIVED FROM: VOL10655 FOL 049 DEPTH LIMITATION: NIL		NOTATIONS * The Footway Easements E-2, E-3 and A-1 all have an upper boundary limited to 10.75 metres AHD. The AHD level has been derived from permanent mark No. 391 (Wangoom) that has a value of 8.31 metres AHD # The Canopy Overhang Easement E-3 has a lower boundary limited to 11.20 metres AHD and an upper boundary limited to 14.10 metres AHD. The AHD level has been derived from permanent mark No. 391 (Wangoom) that has a value of 8.31 metres AHD	
EASEMENT INFORMATION E - ENCUMBERING EASEMENT; R - ENCUMBERING EASEMENT (ROAD); A - APPURTENANT EASEMENT.			THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES Checked by: A.M.B. Date: 27/07/2006 Assistant Registrar of Titles
Easement Reference	Purpose / Authority	Width (Metres)	Origin
E-1	CARRIAGEWAY	SEE DIAG	AF619617R
*E-2 & *E-3	FOOTWAY	SEE DIAG	AF619617R
#E-3	OVERHANGING CANOPY	1.60	AH408082Q
*A-1	FOOTWAY	1.00	AH408083N
			Land benefited / In favour of
			VOL.10391 FOL.105,VOL.10129 FOL.012 & VOL.10129 FOL.013
			VOL.10391 FOL.105,VOL.10129 FOL.012 & VOL.10129 FOL.013
			VOL. 10391 FOL. 105, VOL. 10129 FOL. 012 & VOL. 10391 FOL. 013
			LOT 1 ON THIS PLAN
LENGTHS ARE IN METRES	SCALE	DEALING / FILE No: AP124723P	
		DEALING CODE: 103C	
		SHEET 1 OF 2	





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Caveat

Section 89 Transfer of Land Act 1958

The information from this
statutory authority and is used**AM084987W**

06/08/2015 \$79 89



1. Land/s

Land Title

Volume 10959 Folio 037

2. Caveator/s

Caveator

Given Name/s GAVAN JOHN

Family Name DWYER

3. Grounds of Claim

AGREEMENT WITH THE FOLLOWING PARTIES
AND DATE.

Parties

THE REGISTERED PROPRIETOR(S) -
CAVEATOR

Date of Claim

Date: (DD/MM/YYYY) 04/03/2015

4. Estate or Interest claimed

INTEREST AS A GRANTEE OF AN EASEMENT

5. Prohibition

UNLESS AN INSTRUMENT IS EXPRESSED TO
BE SUBJECT TO MY/OUR CLAIM

6. Address for Service of Notice

Lawyer/Conveyancer/Firm Name

DAVID RYAN & ASSOCIATES

Address

Unit Street No 152

Street Name TIMOR

Street Type STREET

Locality WARRNAMBOOL

State VIC Postcode 3280

7. Signing

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

Signed by DAVID RYAN & ASSOCIATES the Australian Legal Practitioner (under the Legal Profession Act 2004) for Caveator:

David Ryan
David Ryan & Associates

DAVID ANTHONY RYANLL.B. B.EC
David Ryan & Associates, 152 Timor
Street, Warrnambool 3280Australian legal practitioner within the meaning
of the Legal Profession Uniform Law (Victoria).

8. Date

Date: (DD/MM/YYYY) 05/08/2015

9. Lodging Party

DAVID RYAN

Customer Code 792K

Reference 3004131

Approval Number: 33711111R

THE BACK OF THIS FORM MUST NOT BE USE

Page 1 of 1
LV-V8-Feb-2015To lodge at Land Victoria, please refer to our [contact details](http://www.dtpli.vic.gov.au/property) at www.dtpli.vic.gov.au/property > Contact Us

Appendix B OneMap Site Report

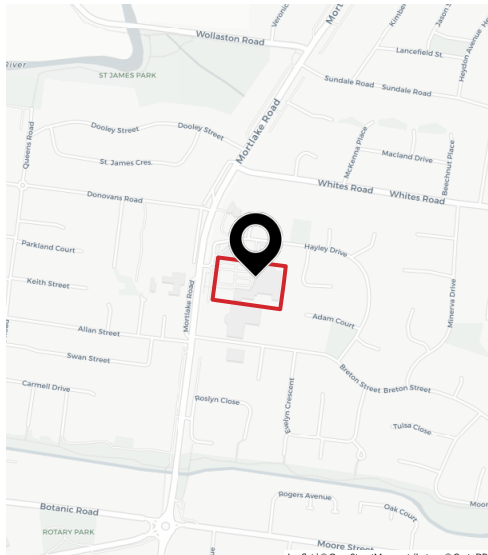
14/05/2021

72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - ONEMAP SITE REPORT

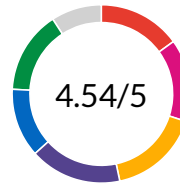
MYERS PLANNING GROUP

SITE REPORT
72 MORTLAKE ROAD
WARRNAMBOOL VIC 3280
CREATED ON 14-05-2021

POWERED BY  ONEMAP



ONEMAP AMENITY SCORE



EDUCATION	
HEALTH	
COMMUNITY	
RETAIL	
TRANSPORT	
RECREATION	

ACCESS

TRAIN - 2.63km

BUS - 56.9m

MAJOR SUPERMARKETS - < 50m

GOVT. PRIMARY SCHOOLS - 1.57km

GOVT. SECONDARY SCHOOLS - 1.29km

ADDITIONAL INFORMATION

CLOSEST GOVERNMENT PRIMARY SCHOOL

Warrnambool Primary School (1.57km)

CLOSEST GOVERNMENT SECONDARY SCHOOL

Warrnambool College (1.29km)

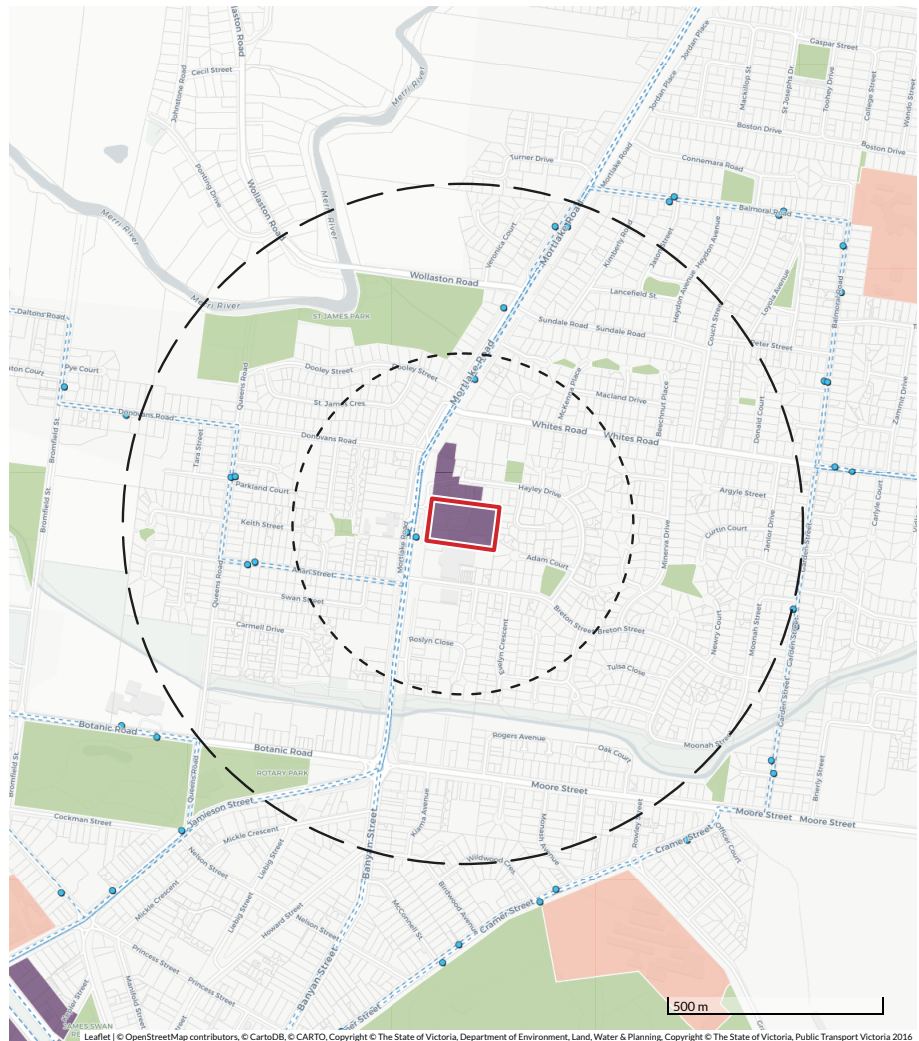
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PLANNING GROUP

SITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

SITE CONTEXT MAP



LEGEND

- SITE BOUNDARY
- - - .400M RADIUS
- 800M RADIUS

LAND USE

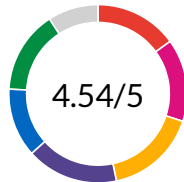
- RETAIL
- MIXED USE
- OFFICE / COMMERCIAL
- INDUSTRIAL
- EDUCATION
- OPEN SPACE

TRANSPORT

- TRAIN STATIONS
- BUS STOPS
- TRAIN LINES
- BUS ROUTES
- FUTURE TRAIN STATIONS
- ◆ FUTURE TRAM STOPS
- FUTURE TRAIN LINES
- FUTURE TRAM ROUTES

14/05/2021

72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - ONEMAP SITE REPORT

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PLANNING GROUPSITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021AMENITY DETAILS
MAP

EDUCATION



SECONDARY SCHOOL >= 10KM
PRIMARY SCHOOL >= 10KM
TAFE >= 10KM
UNIVERSITY >= 10KM

HEALTH



HOSPITAL >= 10KM
CLINIC >= 10KM

COMMUNITY



CHILD CARE >= 1KM
AGED CARE >= 10KM
HALL >= 10KM
LIBRARY >= 10KM
CIVIC >= 1KM

RETAIL



FOOD >= 1KM
SUPERMARKET >= 1KM
BIGBOX STORE >= 10KM
PETROL STATION >= 1KM

TRANSPORT

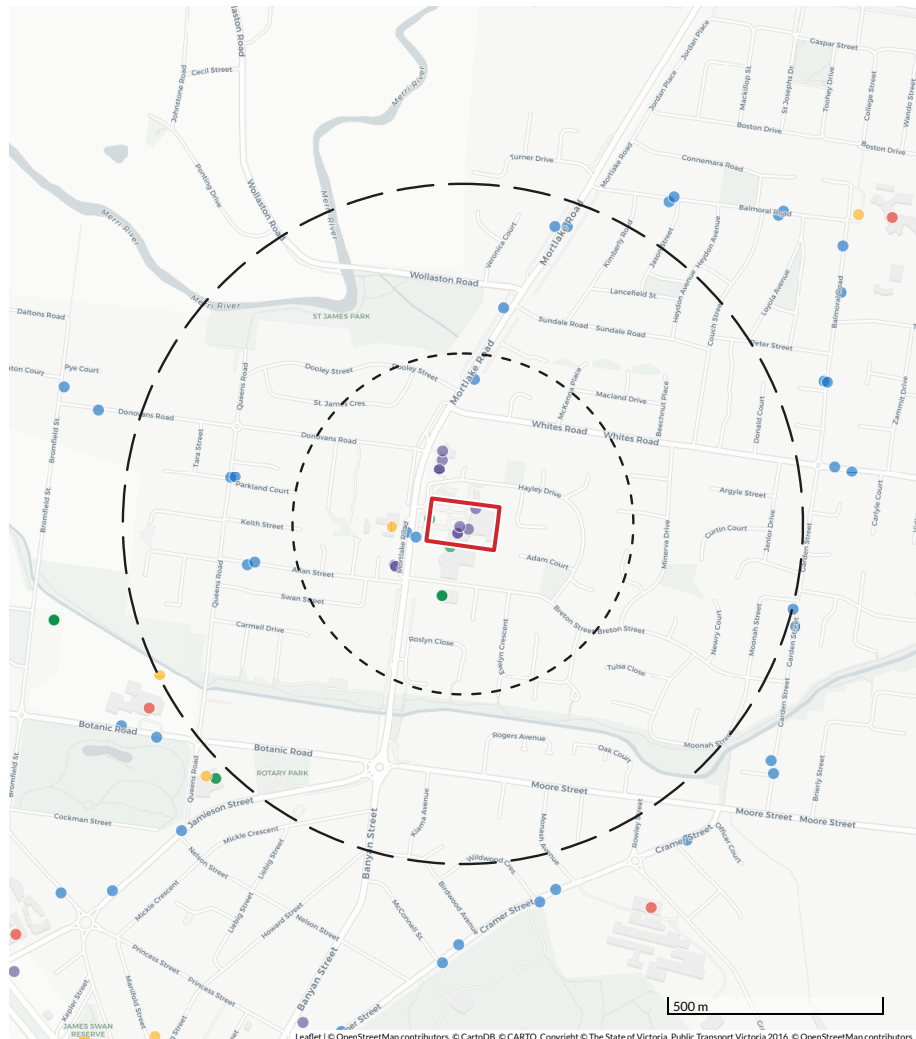


BUS >= 1KM
RAIL >= 10KM
AIRPORT >= 25KM

RECREATION



PARK >= 1KM
ENTERTAINMENT >= 10KM
NATURAL OPEN SPACE/PARK >= 25KM



LEGEND

- SITE BOUNDARY
- - - .400M RADIUS
- 800M RADIUS

AMENITY

- EDUCATION
- TRANSPORT
- COMMUNITY
- RETAIL
- HEALTH
- RECREATION

14/05/2021

72 MORTLAKE ROAD WARRNAMBOOL, VIC 3280 - ONEMAP SITE REPORT

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SITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

SITE PLAN

AREA: 1.61HA

NO. OF PARCELS: 1

MUNICIPALITY:

WARRNAMBOOL

SUBURB:

WARRNAMBOOL

PARCEL SPI:

1TP889015

MEDIAN HOUSE PRICE
(SUBURB):

\$370K

MEDIAN UNIT PRICE
(SUBURB):

\$278K

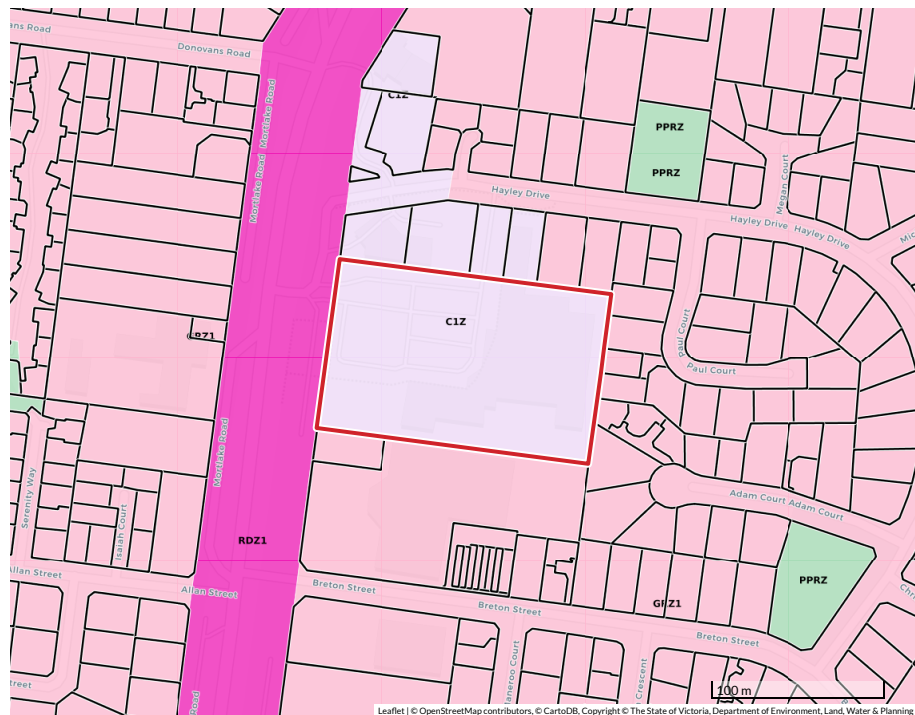


LEGEND

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

14/05/2021

72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - ONEMAP SITE REPORT

MYERS
PLANNING GROUPSITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021**PLANNING ZONES****C1Z**COMMERCIAL 1 ZONE
WARRNAMBOOL - COMMERCIAL 1
ZONE SCHEDULE

PLANNING ZONES CURRENT AS OF 06/05/2021.

POWERED BY ONEMAP

LEGEND**RESIDENTIAL ZONES**

- RGZ - RESIDENTIAL GROWTH
- R2Z - RESIDENTIAL 2
- NRZ - NEIGHBOURHOOD RESIDENTIAL
- GRZ - GENERAL RESIDENTIAL / R1Z - RESIDENTIAL 1
- R3Z - RESIDENTIAL 3
- LDRZ - LOW DENSITY RESIDENTIAL
- MUZ - MIXED USE
- TZ - TOWNSHIP

COMMERCIAL / BUSINESS ZONES

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

SPECIAL DEVELOPMENT ZONES

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

INDUSTRIAL ZONES

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

RURAL ZONES

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

OTHER ZONES

- SUZ - SPECIAL USE
- CA - COMMONWEALTH LAND
- PZ - PORT
- RDZ1 - ROAD - CATEGORY 1
- RDZ2 - ROAD - CATEGORY 2
- UFZ - URBAN FLOODWAY
- PPRZ - PUBLIC PARK AND RECREATION
- PCRZ - PUBLIC CONSERVATION AND RESOURCE
- PUZ4 - PUBLIC USE - TRANSPORT
- PUBLIC USE - PUZ1 - SERVICE & UTILITY / PUZ2 - EDUCATION / PUZ3 - HEALTH COMMUNITY / PUZ5 - CEMETARY / CREMATORIUM / PUZ6 - LOCAL GOVERNMENT / PUZ7 - OTHER PUBLIC USE
- MUNICIPALITY BOUNDARIES
- URBAN GROWTH BOUNDARY

14/05/2021

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SITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

HERITAGE AND BUILT FORM OVERLAYS

NONE



LEGEND

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

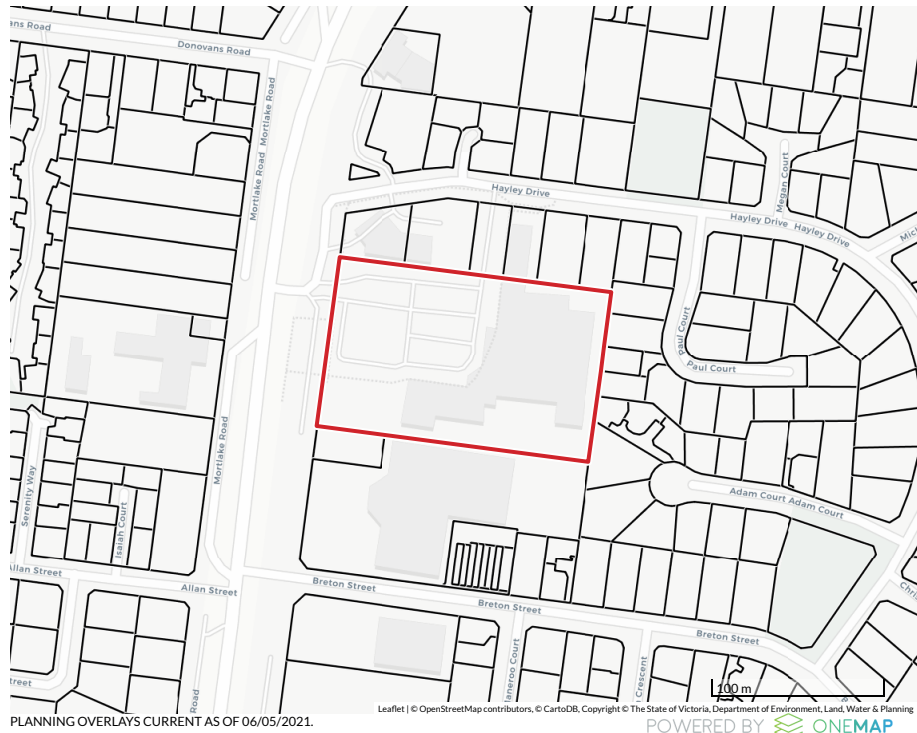
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SITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

ENVIRONMENTAL
AND LANDSCAPE
OVERLAYS
NONE



LEGEND

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

14/05/2021

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72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

LAND MANAGEMENT OVERLAYS

NONE



PLANNING OVERLAYS CURRENT AS OF 06/05/2021.

LEGEND

	Erosion Management (EMO)
	Floodway (FO/RFO)
	Land Subject To Inundation (LSIO)
	Special Building (SBO)
	Salinity Management (SMO)
	State Resource (SRO)
	Bushfire Management (BMO)

14/05/2021

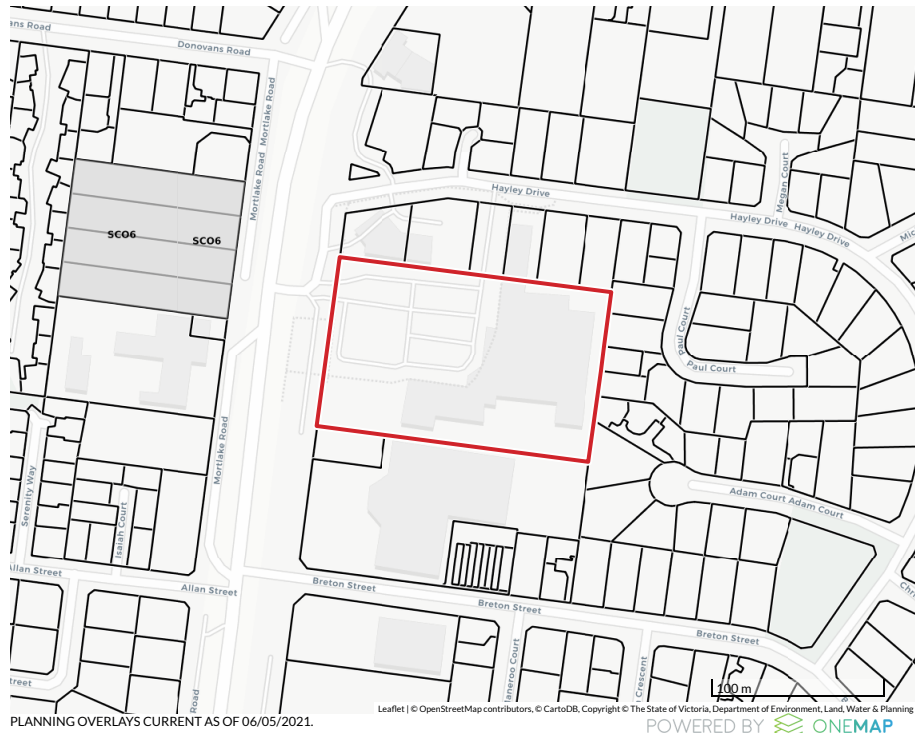
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PLANNING GROUP

SITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

OTHER OVERLAYS

NONE



LEGEND

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

14/05/2021

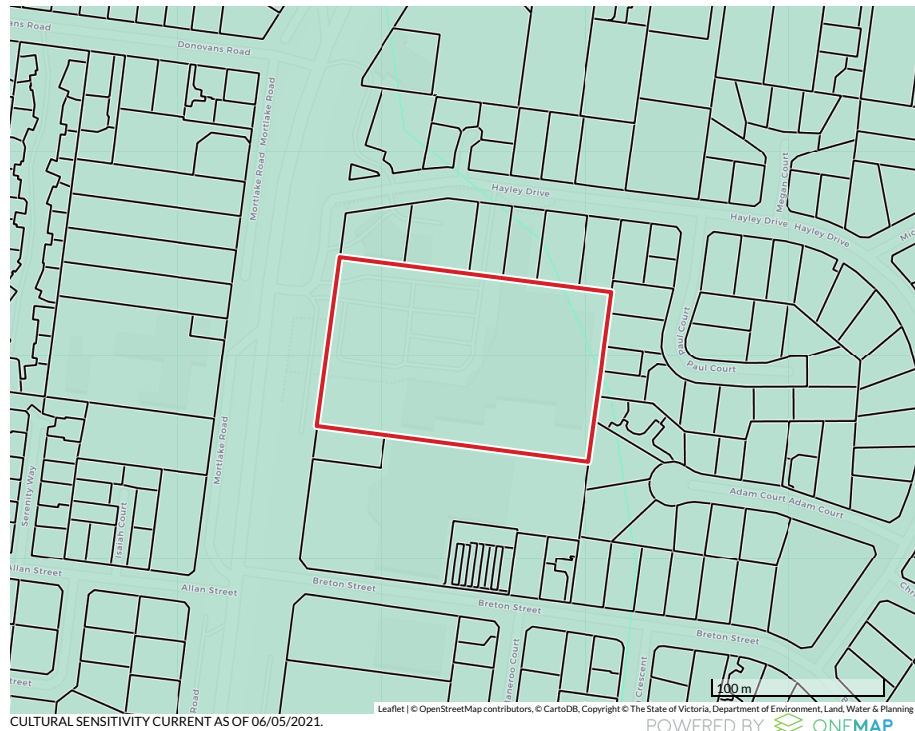
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SITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

AREAS OF CULTURAL HERITAGE SENSITIVITY

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



LEGEND

AREAS OF CULTURAL HERITAGE SENSITIVITY

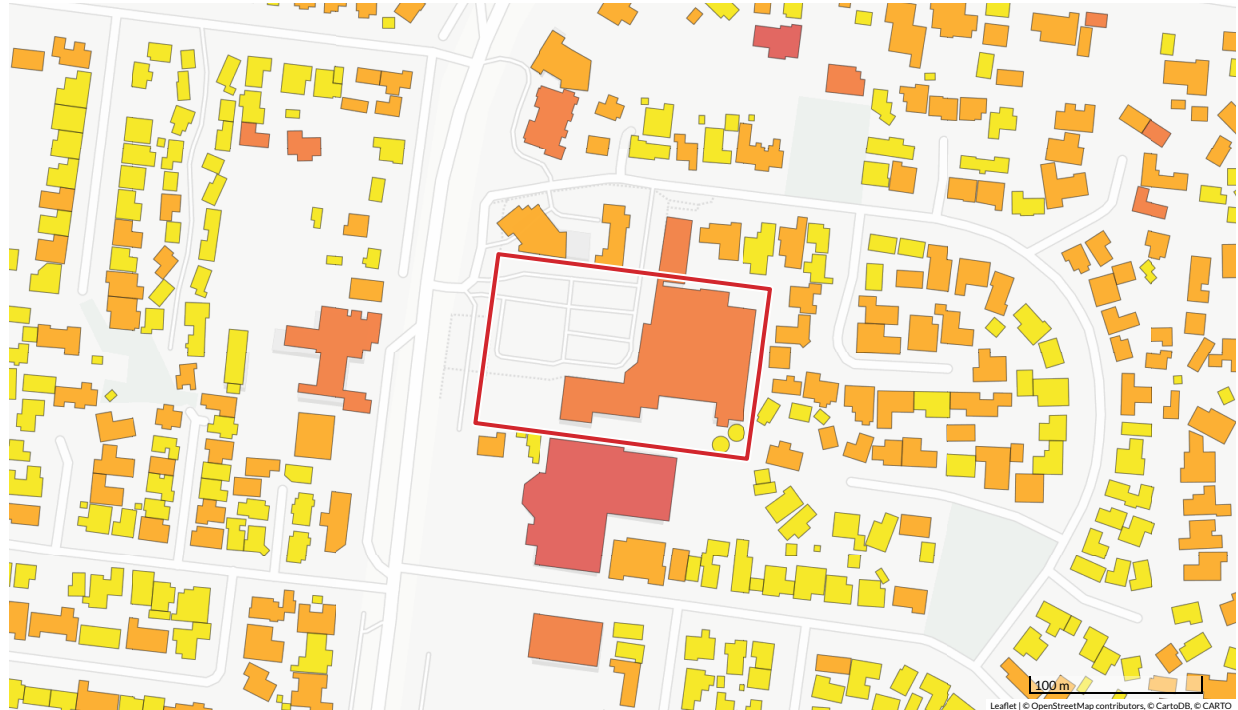
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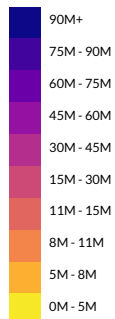
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SITE REPORT
72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

GEOSCAPE BUILDINGS



LEGEND



14/05/2021

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72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

GEOSCAPE SURFACE COVER



LEGEND

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

Data Capture Dates: 23-Dec-2015

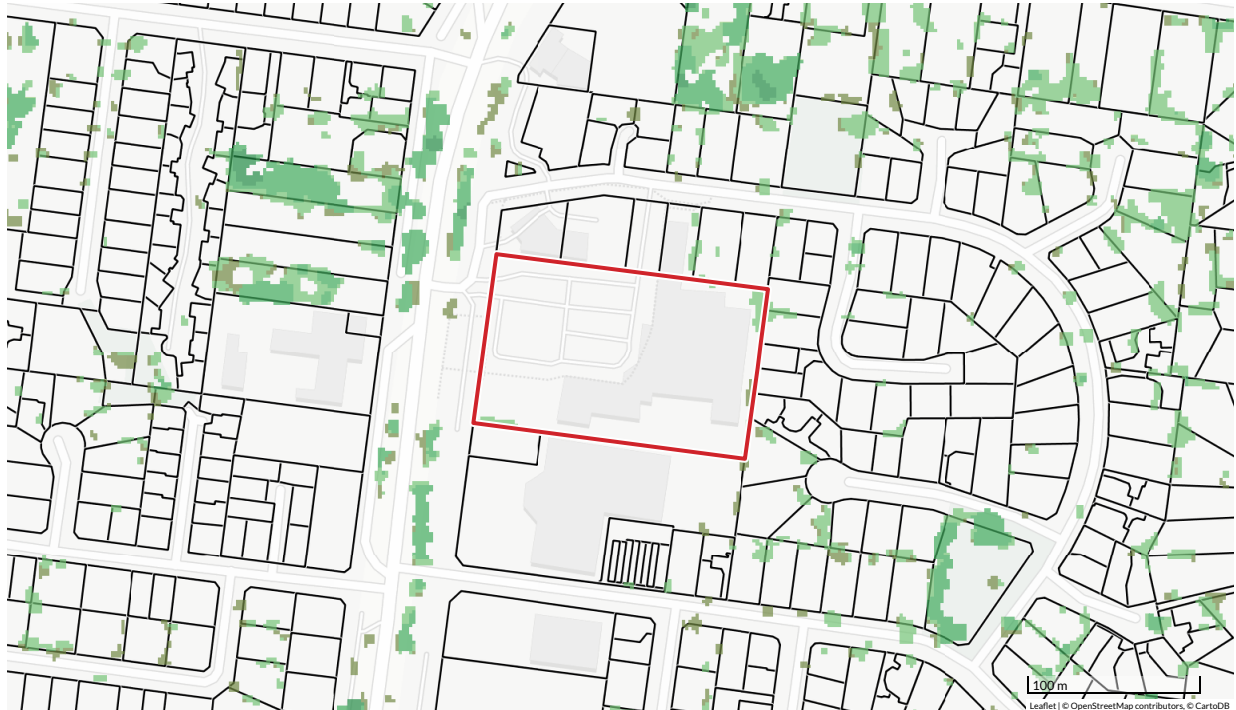
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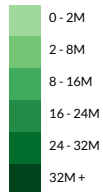
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GEOSCAPE TREE & OTHER VEGETATION



LEGEND



UNSPECIFIED VEGETATION
TREES (UNKNOWN HEIGHT)

Data Capture Dates: 23-Dec-2015

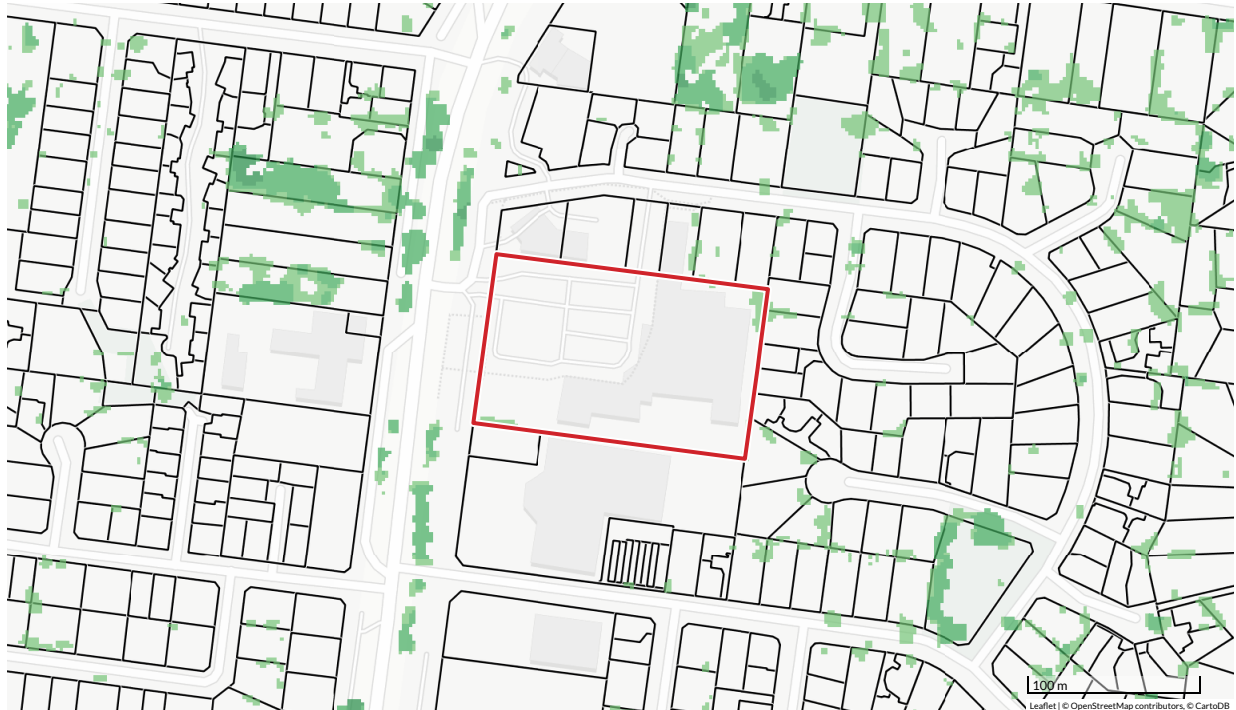
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72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - ONEMAP SITE REPORT

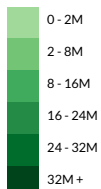
MYERS
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GEOSCAPE TREE COVER (KNOWN HEIGHTS)



LEGEND



Data Capture Dates: 23-Dec-2015

14/05/2021

72 MORTLAKE ROAD WARRNAMBOOL, VIC 3280 - ONEMAP SITE REPORT



SITE REPORT

72 MORTLAKE ROAD WARRNAMBOOL VIC 3280 - CREATED ON 14-05-2021

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Appendix C Site Photos

APPENDIX C - Site and surrounds photos and signage context

72 Mortlake Road, Warrnambool



Image 1: Development site, looking southeast towards tennis centre with illuminated sign on retail building.



Image 2: Development site, looking southeast towards tennis centre.



Image 3: Development site, looking east towards retail building.



Image 4: Development site, looking northeast showing Northpoint Village signage, and service road for deliveries.



Image 5: Development site, looking west.



Image 6: Existing landscaping, acoustic fence, and adjoining dwelling.



Image 7: Existing delivery vehicle access, and landscaping along southern boundary of site.



Image 8: Existing car parking on Site.



Image 9: Existing parking and retail building on Site.



Image 10: Existing parking on Site.



Image 11: Existing parking and signage on Site.



Image 12: Existing car parking, retail building and signage on Site.



Image 13: Existing parking, bottle shop and tavern under construction.



Image 14: Existing illuminated signage adjoining development Site.



Image 15: Existing retail building and illuminated signage on Site.



Image 16: Existing access to Site via signalised intersection on Mortlake Road and service road.



Image 17: Looking west across Mortlake Road towards fire station

Appendix D Town Planning Drawings

KFC WARRNAMBOOL
NORTHPOINT

NEW KFC RESTAURANT AT:

NORTHPOINT SHOPPING CENTRE
Mortlake Road, Warrnambool VIC 3280

DRAWING REGISTER:

ARCHITECTURAL DRAWINGS-		
DRG NO.	DESCRIPTION	REV
20037-TP000	COVER SHEET & DRAWING REGISTER	B
20037-TP002	LOCATION PLAN: PROPOSED & VEHICLES TRAVEL PATH	A
20037-TP010	SITE PLAN: EXISTING	A
20037-TP011	SITE PLAN: PROPOSED	B
20037-TP020	SIGNAGE LOCATION & TRAFFIC SIGNAGE DETAILS	B
20037-TP021	SIGNAGE DETAILS	A
20037-TP040	FINISHES SCHEDULE	A
20037-TP101	FLOOR PLAN	B
20037-TP120	ROOF PLAN	B
20037-TP200	BUILDING ELEVATIONS: ELEVATIONS A & B	A
20037-TP201	BUILDING ELEVATIONS: ELEVATIONS C & D	B

B

B

B

B



Client
WIRK HORSHAM PTY LTD
354 GEORGE STREET DENILIQUIN NSW 2710
69 FAIRY STREET WARRNAMBOOL VIC 3280
ACN: 078 592 622 Fax: 03-5561 7501
David Bird: 0418 629 693
Shaun Hughson: 0438 617 692



building services p.l.
ABN 3287 146 2418
Suite 3, 668 Burwood Road
Hawthorn East, Victoria. 3123.
Tel: (03) 9805 8400 Fax: (03) 9805 8455
E-mail: voda@vodabs.com.au

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- ☐ DESIGN APPROVAL
- ☒ TOWN PLANNING
- ☐ TOWN PLANNING AMENDED
- ☐ BA / CC
- ☐ TENDER
- ☐ CONSTRUCTION
- ☐ AS BUILT

REV	AMENDMENT	BY	DATE	CHK
P1	PRELIMINARY ISSUE	LL	06.07.21	
A	TP ISSUE	LL	07.07.21	
B	DRAWING REGISTER UPDATED	LL	01.09.21	

Project Title
**KFC WARRNAMBOOL
NORTHPOINT**
PROPOSED KFC RESTAURANT AT
NORTH POINT SHOPPING CENTRE
Mortlake Road, Warrnambool VIC 3280

Stage
TOWN PLANNING

Drawing Title
**COVER PAGE
DRAWING REGISTER**

Drawing Scale
As Shown

Drawn By
LL

Project No.
20037

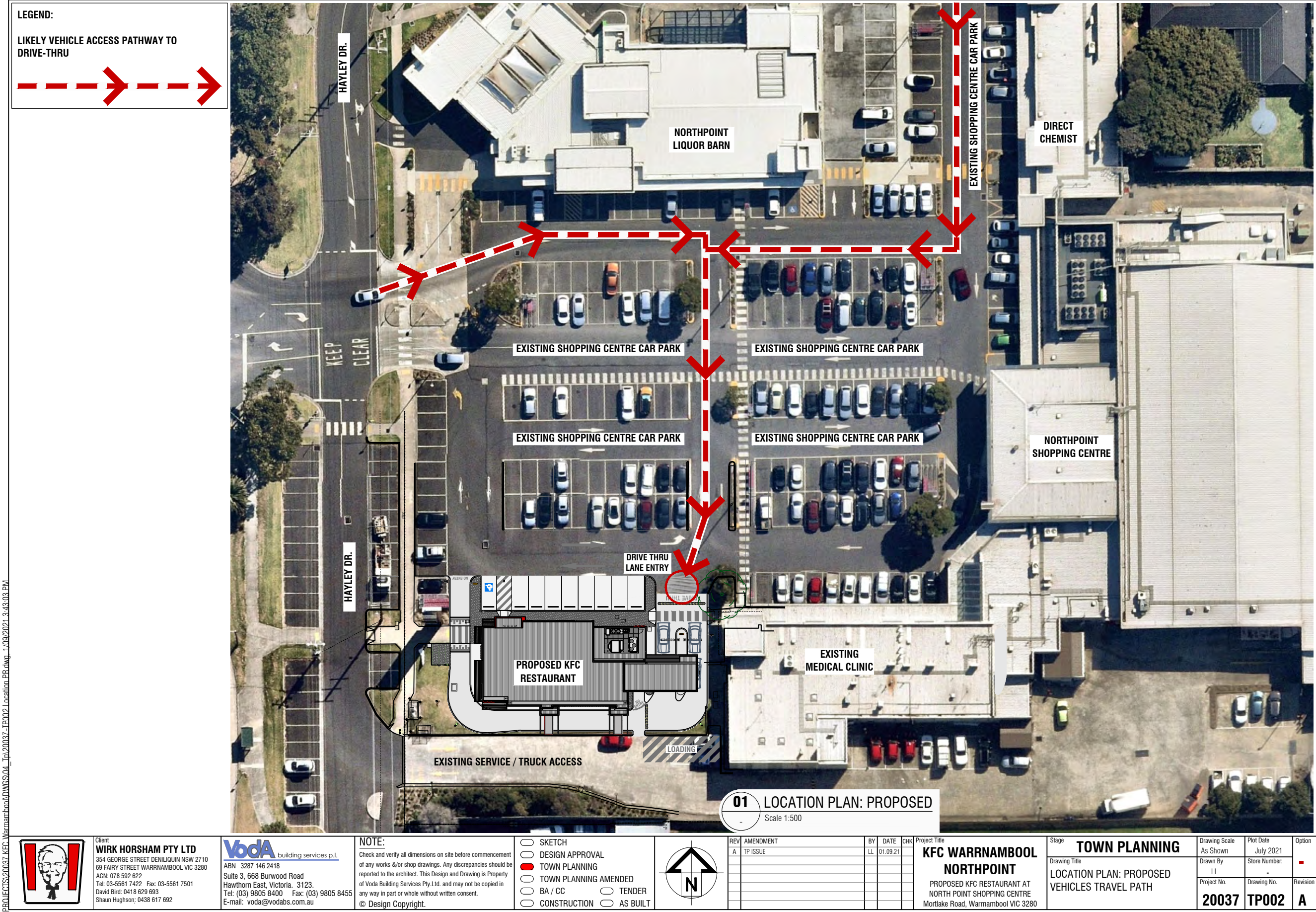
Plot Date
July 2021

Store Number:
-

Drawing No.
TP000

Option
-

Revision
B



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REV	AMENDMENT	BY	DATE	CHK
A	TP ISSUE	LL	01.09.21	

Project Title
KFC WARRNAMBOOL NORTHPOINT
PROPOSED KFC RESTAURANT AT
NORTH POINT SHOPPING CENTRE
Mortlake Road, Warrnambool VIC 3280

Stage	Drawing Scale	Plot Date	Option
TOWN PLANNING	As Shown	July 2021	
Drawing Title LOCATION PLAN: PROPOSED VEHICLES TRAVEL PATH	Drawn By LL	Store Number: -	
Project No. 20037	Drawing No. TP002	Revision A	

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Project Title

**KFC WARRNAMBOOL
NORTHPOINT**

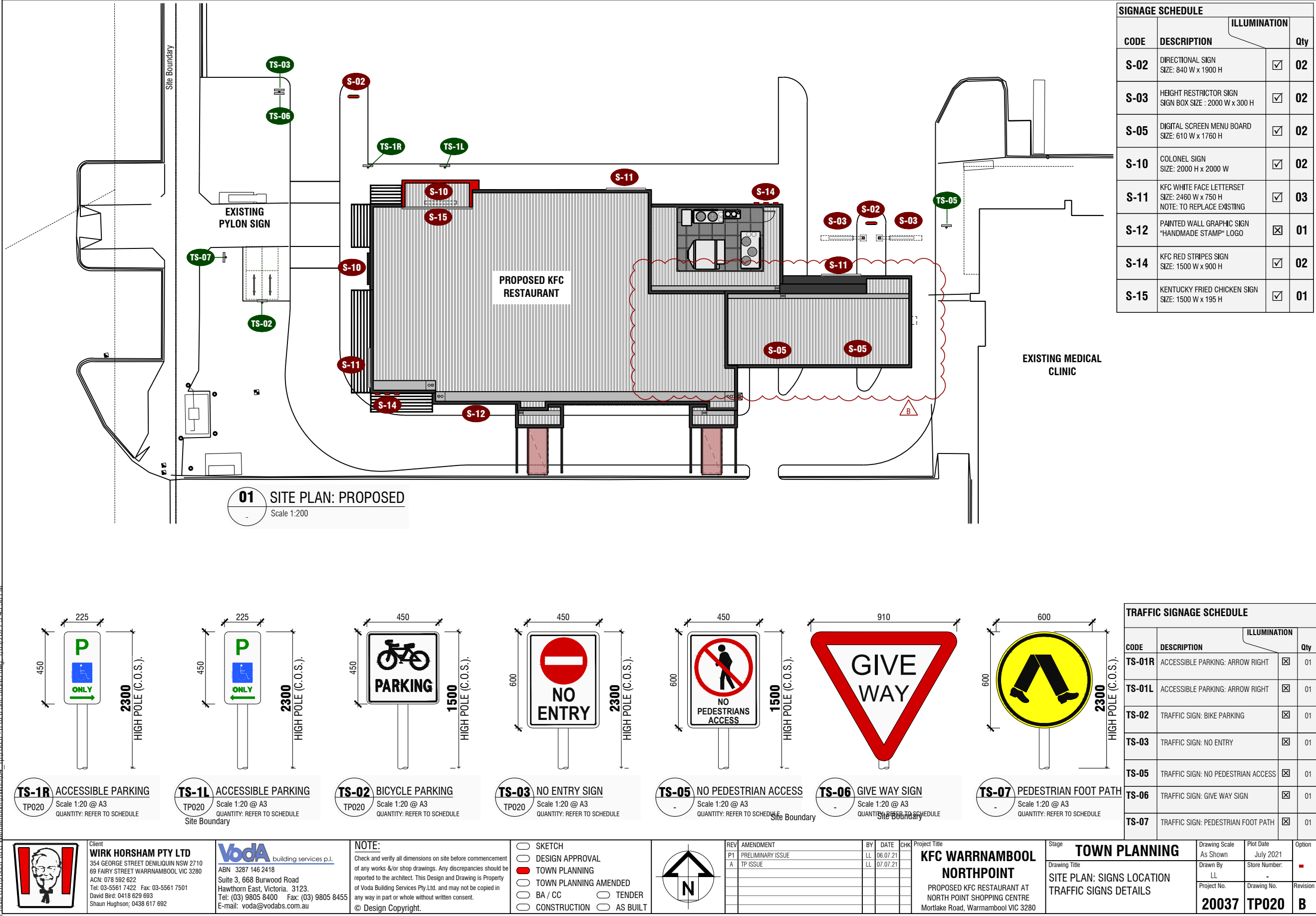
PROPOSED KFC RESTAURANT AT
NORTH POINT SHOPPING CENTRE
Mortlake Road, Warrnambool VIC 3280

Stage	TOWN PLANNING
Drawing Title	SITE PLAN: EXISTING AND DEMOLITION

Drawing Scale	As Shown
Drawn By	LL
Project No.	20037

Plot Date July 2021	Option
Store Number: -	
Drawing No. TP010	Revision A





COLONEL SIGN
2000mm WIDE x 2000mm HIGH
INTERNALLY ILLUMINATED.

S10 COLONEL SIGN
TP020 QUANTITY: REFER TO SCHEDULE
Scale 1:50 @A3

REFER TO ELEVATION DRAWINGS
TP200 & TP201 FOR FACADE
LOCATION OF SIGNS.

S11 KFC LETTERING SIGN
TP200 QUANTITY: REFER TO SCHEDULE
SCALE 1:50 @ A3

1500
300 300 300 300 300
900

S14 KFC RED STRIPES SIGN
TP020 QUANTITY: REFER TO SCHEDULE
SCALE 1:50 @ A3

1500
195

S14 KFC ENTRY DOOR SIGN
TP020 QUANTITY: REFER TO SCHEDULE
SCALE 1:50 @ A3

SIGNAGE SCHEDULE			
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S-02	DIRECTIONAL SIGN SIZE: 840 W x 1900 H	<input checked="" type="checkbox"/>	02
S-03	HEIGHT RESTRICTOR SIGN SIGN BOX SIZE : 2000 W x 300 H	<input checked="" type="checkbox"/>	02
S-05	DIGITAL SCREEN MENU BOARD SIZE: 610 W x 1760 H	<input checked="" type="checkbox"/>	02
S-10	COLONEL SIGN SIZE: 2000 H x 2000 W	<input checked="" type="checkbox"/>	02
S-11	KFC WHITE FACE LETTERSET SIZE: 2460 W x 750 H NOTE: TO REPLACE EXISTING	<input checked="" type="checkbox"/>	03
S-12	PAINTED WALL GRAPHIC SIGN "HANDMADE STAMP" LOGO	<input checked="" type="checkbox"/>	01
S-14	KFC RED STRIPES SIGN SIZE: 1500 W x 900 H	<input checked="" type="checkbox"/>	02
S-15	KENTUCKY FRIED CHICKEN SIGN SIZE: 1500 W x 195 H	<input checked="" type="checkbox"/>	01

600 X 800 INTERNALLY
ILLUMINATED LIGHTBOX.

S02-1 DIRECTIONAL SIGN
TP020 QUANTITY: REFER TO SCHEDULE
Scale 1:50 @A3

600 X 800 INTERNALLY
ILLUMINATED LIGHTBOX.

S02-2 DIRECTIONAL SIGN
TP020 QUANTITY: REFER TO SCHEDULE
Scale 1:50 @A3

1840
610 610 610
1760

S05 DIGITAL SCREEN MENU BOARD
TP020 QUANTITY: REFER TO SCHEDULE
Scale 1:50 @A3

2650
650 2000
3630
3170
3610
3300

S03 HEIGHT RESTRICTOR SIGN
TP020 QUANTITY: REFER TO SCHEDULE
Scale 1:50 @A3

1840
610 610 610
1760

FRONT ELEVATION

129
1760

SIDE ELEVATION

2650
650 2000
3630
3170
3610
3300

FRONT ELEVATION

129
1760

SIDE ELEVATION

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☐ CONSTRUCTION

☐ TENDER
☐ AS BUILT

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Project Title
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NORTHPOINT**
PROPOSED KFC RESTAURANT AT
NORTH POINT SHOPPING CENTRE
Mortlake Road, Warrnambool VIC 3280

Stage
TOWN PLANNING








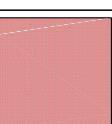

Drawing Title
SIGNS DETAILS

Drawing Scale
20037

Plot Date
TP021

Option
A

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NOTE: FINISHES LEGEND & SCHEDULES ARE TO BE READ IN CONJUNCTION WITH SPECIFICATION AND DRAWINGS - REFER TO PLANS, ELEVATION & SECTION DRAWINGS AS DETAILED.					
CODE	DESCRIPTION	FINISH SPECIFICATION	LOCATION	SUPPLIER	SAMPLE IMAGE
EXTERNAL FINISHES	W KFC 'ALABASTER WHITE'	BRAND : WATTYL SOLAGARD COLOUR: KFC EXTERNAL WHITE	EXTERNAL WALLS	SUPPLIER: WATTYL PAINTS CONTACT: MARIO MILLAN Email: mario.millan@sherwin.com Phone: +61 2 8867 3333 Mob: +61 438 322 313	
	B KFC 'BLACK'	BRAND : DULUX COLOUR: BLACK CAVIAR SN4H9-Sn4 ON 9mm EXCOTEC OR SIMILAR APPROVED	EXTERNAL WALLS	SUPPLIER: DULUX	
	TH KFC 'GREY'	BRAND : DULUX COLOUR: DULUX "TEAHOUSE" SN4G6 ON 9mm EXCOTEC OR SIMILAR APPROVED	EXTERNAL WALLS	SUPPLIER: DULUX	
	R KFC 'RED BOX'	BRAND : BRITE GLO SIGNAL RED COLOUR: KFC EXTERNAL RED ON 9MM EXCOTEC OR SIMILAR APPROVED	EXTERNAL WALLS	SUPPLIER: WATTYL PAINTS CONTACT: MARIO MILLAN Email: mario.millan@sherwin.com Phone: +61 2 8867 3333 Mob: +61 438 322 313	
	BL BLACK PAINT / METALWORK	BLACK PAINT / METALWORK BRAND : WATTYL SOLAGARD COLOUR: NEW BLACK / 79.60	EXTERNAL METALWORK	SUPPLIER: WATTYL PAINTS CONTACT: MARIO MILLAN Email: mario.millan@sherwin.com Phone: +61 2 8867 3333 Mob: +61 438 322 313	
	MC METAL CLADDING	TYPE: ZINTL CODE: STANDING SEAM 190 COLOUR: MONUMENT MATT	EXTERNAL WALLS	HVG FACAES 29 HENDERSON STREET TURRELLA NSW 2205 https://www.hvgfacades.com.au Phone: 1300 881 712	
	CB EXTERNAL PRE-FINISHED PANELS	BRAND: CEMINTEL CODE: BARESTONE EXTERNAL FINISH: RAW	EXTERNAL WALLS	CEMINTEL http://www.cemintel.com.au Phone: 1300 236 468	
	PM PERFORATED METAL SHEET	PATTERN: R03341 COLOUR: RED (POWDERCOATED)	SCREENING FEATURES	SUPPLIER: LOCKER GROUP	
	T TIMBER LOOK ALUMINIUM RAILS	BRAND : ALIWOOD COLOUR: SNOWGUM SIZE: 50 X 50 CLIP - ON CODE: 5050COS CFC SHEETING BEHIND TO BE PAINTED DULUX "BLACK" SG6G9	EXTERNAL WALLS	SUPPLIER: ALIWOOD https://aliwood.com.au/ Phone: 1300 254 966	



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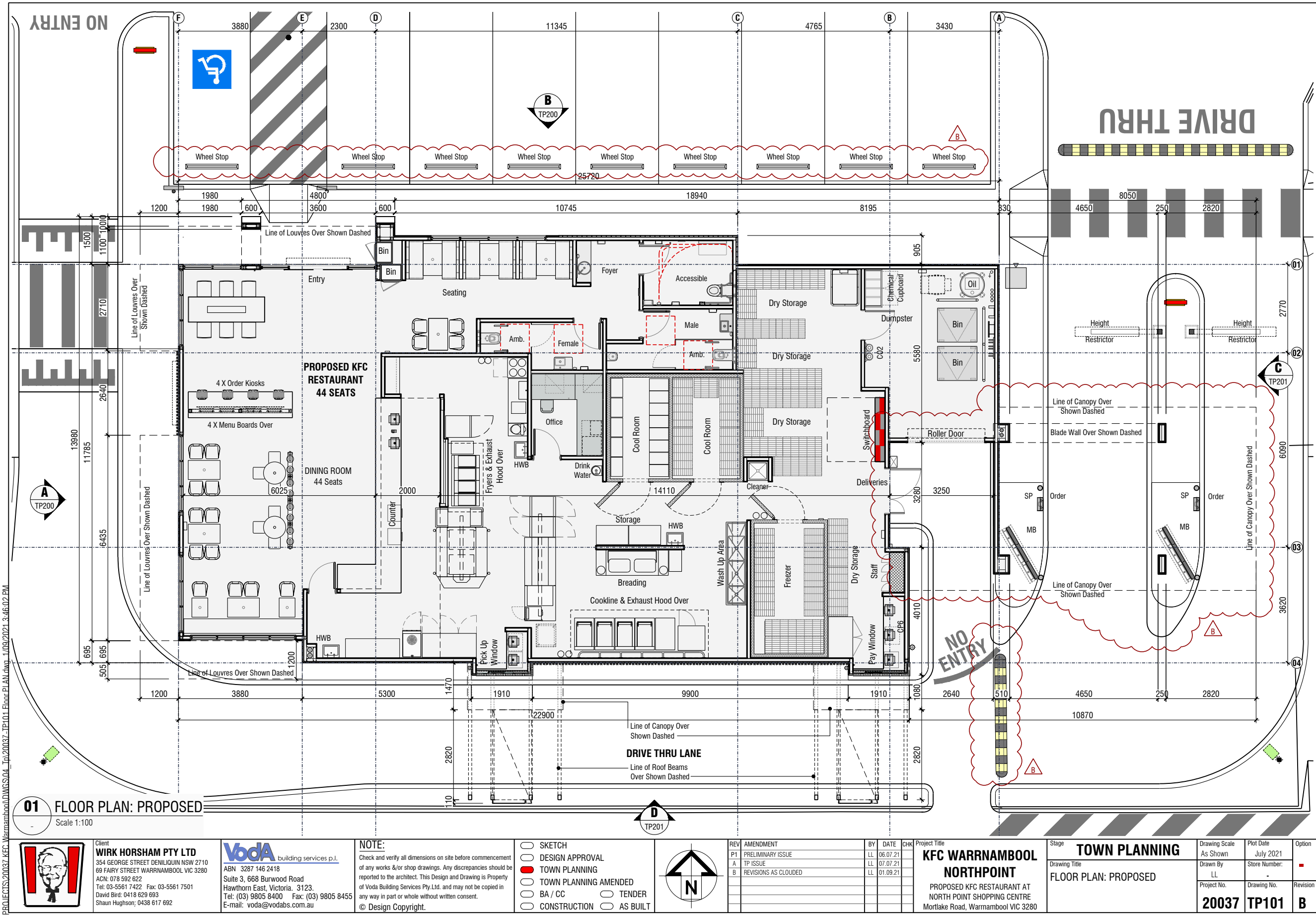
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A	TP ISSUE	LL	07.07.21	

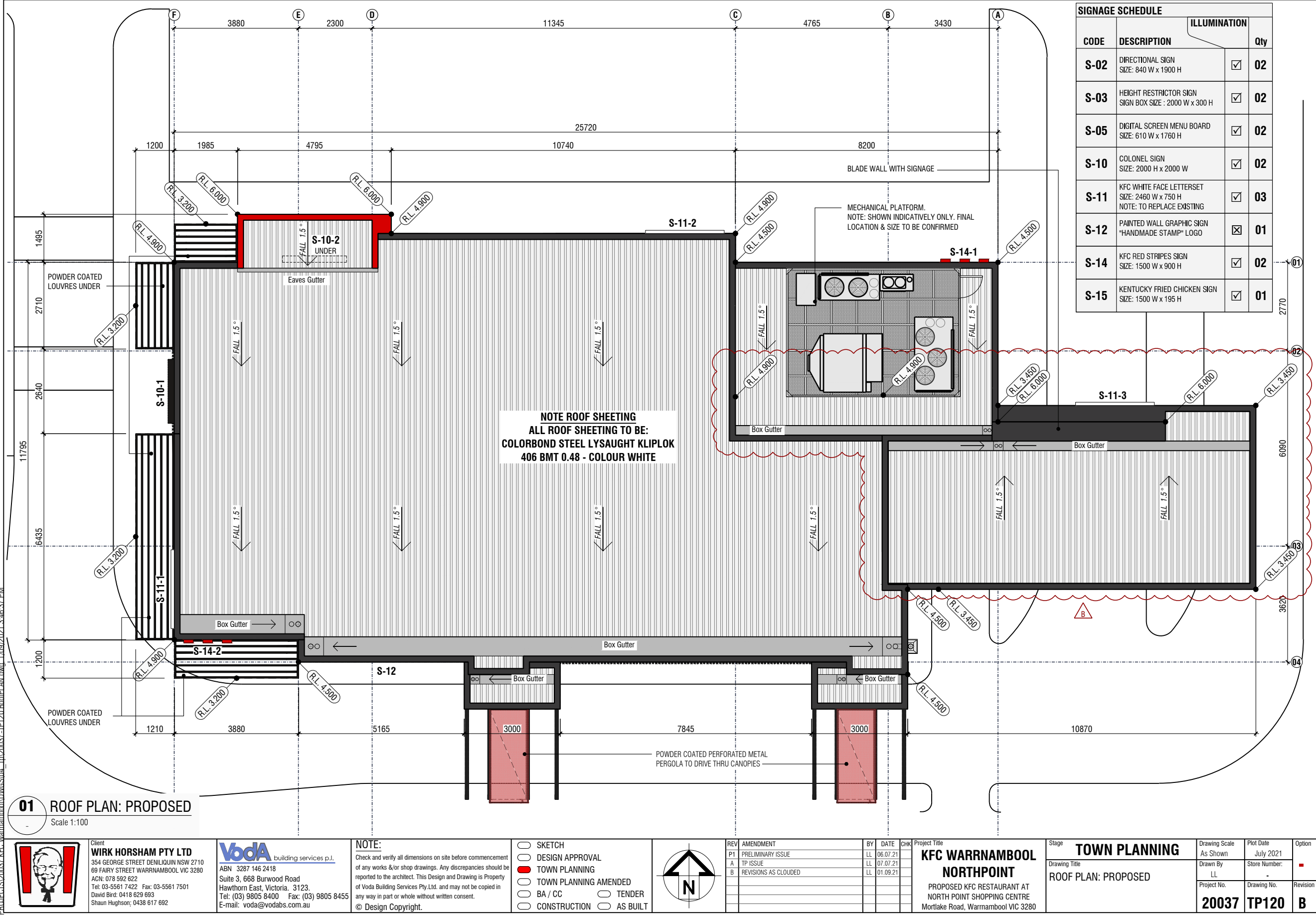
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**KFC WARRNAMBOOL
NORTHPOINT**
PROPOSED KFC RESTAURANT AT
NORTH POINT SHOPPING CENTRE
Mortlake Road, Warrnambool VIC 3280

Stage **TOWN PLANNING**
Drawing Title
FINISHES SCHEDULE

Drawing Scale
As Shown
Plot Date
July 2021
Drawn By
LL
Store Number:
-
Project No.
20037
Drawing No.
TP040

Option
Revision
A





A BUILDING ELEVATION
TP101 Scale 1:100

B BUILDING ELEVATION
TP101 Scale 1:100

S10 - 2
2000W x 2000H KFC COLONEL SIGN

S15
1500W x 195H KENTUCKY
FRIED CHICKEN SIGN



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A	TP ISSUE	LL	07.07.21

Project Title

**KFC WARRNAMBOOL
NORTHPOINT**

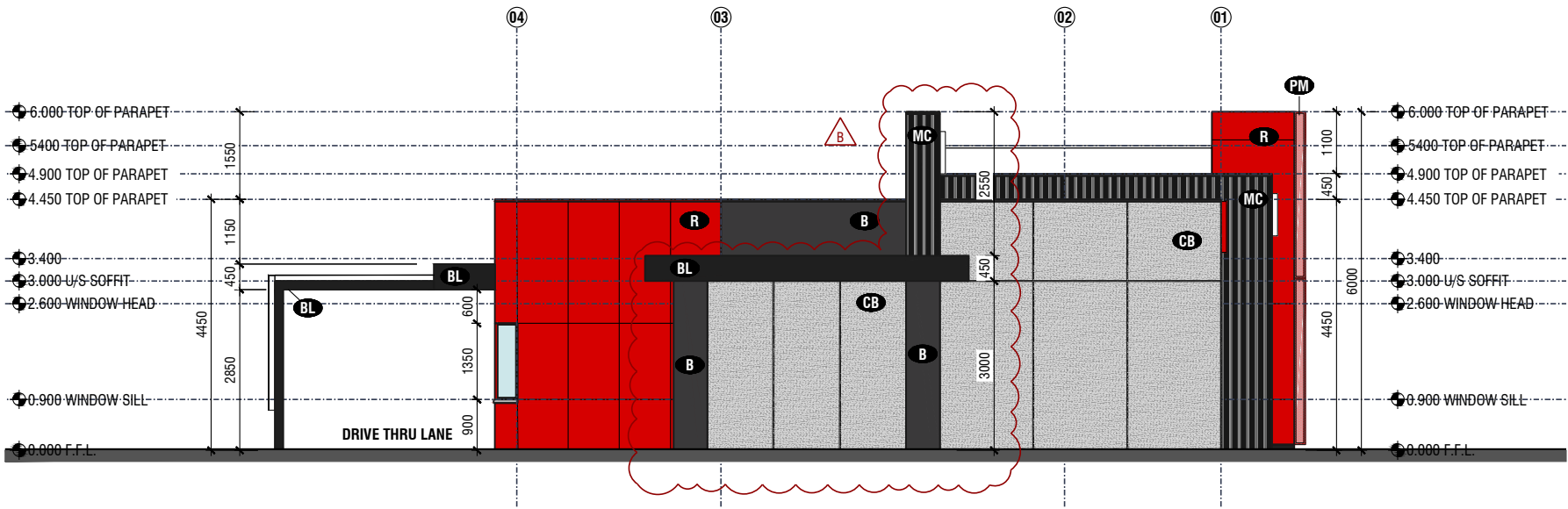
PROPOSED KFC RESTAURANT AT
NORTH POINT SHOPPING CENTRE
Mortlake Road, Warrnambool VIC 3280

Stage	TOWN PLANNING
Drawing Title	BUILDING ELEVATIONS: A & B

Drawing Scale As Shown	Plot Date July 2021
Drawn By LL	Store Number -
Project No. 20037	Drawing No. TP200

Option	
Revision	A

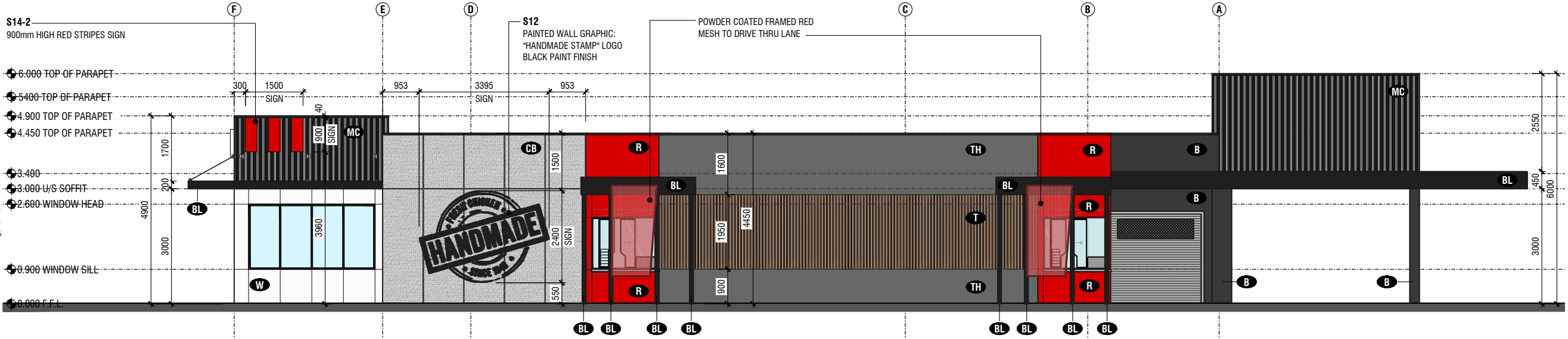
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C BUILDING ELEVATION
TP101 Scale 1:100

SIGNAGE SCHEDULE			
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S-03	HEIGHT RESTRICTOR SIGN SIGN BOX SIZE : 2000 W x 300 H	<input checked="" type="checkbox"/>	02
S-05	DIGITAL SCREEN MENU BOARD SIZE: 610 W x 1760 H	<input checked="" type="checkbox"/>	02
S-10	COLONEL SIGN SIZE: 2000 H x 2000 W	<input checked="" type="checkbox"/>	02
S-11	KFC WHITE FACE LETTERSET SIZE: 2460 W x 750 H NOTE: TO REPLACE EXISTING	<input checked="" type="checkbox"/>	03
S-12	PAINTED WALL GRAPHIC SIGN "HANDMADE STAMP" LOGO	<input checked="" type="checkbox"/>	01
S-14	KFC RED STRIPES SIGN SIZE: 1500 W x 900 H	<input checked="" type="checkbox"/>	02
S-15	KENTUCKY FRIED CHICKEN SIGN SIZE: 1500 W x 195 H	<input checked="" type="checkbox"/>	01

NOTE: REFER TO DRAWING TP040 FOR
FINISHES SCHEDULE



D BUILDING ELEVATION
TP101 Scale 1:100



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A	TP ISSUE	LL	07.07.21	
B	REVISIONS AS CLOUDED	LL	01.09.21	

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PROPOSED KFC RESTAURANT AT
NORTH POINT SHOPPING CENTRE
Mortlake Road, Warrnambool VIC 3280

Stage **TOWN PLANNING**
Drawing Title
BUILDING ELEVATIONS: C & D

Drawing Scale As Shown	Plot Date July 2021	Option <input checked="" type="checkbox"/>
Drawn By LL	Store Number -	
Project No. 20037	Drawing No. TP201	Revision B

Appendix E Traffic Impact Assessment Report



PROPOSED CONVENIENCE RESTAURANT 70-82 MORTLAKE ROAD, WARRNAMBOOL

Transport Impact Assessment Report



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P: 0427 044 324 | E: drewm@esrtp.com.au | www.esrtp.com.au



DOCUMENT CONTROL

Date: 12/07/21
Filename: 210712-TIAR-KFC
Our Ref: L0640
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PREPARED FOR

Wirk Horsham Pty Ltd

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Appendix A Sidra Analysis Results		



1 Introduction

1.1 Overview

A planning permit is being sought for a KFC convenience restaurant development at 70-82 Mortlake Road in Warrnambool. To assist in the consideration of the development proposal, ESR Transport Planning has been engaged to assess relevant transport implications.

1.2 Scope of This Report

This report documents a transport impact assessment which investigates the following:

- Existing transport conditions in the vicinity of the site.
- Parking demands generated by the proposed land use.
- Anticipated impacts on local car parking conditions.
- Traffic movements generated by the proposed land use.
- Anticipated impacts on the surrounding road network.
- Design merit of proposed transport facilities.

1.3 Referenced Information

Documents

- Australian Standards, AS2890, *Australian Standard for Parking Facilities*.
- Roads and Traffic Authority (RTA), 2002, *Guide to Traffic Generating Developments*.
- Warrnambool Planning Scheme.
- Warrnambool City Council, 2017, *Register of Public Roads*.

Drawings / Data / Information

- An inspection of the site and surrounds July 2021.
- Drawings prepared by Voda Building Services, dated 07/07/21.
- Online maps from Google, Nearmap, VicPlan, VicEmergency and Public Transport Victoria.
- Traffic volume and accident data from the Department of Transport (www.data.vic.gov.au).
- Trips Database Bureau (TDB), 2018, *Trips Database*.

1.4 Terms

- | | | | |
|------------------|-------------------------|-------|-----------------------------|
| • DOS | degree of saturation | • LOS | level of service |
| • DoT | Department of Transport | • NFA | net floor area |
| • GFA | gross floor area | • RTA | Roads and Traffic Authority |
| • kph | kilometres per hour | • TDB | Trips Database Bureau |
| • m | metres | • vph | vehicle movements per hour |
| • m ² | square metres | • vpd | vehicle movements per day |

2 Existing Conditions

2.1 Site

The proposed development site is approximately 2km north of Warrnambool's city centre within the Northpoint Shopping Centre complex. Northpoint Shopping Centre is within a Commercial 1 Zone (C1Z) and has road frontages to Mortlake Road Service Road and Hayley Drive. The shopping centre has a Coles supermarket and numerous retail and food and drink outlets, with a total floor area of approximately 5,000m² GFA, excluding a tavern currently under construction. The shopping centre's carpark has a main access from Mortlake Road Service Road, a service area access from the southern end of the Mortlake Road Service Road, and other accesses from Hayley Drive.

The development site is at the southwest of the shopping centre, between the service area vehicular accessway and the centre's carpark. When the shopping centre was developed (circa 2005) a convenience restaurant in this area was part of original planning.

Land neighbouring the shopping centre is predominately residential dwellings within a General Residential Zone 1 (GRZ1). To the south is a indoor tennis centre, which is subject to a planning permit application for development of a Salvation Army place of worship. On the opposite side of Mortlake Road are some retail premises and a CFA station.

Figure 2.1 Subject Site and Surrounds





2.2 Road Network

Mortlake Road is classified as an Arterial Road (Road Zone Category 1, managed by Department of Transport) and a 60kph speed limit applies. Within a 60m road reserve, it generally has service roads on both sides and a main carriageway accommodating a traffic lane and bicycle lane in each direction. The centre of the carriageway has a painted median or right turn lanes at nearby intersections.

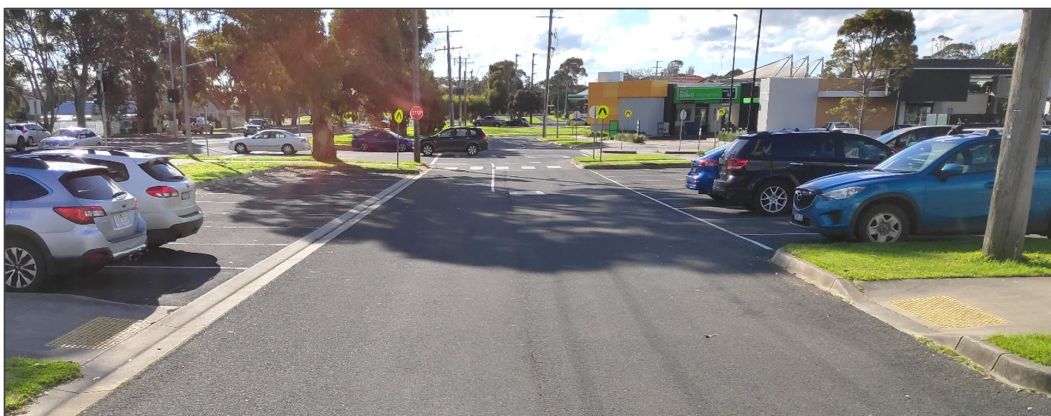
Figure 2.2 Mortlake Road (facing south to shopping centre access signalised intersection)



A signalised T-intersection exists where the Northpoint Shopping Centre access intersects with Mortlake Road. The adjacent cross intersection between Mortlake Road Service Road and Northpoint Shopping Centre access is Stop sign controlled.

Mortlake Road Service Road is classified as an Access Street without a posted speed limit (50kph default). South of the shopping centre access it has a two-way carriageway and 90 degree parking both sides. North of the shopping centre access it has a two-way carriageway without designated parking spaces.

Figure 2.3 Mortlake Road Service Road (facing north to shopping centre access intersection)





2.3 Traffic Volumes

A review of Department of Transport traffic volume data (2019) for the signalised intersection of Mortlake Road / shopping centre access indicates that weekday PM peak is the busiest time period, with weekday lunchtime peaks (interpeak) having similar volumes as the AM commuter peak. Volumes on a Saturday lunchtime are slightly higher than weekday AM and lunchtime peaks. Lunch and PM peak periods also correspond with peak activity at convenience restaurants.

Therefore, traffic volume survey data has been collected for the shopping centre access intersections on a Friday and Saturday (18&19/06/21) between the hours of 11:30am-1:30pm and 4:30pm-6:30pm. Surveyed peak hour traffic volumes are shown in Figure's 2.4 and 2.5.

Figure 2.4 Peak Hour Intersection Traffic Volumes - FRIDAY

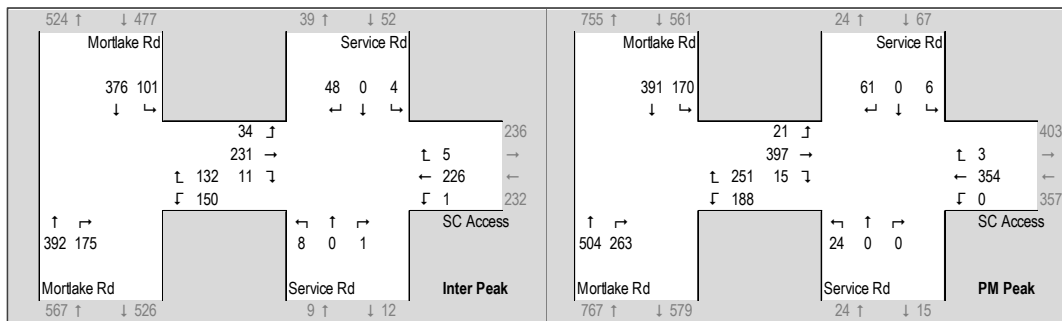
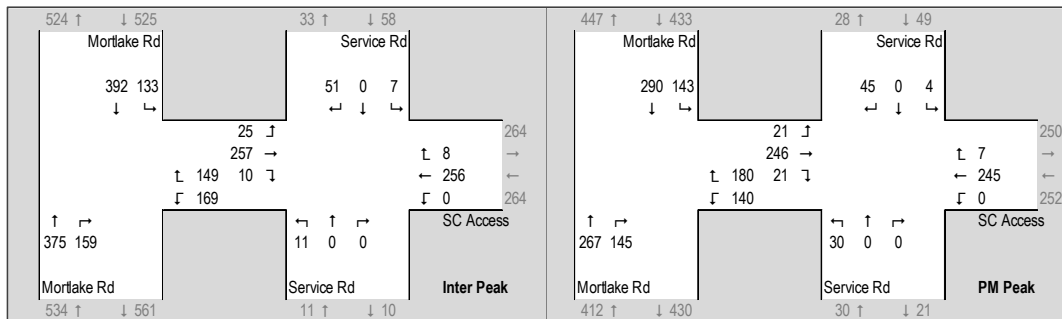


Figure 2.5 Peak Hour Intersection Traffic Volumes - SATURDAY



2.4 Accident History

A review of road accidents in the site's vicinity has been undertaken using the Department of Transport's Road Crashes for Five Years database which includes accidents reported to police which resulted in personal injury within the last 5 years. The review investigated the shopping centre carpark, Mortlake Road including service roads (Donovans Road - Breton Street), and Hayley Drive (Mortlake Road - Paul Court). Details of accidents recorded are as follows:

- Within shopping centre carpark, vehicle struck pedestrian, other (non-serious) injury severity.
- Within shopping centre carpark, vehicle struck fixed object, other (non-serious) injury severity.
- x2 - Mortlake Road / shopping centre access intersection(s), vehicles colliding 'right-through', other (non-serious) injury severity.



- Mortlake Road / northbound Service Road exit intersection, vehicles colliding 'right turn sideswipe', other (non-serious) injury severity, during evening, alcohol related.
- x2 - Mortlake Road / Donovans Road intersection, vehicles colliding 'right through' (x1) and 'right far' (x1), other (non-serious) injury severity.

These accident records do not provide compelling evidence of atypical safety deficiencies within the nearby transport network.

2.5 Car Parking

The Northpoint Shopping Centre has on-site car parking with a total of 220 spaces. This includes 7 accessible (disabled) parking spaces spread throughout the carpark and 18 spaces at the southeast rear of buildings via the service vehicle accessway (i.e. staff use). There is also 1 additional taxi space, and a large vehicle service bay linemarked (but not sign posted) within the service vehicle accessway (adjacent the site), which is consistently used as car parking.

Adjacent the shopping centre there are 33 spaces (90 degree) within the Mortlake Road Service Road and 23 spaces (60 degree) along the south side of Hayley Drive.

The above facilities combined provide a total of 276 spaces.

It is noted that the shopping centre carpark was modified circa 2019 when additional car parking was provided in a previously vacant grassed area. It is understood that this was related to tavern development works currently under construction. It is also noted that when the shopping centre was established, car parking facilities established at that time were planned to cater for shopping centre tenancies that included a convenience restaurant at the proposed development site.

Other on-street parking exists nearby, such as elsewhere along Hayley Drive and the northbound service road on the opposite side of Mortlake Road.

Nearmap aerial photographic images have been reviewed as they provide an historical record of parking activity. The 276 spaces within and adjacent the shopping centre were surveyed across 11 images captured between October 2017 and March 2021 on weekdays and weekends at various times of the daytime. A site visit survey was also conducted on Thursday 01/07/21. Parking survey results are set out in Table 2.1.

Table 2.1 Car Parking Survey Data

Location	Supply	Thu 1/07/21 13:30	Thu 18/03/21 11:30	Wed 18/11/20 14:00	Thu 26/03/20 17:00	Tue 1/10/19 12:30	Sat 18/05/19 12:00	Fri 17/05/19 14:30	Fri 11/01/19 11:00	Fri 12/10/18 11:00	Sat 7/04/18 11:00	Sun 28/01/18 16:30	Tue 17/10/17 10:30
		13:30	11:30	14:00	17:00	12:30	12:00	14:30	11:00	11:00	11:00	16:30	10:30
Northpoint carpark	220	118	131	111	99	81	93	99	105	100	83	71	107
Mortlake Rd Service Rd	33	9	3	12	11	10	4	10	10	11	6	1	14
Hayley Dr (angle, south side)	23	8	10	8	8	11	11	11	11	8	9	6	7
Total	276	135	144	131	118	102	108	120	126	119	98	78	128

Legend: 0-49% 50-69% 70-84% 85-99% 100%+ occupancy rate

Key outcomes:

- There is typically large numbers of vacant parking spaces within the shopping centre carpark, the Mortlake Road Service Road and Hayley Drive.
- The peak total demand was 144 vehicles, corresponding with an occupancy rate of 52% and 132 vacant spaces remaining.



- The most vehicles parked in each area (although not at the same time) were 131 parked off-street, 14 parked within Mortlake Road Service Road, and 11 parked within Hayley Drive.
- Parking demands have been relatively similar across the survey days, varying between 36% to 52% occupancy, excluding a Sunday with a 28% occupancy.

2.6 Public Transport

Bus service Warrnambool to Gateway Plaza via Centro (Route 2) operates along Mortlake Road with stops located near the southwest corner of Northpoint Shopping Centre.

A taxi parking space is provided within the shopping centre carpark, at its eastern side.

2.7 Walking & Cycling

The signalised intersection of Mortlake Road / shopping centre access provides a signalised pedestrian crossing of Mortlake Road. Aligned with the signalised crossing is a pedestrian crossing (zebra) of the Service Road.

The footpath on the east side of Mortlake Road is a shared path (pedestrian & cyclist), and a pedestrian crossing is provided where it crosses the shopping centre access. Nearby roads typically have footpaths, either along both or one side. On-road bicycle lanes exist along Mortlake Road.

The shopping centre carpark includes various pedestrian pathways and pedestrian crossings. There are also 3 bicycle rail parking facilities as follows: (i) 7 spaces near the main entry, (ii) 8 spaces near the drive-through bottle shop, (iii) 2 spaces adjacent the eastern boundary of the site. A total parking demand of 4 bicycles was observed at 1:30pm on Thursday 01/07/21.



3 Proposed Development

The proposed development involves construction of a single storey building and associated works to establish a KFC convenience restaurant. The proposed building has a floor area of approximately 300m², with approximately 95m² available to the public with provision of 44 seats.

The development site includes part of the shopping centre carpark incorporating parking spaces and an east-west aligned pedestrian path. This area of car parking currently has a total of 12 spaces¹, including 1 accessible space. The proposal will relocate the east-west aligned path slightly, to be alongside the building's northern façade. Carpark modifications will result in a modified provision of 9 spaces, including 1 accessible space, a net loss of 3 spaces.

The proposed development incorporates a drive-through facility with 2 entry lanes from the shopping centre carpark aisle, merging to 1 lane alongside the buildings southern façade at payment and service windows. The total queue capacity is 9 vehicles back to the parking aisle, or 11 vehicles with the rear of the last vehicle(s) a short distance (~1.5m) extending into the aisle.

Bicycle parking facilities are proposed with 2 rails (4 spaces) near the proposed buildings western façade.

There is an existing linemarked service bay (loading bay) adjacent the southeast corner of the development site, and the proposed development is to utilise this for service vehicle parking.

¹ It is noted that development drawings notate a removal of 11 spaces, although 12 spaces appear to be impacted.



4 Car Parking Assessment

4.1 Planning Scheme Standard Provision Requirements

Clause 52.06 (Car Parking) of the Warrnambool Planning Scheme sets out planning controls with respect to car parking and Table 1 to Clause 52.06-5 specifies parking provision rates for various land uses.

For a 'convenience restaurant' land use, a provision rate of 0.3 spaces per patron permitted is specified. Based on seating capacity, this equates to a requirement for the provision of 13 spaces as part of the proposed development.

The Planning Scheme also states that the standard provision can be reduced or fully waived.

Where a proposal seeks to reduce or waive the standard parking provision requirement, the Planning Scheme lists a series of decision guidelines for consideration when making such an assessment. The sections that follow provide discussion on those decision guidelines relevant to the proposed development.

4.2 Empirical Assessment of Peak Parking Demand

TDB 2018 contains empirical data for the traffic and parking generation of KFC restaurants, 3 in regional NSW cities and 4 within suburban Sydney. The highest parking generation rates observed (spaces per seat) were as follows:

- Suburban: 0.40 (weekday) 0.33 (weekend)
- Regional: 0.17 (weekday) 0.26 (weekend)

The time of peak parking varied by site, some around lunchtime, others around dinnertime.

Based on the regional data being most applicable to the proposed development, a peak parking generation rate of approximately 0.3 spaces / seat (equivalent to the Planning Scheme standard provision rate), is considered a reasonable rate for estimating peak parking demands likely to be generated by the proposal, therefore 13 spaces.

4.3 Shared Trips

It is expected that a significant number of patrons to the proposed use will have a shared trip to other premises within the Northpoint Shopping Centre. Accordingly, some of the 13 space parking demand estimate above will incorporate vehicles already part of the typical demand at the shopping centre. Therefore, additional parking activity generated by the proposal may be well less, such as fewer than 10 spaces.

4.4 Previous Parking Provision

The Northpoint Shopping Centre was planned in anticipation of a convenience restaurant at the proposed location and a total car parking provision in anticipation of that use has previously been provided.



4.5 Shared Parking

Different land uses generate different levels of parking activity at different times. Rather than different car parks for individual uses or businesses, which is likely to be an inefficient use of space, sites and precincts are typically designed with car parks for shared use.

The proposed development will be an addition to the retail offerings at the Northpoint Shopping Centre and is to share available car parking facilities.

4.6 Practicality of Providing Car Parking On-Site

The site is relatively small and it would be unlikely that a retail building on the site area could also incorporate its own (standalone) car parking, sufficient to fulfill its own requirements.

4.7 Availability of Parking in the Area

As noted in Section 2.5, there are a total of 276 car parking spaces within the Northpoint Shopping Centre and along its Service Road and Hayley Drive frontages. The proposed development does reduce parking spaces by 3, yielding a new total of 273 spaces.

Surveys indicate that there is typically large numbers of vacant parking spaces in these parking facilities. During the time of highest demands, a minimum of approximately 130 vacant spaces remained available.

Clearly, there is ample vacant car parking opportunities to cater for the anticipated increase in car parking demands generated by the proposed development.

4.8 Parking Impact of Proposal

Given all of the above, the proposed development is not expected to result in a significant impact to parking amenity within the surrounding area and numerous matters support the proposed waiver of standard parking requirement.



5 Bicycle Parking Assessment

Clause 52.34 (Bicycle Facilities) of the Warrnambool Planning Scheme sets out planning controls with respect to the provision of bicycle facilities such as parking and change room facilities. Table 1 to Clause 52.34-3 specifies provision rates for various land uses.

An assessment of the bicycle facility requirements for the proposed development using Planning Scheme rates is presented in Table 5.1.

A permit can be granted to vary, reduce or waive these requirements.

Table 5.1 Planning Scheme Bicycle Facility Requirements

LAND USE & QUANTITY	EMPLOYEE PARKING RATE	VISITOR PARKING RATE	EMPLOYEE REQUIREMENT	VISITOR REQUIREMENT
convenience restaurant, 95m ² area available to the public	1 / 25m ² of floor area available to the public	2	4 spaces	2 spaces

Note:

Employee parking must be within a locker or lockable compound. If at least 5 employee spaces are required, 1 shower with direct access to a change room is required, plus 1 shower to each 10 spaces thereafter.

Visitor parking must be at a bicycle rail.

As noted in Section 2.7, there are bicycle parking facilities within the shopping centre carpark area, including 2 spaces adjacent the development site. The proposal incorporates an additional 4 parking spaces. Therefore, 6 bicycle parking spaces will be available very convenient to the proposed building to cater for employees and patrons. A provision that satisfies the standard number of spaces required under Clause 52.34.

These arrangements are considered satisfactory, noting that whilst it is ideal that staff parking be in a secure and under cover location, this would be quite onerous to a relatively small building of this nature, proposed parking is in a location of very high passive surveillance, and the shopping centre could holistically provide tenancy staff bicycle facilities as travel demands dictate such a requirement.



6 Traffic Assessment

6.1 Traffic Generation

TDB 2018 contains empirical traffic generation data for several KFC convenience restaurants in NSW. The data shows some variation in peak rates, together with variation of when the peak occurs. The empirical data is represented in Figure's 6.1 and 6.2 for the variables of floor area and number of seats, respectively.

Figure 6.1 TDB 2018 - KFC Peak Period Traffic Generation by Floor Area

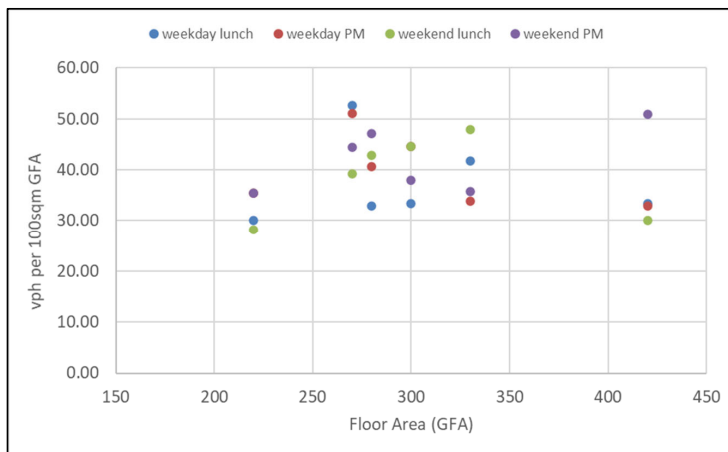


Figure 6.2 TDB 2018 - KFC Peak Period Traffic Generation by Number of Seats



Based on the data in Figure's 6.1 and 6.2, a conservative estimate may utilise peak hour traffic generation rates in the order of 40-50 vph /100m² GFA, or, 2-3 vph / seat. For the proposed development, these rates equate to traffic generation in the order of 120-150 vph or 90-130 vph, respectively.

By way of comparison, RTA 2002 recommends analysis for KFC site's by adopting evening peak hour traffic generation of 100 vph, and a sensitivity test for 120 vph.



Convenience restaurants, and particularly those on major thoroughfares, generate a significant proportion of customers from passing traffic. RTA 2002 specifies that the proportion of passing trade for KFC sites is typically at least 50%. Being part of a shopping centre, it is likely that a significant proportion of site traffic is shared trips, being traffic movements that already take place to / from the Northpoint Shopping Centre.

Given all of the above, the peak period traffic generation adopted for analysis is equivalent to a total generation of 130 vph, and at least 33% passing trade, equating to additional movements of up to 90 vph during peak periods.

6.2 Traffic Distribution

The direction in which vehicles travel to and from the site is influenced by a variety of factors including the site's location, configuration of access intersections, characteristics of the surrounding road network and trip purpose.

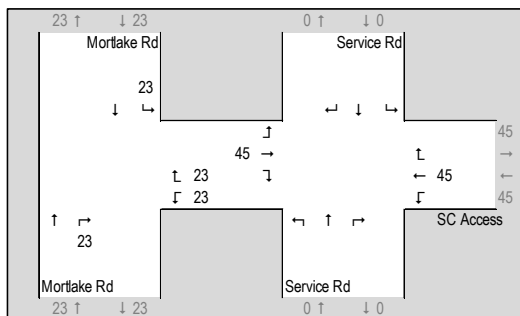
A review of traffic volume data for the signalised Mortlake Road / shopping centre access intersection shows that shopping centre traffic has a relatively even distribution either direction along Mortlake Road, which at times may vary to a slight bias in either direction.

For the purpose of analysis, an even directional split (50/50) has been assumed for the additional traffic generated by the proposed use. And empirical data for convenience restaurants indicates even distribution (50/50) of entry and exit movements within hourly peak periods.

6.3 Traffic Volume Increase

Based on the analysis above, the proposed development could be expected to generate additional traffic volumes through the signalised Mortlake Road / shopping centre access intersection in the order of those represented in Figure 6.3.

Figure 6.3 Anticipated Additional Peak Hour Traffic Movements





6.4 Ability of Nearby Road Network to Absorb Development Traffic

Capacity analysis of the Mortlake Road / shopping centre access intersection has been undertaken using Sidra Intersection software². A Friday and Saturday interpeak and PM peak hour analysis has been undertaken for existing conditions and post development scenarios. Results are summarised in Table 6.1 for the common performance measures of 'degree of saturation' (DOS) and delay 'level of service' (LOS). Full results are presented in Appendix A.

Table 6.1 Sidra Intersection Results Summary

	FRIDAY INTERPEAK		FRIDAY PM PEAK		SATURDAY INTERPEAK		SATURDAY PM PEAK	
	DOS	LOS	DOS	LOS	DOS	LOS	DOS	LOS
Existing	0.59	B	0.84	B	0.65	B	0.68	B
Post Development	0.67	B	0.89	B	0.62	B	0.76	B

Colour code based on Degree of Saturation: [< 0.6] [0.6 – 0.7] [0.7 – 0.8] [0.8 – 0.9] [0.9 – 1.0] [> 1.0]

Colour code based on Level of Service: LOS A LOS B LOS C LOS D LOS E LOS F

The Sidra analysis indicates that additional traffic generated by the proposed development has a relatively minor impact to intersection performance, and satisfactory intersection operating performance can be expected during post development conditions.

6.5 Traffic Impacts

Given all of the above, it is expected that development traffic can be absorbed by the local road network without significant impact to efficient traffic flow.

² Sidra Intersection is a software tool used widely throughout Australia and all over the world that evaluates the capacity of intersections. It reports results including degree of saturation, level of service, delay and queue lengths.



Drive-Through Queue

The proposed 9 vehicle capacity (or 11 with an approximate 1.5m rear overhang into aisle) compares with recommendations within RTA 2002 that for KFC's, a capacity of 6 car lengths be provided, and extend to 8 car lengths without unreasonably disrupting car parking operations or extending onto the street.

Pedestrian Connections

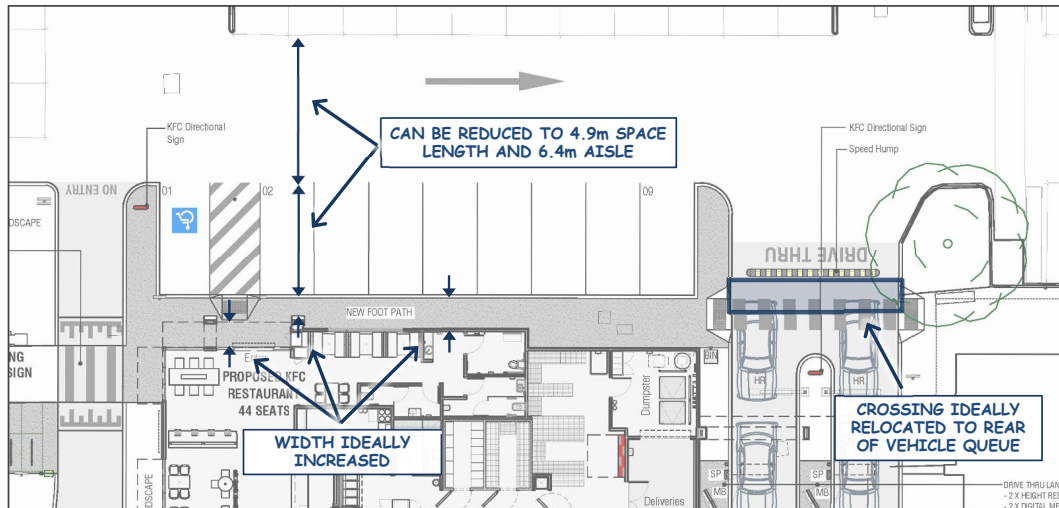
The proposed development relocates an existing east-west aligned pedestrian footpath a short distance to the north. The path will cross the drive-through entry and exit. This footpath is a key route between shopping centre and the nearby path network.

The proposed path width varies along the proposed building's façade, but at constraints appears to be in the order of 0.9m width, and approximately 1.5m width at the centre of building's façade. A footpath in a commercial setting would ideally have a minimum width of 2.0m. And at constraints, footpaths should have a minimum width of 1.2m (or 1.0m absolute minimum). The adjacent car space length and aisle are proposed as 5.4m and 7.0m, respectively. These could be reduced to the Planning Scheme standards of 4.9m and 6.4m, providing an additional width in the order of 1.1m that could be allocated to the footpath.

This modification may also provide the ability to decrease the likelihood that the drive-through queue extends over the footpath crossing, by relocating the crossing a short distance north.

These recommendations are shown in Figure 7.2.

Figure 7.2 Pedestrian Facility Recommendations

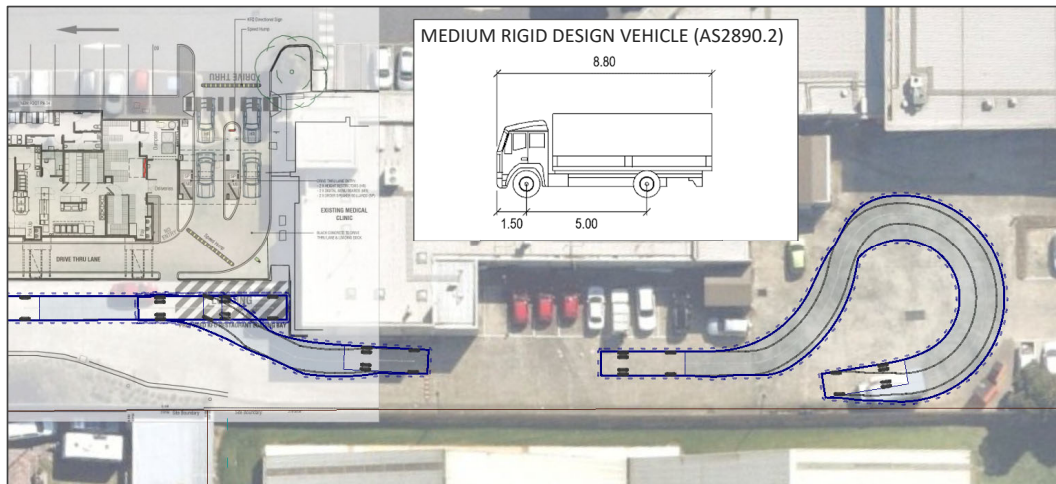




Loading Area

Swept path analysis for an 8.8m length medium rigid truck accessing the loading area, then using the rear service area to turn around is shown in Figure 7.3, indicating such vehicles can successfully negotiate these manoeuvres (which are unchanged by the proposal).

Figure 7.3 Swept Path Analysis - Loading Access





8 Conclusions

The following conclusions have been made within this report:

1. The proposed development is not expected to result in a significant impact to parking amenity within the surrounding area.
2. Numerous matters support the proposed waiver of standard parking requirement.
3. Bicycle parking facilities are considered satisfactory.
4. Development traffic can be absorbed by the local road network without significant impact to efficient traffic flow.
5. Proposed parking space, aisle and accessway dimensions are consistent with Clause 52.06 of the Planning Scheme and the Australian Standard for Parking Facilities (AS2890).



Appendix A Sidra Analysis Results



LANE SUMMARY

Site: 6814 [Mortlake Rd / SC Access - Fri Inter - Existing Conditions]

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 45 seconds (Site Optimum Cycle Time - Minimum Delay)

Lane Use and Performance

	DEMAND FLOWS [Total HV]		Cap.	Deg. Satn	Lane Util.	Aver. Delay	Level of Service	95% BACK OF QUEUE [Veh Dist]		Lane Config	Lane Length	Cap. Adj.	Prob. Block.
	veh/h	%	veh/h	v/c	%	sec		Veh	m		m	%	%
South: Mortlake Rd													
Lane 1	413	15.0	1106	0.373	100	4.6	LOS A	4.5	35.8	Full	500	0.0	0.0
Lane 2	184	3.0	531	0.347	100	12.3	LOS B	1.9	13.4	Short	65	0.0	NA
Approach	597	11.3		0.373		7.0	LOS A	4.5	35.8				
East: SC Access													
Lane 1	158	3.0	687	0.230	100	12.5	LOS B	2.4	17.4	Full	500	0.0	0.0
Lane 2	139	3.0	242	0.573	100	23.9	LOS C	3.2	22.7	Short	30	0.0	NA
Approach	297	3.0		0.573		17.9	LOS B	3.2	22.7				
North: Mortlake Rd													
Lane 1	106	3.0	1172	0.091	100	8.8	LOS A	0.9	6.3	Short	50	0.0	NA
Lane 2	396	15.0	671	0.590	100	12.5	LOS B	7.2	57.1	Full	500	0.0	0.0
Approach	502	12.5		0.590		11.8	LOS B	7.2	57.1				
Intersection	1396	10.0		0.590		11.0	LOS B	7.2	57.1				

LANE SUMMARY

Site: 6814 [Mortlake Rd / SC Access - Fri Inter - Post Development]

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 45 seconds (Site Optimum Cycle Time - Minimum Delay)

Lane Use and Performance

	DEMAND FLOWS [Total HV]		Cap.	Deg. Satn	Lane Util.	Aver. Delay	Level of Service	95% BACK OF QUEUE [Veh Dist]		Lane Config	Lane Length	Cap. Adj.	Prob. Block.
	veh/h	%	veh/h	v/c	%	sec		Veh	m		m	%	%
South: Mortlake Rd													
Lane 1	413	15.0	1106	0.373	100	4.6	LOS A	4.5	35.8	Full	500	0.0	0.0
Lane 2	208	3.0	562	0.371	100	12.3	LOS B	2.1	15.1	Short	65	0.0	NA
Approach	621	11.0		0.373		7.2	LOS A	4.5	35.8				
East: SC Access													
Lane 1	182	3.0	768	0.237	100	11.2	LOS B	2.6	18.9	Full	500	0.0	0.0
Lane 2	163	3.0	242	0.673	100	24.9	LOS C	3.9	27.7	Short	30	0.0	NA
Approach	345	3.0		0.673		17.7	LOS B	3.9	27.7				
North: Mortlake Rd													
Lane 1	131	3.0	1091	0.120	100	9.8	LOS A	1.2	8.9	Short	50	0.0	NA
Lane 2	396	15.0	592	0.668	100	15.2	LOS B	8.1	63.7	Full	500	0.0	0.0
Approach	526	12.0		0.668		13.9	LOS B	8.1	63.7				
Intersection	1493	9.5		0.673		12.0	LOS B	8.1	63.7				



LANE SUMMARY

Site: 6814 [Mortlake Rd / SC Access - Fri PM peak - Existing Conditions]

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 40 seconds (Site Optimum Cycle Time - Minimum Delay)

Lane Use and Performance

	DEMAND FLOWS [Total HV]		Cap.	Deg. Satn	Lane Util.	Aver. Delay	Level of Service	95% BACK OF QUEUE [Veh Dist]		Lane Config	Lane Length	Cap. Adj.	Prob. Block.
	veh/h	%	veh/h	v/c	%	sec		Veh	m		m	%	%
South: Mortlake Rd													
Lane 1	531	15.0	977	0.543	100	6.4	LOS A	6.8	54.0	Full	500	0.0	0.0
Lane 2	277	3.0	453	0.611	100	14.5	LOS B	3.3	23.3	Short	65	0.0	NA
Approach	807	10.9		0.611		9.2	LOS A	6.8	54.0				
East: SC Access													
Lane 1	198	3.0	818	0.242	100	9.5	LOS A	2.5	17.6	Full	500	0.0	0.0
Lane 2	264	3.0	318	0.830	100	25.1	LOS C	6.2	44.3	Short	30	0.0	NA
Approach	462	3.0		0.830		18.4	LOS B	6.2	44.3				
North: Mortlake Rd													
Lane 1	179	3.0	1091	0.164	100	9.4	LOS A	1.6	11.3	Short	50	0.0	NA
Lane 2	412	15.0	489	0.842	100	21.4	LOS C	9.7	76.7	Full	500	0.0	0.0
Approach	591	11.4		0.842		17.8	LOS B	9.7	76.7				
Intersection	1860	9.1		0.842		14.2	LOS B	9.7	76.7				

LANE SUMMARY

Site: 6814 [Mortlake Rd / SC Access - Fri PM peak - Post Development]

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 45 seconds (Site Optimum Cycle Time - Minimum Delay)

Lane Use and Performance

	DEMAND FLOWS [Total HV]		Cap.	Deg. Satn	Lane Util.	Aver. Delay	Level of Service	95% BACK OF QUEUE [Veh Dist]		Lane Config	Lane Length	Cap. Adj.	Prob. Block.
	veh/h	%	veh/h	v/c	%	sec		Veh	m		m	%	%
South: Mortlake Rd													
Lane 1	531	15.0	1027	0.517	100	6.3	LOS A	7.2	56.6	Full	500	0.0	0.0
Lane 2	301	3.0	504	0.597	100	14.4	LOS B	3.7	26.3	Short	65	0.0	NA
Approach	832	10.7		0.597		9.2	LOS A	7.2	56.6				
East: SC Access													
Lane 1	222	3.0	849	0.262	100	10.0	LOS A	3.0	21.7	Full	500	0.0	0.0
Lane 2	288	3.0	323	0.892	100	31.8	LOS C	8.2	59.1	Short	30	0.0	NA
Approach	511	3.0		0.892		22.3	LOS C	8.2	59.1				
North: Mortlake Rd													
Lane 1	203	3.0	1091	0.186	100	10.0	LOS A	2.0	14.6	Short	50	0.0	NA
Lane 2	412	15.0	513	0.802	100	20.8	LOS C	10.0	79.3	Full	500	0.0	0.0
Approach	615	11.0		0.802		17.2	LOS B	10.0	79.3				
Intersection	1957	8.8		0.892		15.1	LOS B	10.0	79.3				



LANE SUMMARY

Site: 6814 [Mortlake Rd / SC Access - Sat Inter - Existing Conditions]

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 45 seconds (Site Optimum Cycle Time - Minimum Delay)

Lane Use and Performance

	DEMAND FLOWS [Total HV]		Cap.	Deg. Satn	Lane Util.	Aver. Delay	Level of Service	95% BACK OF QUEUE [Veh Dist]		Lane Config	Lane Length	Cap. Adj.	Prob. Block.
	veh/h	%	veh/h	v/c	%	sec		Veh	m		m	%	%
South: Mortlake Rd													
Lane 1	395	15.0	1106	0.357	100	4.5	LOS A	4.3	33.8	Full	500	0.0	0.0
Lane 2	167	3.0	520	0.322	100	12.2	LOS B	1.7	12.0	Short	65	0.0	NA
Approach	562	11.4		0.357		6.8	LOS A	4.3	33.8				
East: SC Access													
Lane 1	178	3.0	687	0.259	100	12.7	LOS B	2.8	19.9	Full	500	0.0	0.0
Lane 2	157	3.0	242	0.647	100	24.6	LOS C	3.7	26.3	Short	30	0.0	NA
Approach	335	3.0		0.647		18.3	LOS B	3.7	26.3				
North: Mortlake Rd													
Lane 1	140	3.0	1172	0.119	100	8.9	LOS A	1.2	8.5	Short	50	0.0	NA
Lane 2	413	15.0	671	0.615	100	12.7	LOS B	7.6	60.4	Full	500	0.0	0.0
Approach	553	12.0		0.615		11.8	LOS B	7.6	60.4				
Intersection	1449	9.7		0.647		11.3	LOS B	7.6	60.4				

LANE SUMMARY

Site: 6814 [Mortlake Rd / SC Access - Sat Inter - Post Development]

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 50 seconds (Site Optimum Cycle Time - Minimum Delay)

Lane Use and Performance

	DEMAND FLOWS [Total HV]		Cap.	Deg. Satn	Lane Util.	Aver. Delay	Level of Service	95% BACK OF QUEUE [Veh Dist]		Lane Config	Lane Length	Cap. Adj.	Prob. Block.
	veh/h	%	veh/h	v/c	%	sec		Veh	m		m	%	%
South: Mortlake Rd													
Lane 1	395	15.0	1102	0.358	100	5.0	LOS A	4.8	37.6	Full	500	0.0	0.0
Lane 2	192	3.0	523	0.367	100	12.9	LOS B	2.2	15.5	Short	65	0.0	NA
Approach	586	11.1		0.367		7.6	LOS A	4.8	37.6				
East: SC Access													
Lane 1	202	3.0	727	0.278	100	13.1	LOS B	3.4	24.4	Full	500	0.0	0.0
Lane 2	181	3.0	291	0.622	100	25.3	LOS C	4.5	32.4	Short	30	0.0	NA
Approach	383	3.0		0.622		18.9	LOS B	4.5	32.4				
North: Mortlake Rd													
Lane 1	164	3.0	1200	0.137	100	9.0	LOS A	1.5	10.8	Short	50	0.0	NA
Lane 2	413	15.0	675	0.611	100	13.9	LOS B	8.4	66.4	Full	500	0.0	0.0
Approach	577	11.6		0.611		12.5	LOS B	8.4	66.4				
Intersection	1546	9.3		0.622		12.2	LOS B	8.4	66.4				



LANE SUMMARY

Site: 6814 [Mortlake Rd / SC Access - Sat PM peak - Existing Conditions]

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 39 seconds (Site Optimum Cycle Time - Minimum Delay)

Lane Use and Performance

	DEMAND FLOWS [Total HV]		Cap.	Deg. Satn	Lane Util.	Aver. Delay	Level of Service	95% BACK OF QUEUE [Veh Dist]		Lane Config	Lane Length	Cap. Adj.	Prob. Block.
	veh/h	%	veh/h	v/c	%	sec		Veh	m		m	%	%
South: Mortlake Rd													
Lane 1	281	15.0	1002	0.280	100	4.8	LOS A	2.8	22.4	Full	500	0.0	0.0
Lane 2	153	3.0	555	0.275	100	12.0	LOS B	1.5	10.9	Short	65	0.0	NA
Approach	434	10.8		0.280		7.4	LOS A	2.8	22.4				
East: SC Access													
Lane 1	147	3.0	793	0.186	100	9.4	LOS A	1.8	12.7	Full	500	0.0	0.0
Lane 2	189	3.0	280	0.677	100	21.5	LOS C	3.9	27.9	Short	30	0.0	NA
Approach	337	3.0		0.677		16.2	LOS B	3.9	27.9				
North: Mortlake Rd													
Lane 1	151	3.0	1072	0.140	100	9.5	LOS A	1.3	9.3	Short	50	0.0	NA
Lane 2	305	15.0	501	0.609	100	14.2	LOS B	5.4	43.0	Full	500	0.0	0.0
Approach	456	11.0		0.609		12.6	LOS B	5.4	43.0				
Intersection	1226	8.7		0.677		11.7	LOS B	5.4	43.0				

LANE SUMMARY

Site: 6814 [Mortlake Rd / SC Access - Sat PM peak - Post Development]

Site Category: (None)

Signals - EQUISAT (Fixed-Time/SCATS) Isolated Cycle Time = 39 seconds (Site Optimum Cycle Time - Minimum Delay)

Lane Use and Performance

	DEMAND FLOWS [Total HV]		Cap.	Deg. Satn	Lane Util.	Aver. Delay	Level of Service	95% BACK OF QUEUE [Veh Dist]		Lane Config	Lane Length	Cap. Adj.	Prob. Block.
	veh/h	%	veh/h	v/c	%	sec		Veh	m		m	%	%
South: Mortlake Rd													
Lane 1	281	15.0	1002	0.280	100	4.8	LOS A	2.8	22.4	Full	500	0.0	0.0
Lane 2	177	3.0	555	0.318	100	12.1	LOS B	1.8	12.8	Short	65	0.0	NA
Approach	458	10.4		0.318		7.6	LOS A	2.8	22.4				
East: SC Access													
Lane 1	172	3.0	793	0.216	100	9.6	LOS A	2.1	15.0	Full	500	0.0	0.0
Lane 2	214	3.0	280	0.764	100	23.0	LOS C	4.6	33.1	Short	30	0.0	NA
Approach	385	3.0		0.764		17.0	LOS B	4.6	33.1				
North: Mortlake Rd													
Lane 1	175	3.0	1072	0.163	100	9.5	LOS A	1.5	11.0	Short	50	0.0	NA
Lane 2	305	15.0	501	0.609	100	14.2	LOS B	5.4	43.0	Full	500	0.0	0.0
Approach	480	10.6		0.609		12.5	LOS B	5.4	43.0				
Intersection	1323	8.3		0.764		12.1	LOS B	5.4	43.0				



20 SEP 2021

PP2021-0197.

Objection to Grant Planning Permit - Part A

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Who is objecting?

I/We (Names in Block Letters)

Name(s) David Surname McMahon

Name(s) Surname

Address Bramleys Bakery Shop 14 Northpoint Hopkins Hwy
Warrnambool Vic Post Code 3280

Telephone (Home) Telephone (Work) 03 5561 0678

Mobile 0447 326 098 Facsimile

Email bramleys.warrnambool@gmail.com

Signatures(s) [Signature] Date 20-9-21

Signatures(s) Date

Important notes about objections to permit applications

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Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number PP 2021 - 0197

What is the address of the land that is proposed to be used or developed?.....

1-72 Montlake Rd Warrnambool Vic 3280

What is proposed? K.F.C Restaurant

What are the reasons for your objection? (If there is not enough room, attach a separate page.)

As Attached

How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)

As Attached

Objection to Planning Permit

Planning application Number **PP2021-0197**

To Whom It May Concern

Reasons for the objection

We own Brumby's Bakery Warrnambool and wish to object to the KFC proposed for our shopping center. The reason for this objection is twofold.

1. The proposed traffic flow for the drive thru aspect of the restaurant.
 2. The lack of additional car parks that will be required for a new restaurant.
1. In the plans it has given a traffic flow diagram (as attached). After investigating the current KFC drive thru in Raglan parade, it was discovered that at busy time there would be up to 20-30 cars lined up with a waiting time of up to 30-40 minutes. This line can run for up to 3.5 hours over their busy times like Friday and Saturday nights, and Saturday and Sunday lunchtime. This line of traffic extends to approximately 100-120 metres. If this is replicated at the proposed KFC, which is likely as they are shutting the current KCF for a period, then the traffic will stretch through the carpark all the way back to nearly the intersection. The road into the center is one way though the traffic lights so this means that the entrance will be blocked for hours at a time. The other entrance to the center off Breton St is also very congested at times with trucks often stopping on the road to deliver goods. It is a congested carpark at the best of times so additional traffic will make the center both dangerous, and impossible to get to.
 2. In relation to car parking, the carpark is at capacity at the present time with the new KFC meaning the center is losing carparks. The KFC will need extra parking for both patrons, and staff. These additional required carparks take parks away from our normal customers.

How will we be affected by the granting of a permit

If the KFC goes ahead in its specified design, it will be to the extreme detriment of our bakery business, and all businesses in the center. It is a tight carpark to get in and out of at the present and the additional traffic would be catastrophic to the ability of patrons to visit our center. If there are massive line ups to get into the center, patrons will simply keep driving and will go elsewhere. The carpark would just become a drive thru for KFC with no other patrons able to use the center.

We employ 7 full time staff and 10 casuals so if our sales drop, our only course of action is to let staff go. I am sure that all businesses would have to do the same.

In summary, if the decision makers on this permit came down to the center to see what is proposed it would become obvious that the KFC plan would not work. The documentation paints a picture of traffic flow and numbers that are unrealistic. This KFC would put all the businesses in the center in jeopardy of survival and there would be at best case scenario, a number of jobs at risk.

Thank You

David McMahon

0447 326 098

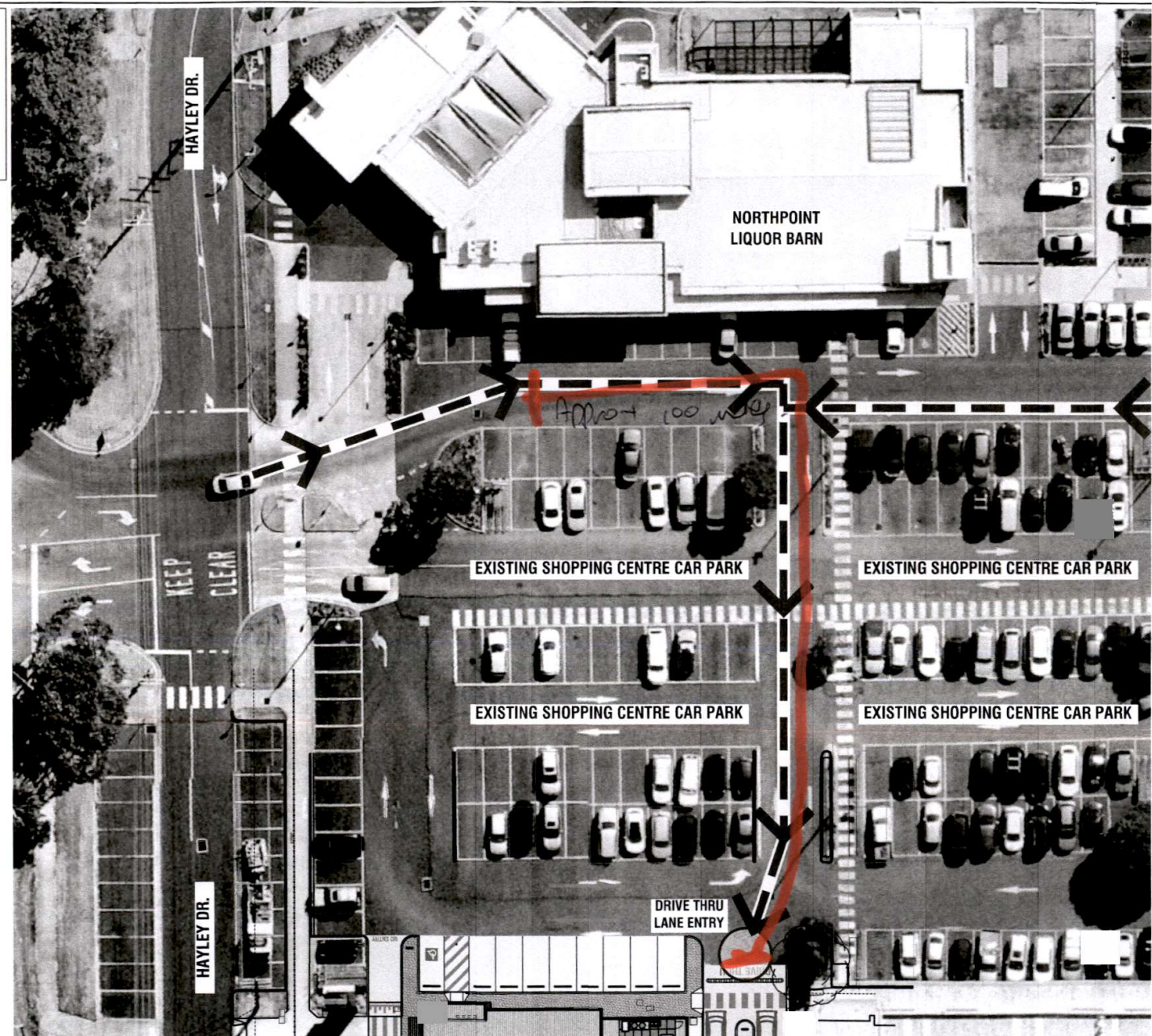
Owner Brumby's Bakery

Shop 14 Northpoint Shopping Centre

Warrnambool Vic 3280

LEGEND:

LIKELY VEHICLE ACCESS PATHWAY TO
DRIVE-THRU





Objection to Grant Planning Permit – Part A

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Who is objecting?

I/We (Names in Block Letters)

Name(s) Rick Surname Hahn (on behalf of Worfolk Butchers)

Name(s) _____ Surname _____

Address Shop 9/72 Mortlake Highway

Post Code _____

Telephone (Home) _____ Telephone (Work) 55624580

Mobile 0437193544 Facsimile _____

Email accounts@norfolkbutchers.com.au

Signatures(s) [Signature] Date 20.09.21

Signatures(s) _____ Date _____

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Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number..... PP 2021 0197

What is the address of the land that is proposed to be used or developed?.....

1/72 Mortlake Rd Warrnambool

What is proposed?..... KFC

What are the reasons for your objection? (If there is not enough room, attach a separate page.)

Loss of car parks

Traffic Flow which will effect our delivery vehicles in and out.

Traffic flow through the middle of car park effecting
customer flow and customer Parks

How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)

As above -

Loss of customers due to enter congestion
of traffic flow through middle of car park
and also exiting car park

Simone Crowe

From: Mary Lou Storer <maryloustorer@icloud.com>
Sent: Sunday, 19 September 2021 6:59 PM
To: Warrnambool City Council
Subject: Planning objection - KFC

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Hi.

I am writing as a very concern resident of North Warrnambool in relation to the KFC restaurant to be built at the North Point Shopping Centre.

There are a few issues I would like to bring up, mainly the traffic issue that this will bring with it. Mortlake Road is a very busy road at the best of times. With the new developments out North and the new development taking place at the moment across the road this is going to make travelling down Mortlake road very busy and dangerous.

I also think that it will change the feel of North Point which has at the moment a wonderful community atmosphere.

Having that green patch of grass is wonderful and could be better developed with some trees and garden, we don't have to built something on every patch of green grass with a building!!!

Also there will also be more car parks taken up with the eat-in dinners which could be at any time of the day and night.

I walk down Mortlake Road with my dogs and grandson and it is hard enough at the moment to cross the road at the lights without having to worry about extra traffic coming off or into the complex. I don't think this sort of business should be so close to a built up area where smells can be detected, some where out near KMart would be a better option.

We should also be trying to in courage healthy eating habits and not be promoting unhealthy eating habits.

I am strongly objecting to this and was so disappointed to read of in the paper, I love living in North Warrnambool and I feel that this proposed development is going to change this area completely. As I mentioned before if they have to have yet another fast food outlet built away from a residential area.

I would strong suggest that this development be looked at more closely and you listen the local residents as I am not alone with my concerns.

Regards

Mary Lou Storer

Sent from my iPad

Town Planning

From: Damien Bishop <DBishop@jamiesonmedical.com.au>
Sent: Monday, 20 September 2021 3:51 PM
To: Town Planning
Subject: PP2021-0197 Jamieson Medical Clinic Northpoint

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

In relation to planning permit PP2021-0197

The Jamieson Medical Clinic wish to object for the following reasons

- # On the plans our 12 designated carparks which form part of our lease , are to be removed .
- # Removes our parking for ambulance parking
- # Removes our parking for pathology courier
- # Provides an unsafe carpark for elderly and handicapped patients
- # Provides no designated emergency evacuation area
- # Not enough parking as it is in the complex , let alone allowing for the extra KFC customers and staff carparking
- # Will create a bottleneck which has the potential to turn business away for the other tenants

Regards

Damien Bishop
Practice Manager

Jamieson Medical Clinic
Northpoint , 70 - 80 Hopkins Hwy
Warrnambool 3280
(P) 03 5562 6533

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<http://www.mailguard.com.au>

Jellie McDonald
Solicitors

Our Ref: SW:NG:210847
Email: shane@jelliemcdonald.com.au
Your Ref:

20 September 2021

Warrnambool City Council
PO Box 198
Warrnambool VIC 3280
planning@warrnambool.vic.gov.au

Dear Sirs,

Planning Objection

I refer to the above planning permit proposal and now include objection to grant planning permit signed by Shane Martin Wilson as Legal Practitioner for the Objector.

Please confirm receipt of this submission.

Yours faithfully



Amy Lane
Enc

Liability limited by a scheme approved under Professional Standards Legislation

77 Fairy Street,
PO Box 245
Warrnambool, Victoria, 3280.
Tel: 03 5560 3444 Fax: 5560 3456
AusDoc DX 28014
www.jelliemcdonald.com.au
Accredited Specialisation: Business Law,
Wills and Estates

Principals:
David Jellie Pty. Ltd. ACN 124 838 400
Jacinta McDonald Pty. Ltd. ACN 124 838 419
Marcus Malseed Pty. Ltd. ACN 125 121 646

Associates:
Helen Shalders
Amy Lane
Consultant:
Shane Wilson



Objection to Grant Planning Permit – Part A

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Who is objecting?

I/We (Names in Block Letters)

Name(s) Jamieson Street Services Pty Ltd

Address Shops 2 & 15 Northpoint Shopping Centre Warrnambool Post Code. 3280

Telephone (Home) 55626533 Telephone (Work) 55626533

Mobile Facsimile 55612714

Email *shane@jelliemcdonald.com.au*

Signatures(s) *[Signature]* SHANE MARTIN WILSON
of 77 Fairy Street, Warrnambool
An Australian legal practitioner
Date *7/3/2022*
within the meaning of the Legal Profession Uniform Law (Victoria)

Signatures(s) Date

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Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number..... PP2021-0197

What is the address of the land that is proposed to be used or developed?.....1/72 Mortlake Road Warrnambool

What is proposed?Buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant.

What are the reasons for your objection? (If there is not enough room, attach a separate page.)

The proposal includes the removal of 9 car parks immediately to the north of the proposed KFC Restaurant Site. The objector leases the premises at shops 2 & 15 North Point Shopping Centre and the car parks which are marked as to be removed.

Further, Ambulance Victoria have expressed grave concerns for the proposal, as the Ambulance Victoria use the car parks for ambulance parking when attending North Point Shopping Centre and Jamieson Medical Centre.

How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)

The proposed development will remove part of the premises which the Objector leases, that is the car parks. The car parks are essential for the performance of the lease. A medical centre must have exclusive carparks and must have the provision of an ambulance car park. This is a part of the lease. If the proposal goes ahead, there will be major issues, with ill people seeking medical aid, having to walk a distance to the medical centre (this is a health risk), and the ambulance will not have a designated park, which is of extreme importance in the case of a medical emergency, with foreseeable adverse health consequences.

Town Planning

From: Nick Craven <Nick.Craven@constructionssupplyservice.com.au>
Sent: Thursday, 23 September 2021 6:02 AM
To: Town Planning
Subject: Planning Submission - 1/72 Mortlake Road Warrnambool - PP2021-0197
Attachments: IMG_1293.JPEG; IMG_1294.JPEG; Warrnambool - Submission Photos.pdf

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Hi,

This submission is made on behalf of the existing shopping centre tenants and is aimed at the intricacies of the proposal as opposed to the proposal itself.

Upon review of the documentation there seems to be minimal representation of the existing conditions of the centre, more specifically that of existing traffic conditions and respective queuing in already congested conflict points. More specifically in the areas noted of the attached PDF and respective photos taken on a late Tuesday afternoon.

With queue storage of the proposed for only 8 cars a 'spill-over' of cars into the northern and eastern access/conflict points into the proposed KFC should be considered and addressed as to ensure the amenity and patronage of existing tenants within the centre is not affected.

Contrary to the findings of the traffic report, consideration should also be given to a stricter designation of parking spaces and access into the centre for KFC patrons directly to the north as not to affect the existing facility of spaces which is already constrained. In discussions with other tenants in the building, the submissive use of words within the report like "unlikely" and "approximately" are too vague and the ambiguity benefits only one party and minimises the importance of other tenants within the building and their respective parking within the premises. A more definitive and robust report of findings over a greater period of analysis would be of great benefit to the proposal and may address issues which are "likely" to be founded as a result of such efforts.

Your appreciation in having this considered in your decision making process would be greatly appreciated.

Regards,



Nick Craven

Construction Supply & Service
East 6, 605 Zillmere Road, Aspley QLD 4034,
Australia
E: nick.craven@constructionssupplyservice.com.au
M: [+61 429 425 412](tel:+61429425412)

[constructionsupplyservice.com.au](https://www.constructionsupplyservice.com.au)



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Town Planning

From: Warrnambool Gift Shop <lotto@quinlan.com.au>
Sent: Thursday, 23 September 2021 12:47 PM
To: Town Planning
Subject: Fwd: Planning Permit PP2021-0197

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Attention Planning Dept WCC

Re: Planning Permit PP2021-0197 submitted by Myers Group for a KFC complex

As a business owner of Northpoint Lotto I wish to raise some concerns that I have concerning the above planning permit.

As a tenant of the Northpoint Shopping Centre I welcome new businesses to our complex especially when they are as successful as KFC however I am concerned that the traffic flow of our complex will be greatly affected by the 'drive thru sales' queues that may occur.

Currently the Northpoint complex car park is extremely pedestrian and motor vehicle friendly and this is a major reason customers choose to shop with us.

The proposed KFC plan has the 'drive thru sales' being directed through the main entrance and into the centre of the car park. At peak times the high traffic flow expected by KFC would almost certainly block up the car park and potentially bring flow to a stand still.

If customers are forced to deal with a crowded stagnant car park we believe that they will choose to shop elsewhere hurting a number of established businesses.

It is therefore extremely important for all tenants, including KFC that the traffic flow works and works well.

I urge WCC Planning Dept to look at developing another option with the Myer Group specifically concentrating on:

- Traffic flow at peak times
- Parking capacity
- Alternate entrance/exit points away from general area.

I wish to reinforce I welcome KFC joining the Northpoint Tenant family and hopefully we can find a mutually agreeable solution.

Thanks and I look forward to your response.

Anne Maree Quinlan

Northpoint Lotto & Gifts

Shop 11

Northpoint Shopping Centre

72 Mortlake Road

Warrnambool

0408619555

Sent from [Mail](#) for Windows



Objection to Grant Planning Permit - Part A

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Warrnambool City Council	
27-09-2021	
Officer	
Scanned Yes / No	Ch:

Who is objecting?

I/We (Names in Block Letters)

Name(s) BRUCE Surname RONALD

Name(s) KATHRYN Surname SHAW

Address 66 MORTLAKE ROAD

WARRNAMBOOL Post Code 3280

Telephone (Home) — Telephone (Work) B - 0408 171 068

Mobile BRUCE - 0418519771 Facsimile —

Email KATHY - 0419309653 kathrynshaw12337@gmail.com b.ronald1963@gmail.com

Signatures(s) K. Shaw Date 27-9-21

Signatures(s) B. J. Ronald Date 27-9-21

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8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



Objection to Grant Planning Permit – Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?

Planning Application Number PP 2021-0197

What is the address of the land that is proposed to be used or developed?

1/72 MORTLAKE ROAD WARRNAMBOOL VIC 3280

What is proposed? Building a KFC restaurant and drive through

What are the reasons for your objection? (If there is not enough room, attach a separate page.)

As we live right beside the proposed area we are already aware of problems that exist already and by adding this Fast Food restaurant to this area will make things worse. We have looked at the plans for this and can't believe this would even be considered. The car park at Northpoint is small and gets quite congested during busy times already. The grassed area that this is going to take up is a place where you often see families sit and have their fish & chips in the better weather. This is going to effect the traffic around Northpoint and our property.

How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)

Noise will be an issue with this KFC and the amount of cars and people hanging around all the time. Rubbish will also be a big problem, we already get a lot of rubbish down our driveway and by having a KFC right beside us I am sure this will be a problem. Smell, the smell that is always coming out of these places is very strong, we won't be able to open our doors or windows without the house filling up with this smell, even hanging our clothes on the clothesline as they will end up having this smell. Traffic as we have to use the Coles entrance and service road to access our house the traffic that will use this restaurant will impact

the way we access our property. As seen with the KFC on the Highway the amount of cars that use that driveway end up having cars spill out onto the surrounding roads and that causes traffic issues.

As I stated earlier Northpoint is quite a small car park and already gets congested and by adding this KFC to an already small area is a ridiculous thing to do.

The amount of people that will be hanging around our property and the amount of rubbish that will be left behind will not be nice. People will be in their cars until the KFC closes and that can be 10pm or 11pm at night and as we both work and start very early, the noise of a night time will bother us.

Once again the smell will be an issue. On a nice day or night we won't be able to open up our house or even sit outside because the place will constantly smell.

In conclusion I am sure there are other more suitable areas for this KFC to be built and not in an already small congested area. Please do not build this here.

Kind Regards,

Kathy Shaw and Bruce Ronald.

Town Planning

From: djlanf <djlanf@protonmail.com>
Sent: Friday, 24 September 2021 7:05 PM
To: Town Planning
Subject: Objection to site for proposed KFC Centro shopping centre.

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Dear planning officers,

I am objecting to the site if the new proposed KFC in the Centro shopping centre.
The proposed plans have not considered the negative impact that will be caused from added traffic to an already congested intersection that is seen in image 16 of the proposal. This intersection is already a bad design and can't handle traffic trying to turn onto Mortlake road from the service lanes, especially in peak times between 5pm and 6pm.

Furthermore having entry points for the drive through go through an already congested and poorly designed car park in the shopping centre car park itself is not going to end well.
All locals know how long fast food drive through can be during lunch and evening times and this proposal does not consider the customers or businesses that already utilise this car park.

I am a doctor at the medical clinic that is situated next to the proposed kfc. I am also concerned of the priority car parks that currently are held by the clinic for its many aged and sick patients that need close proximity, that are proposed to be removed for this new building.

The site is not ideal for a drive through at its current proposal and the impact will be mostly negative to everyone who already utilise this shopping centre currently.

Regards,

Dion Lanfranco

Town Planning

From: Greg Twitt <gregtwitt@fastmail.fm>
Sent: Thursday, 23 September 2021 7:26 PM
To: Town Planning
Subject: PP2021-0197

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

I would like to object to the proposal for a new KFC at Northpoint shopping centre on Mortlake road.

I live within a few hundred metres of the proposed development. As far as I can tell, no consideration has been given to the smell emanating from the proposed development. There will be a strong smell that will impact housing to the south east of the development (with prevailing north and northwesterly winds) including our house.

It is also highly dubious that there is a need for the development, with a pre-existing KFC only 1.5 km to the south, plus many other similar fast food / drive through convenience restaurants in town.

I urge the council to not support the proposed development.
Please advise the process from here on.
Regards
Greg Twitt
52 Breton Street

Town Planning

From: Moyne / Warrnambool STM <MoyneWarrnambool.stm@ambulance.vic.gov.au>
Sent: Friday, 17 September 2021 5:25 PM
To: Town Planning
Subject: Proposed KFC & Ambulance access
Importance: High

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Hi Council

Hope all is well.

I am reaching out to you in relation to the proposed KFC Building that will be established in the Centro Complex on Mortlake Road.

We have some concern regarding the location of the Ambulance Bay / Emergency access. It appears that the existing Ambulance Bay will be removed to accommodate the KFC drive thru.

Is there any plan moving forward of where an Ambulance Bay / Emergency Access will now be located? Obviously, this poses significant impact for us to be able to access not only the medical clinic in a timely manner but also other venues within the complex and may indeed pose a health and safety risk to our staff if we don't have sufficient access and egress, especially for Emergency cases.

Would appreciate any feedback you have on this matter.

Thanks kindly

Anna Harris

Senior Team Manager (Acting)

Moyne - Warrnambool
Clinical Operations 2748

Ambulance Victoria

2-4 Colac Rd, Belmont, VIC 3216
PO Box 2000 Doncaster VIC 3108

M 0400 664 614

E moynewarrnambool.STM@ambulance.vic.gov.au

W ambulance.vic.gov.au



This email and any attachments are confidential, privileged or private. If you are not the intended recipient you must not keep, forward, copy, use, disclose, prohibited. If you have received this email in error, please notify the sender immediately and delete the email. Ambulance Victoria (AV) disclaims liability attachments are free from viruses or defects.



Our ref: 21-445
Your ref: PP2021-0197

13 October 2021

Cathy Sextus
Planning Officer
Warrnambool City Council
25 Liebig Street
WARRNAMBOOL VIC 3380

Via email: planning@warrnambool.vic.gov.au

Dear Cathy,

**Re: Response to Submissions
Planning Permit Application PP2021-0197, 1/72 Mortlake Road,
Warrnambool**

We continue to act on behalf of Wirk Horsham Pty Ltd in regard to the above planning permit application.

The proposal seeks approval for buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant.

Please find enclosed a response to the eleven (11) submissions received by Council following notice of Planning Permit Application No. PP2021-1097.

The concerns raised within the submissions have been summarised under the following headings:

1. Adequacy of plans and reports
2. Traffic and car parking
3. Leasing arrangements
4. Emergencies
5. Feel of the area
6. Odour, noise and rubbish
7. Health

A response to each of the above items is outlined overleaf.

Myers Planning Group Pty Ltd
ABN 53 253 414 622
182B Lava Street,
Warrnambool VIC 3280
Australia
Telephone 61 3 5562 9443
admin@myersplanninggroup.com.au
www.myersplanninggroup.com.au



Adequacy of plans and reports

It has been submitted that the existing conditions plans do not accurately reflect the actual conditions on site. In addition, it has been submitted that the Transport Impact Assessment Report (TIAR) is too vague having regard to traffic quantity and movement generated.

Council has had the opportunity to visit the site and request information if required. Additionally, the TIAR provides for a traffic and car parking assessment which comprises both detailed and high-level observations in relation to the subject site and surrounding network. This report has found that the proposal adequately considered the relevant matters and will ultimately assist Council in making a decision.

For town planning purposes it is respectfully submitted that the applicant has done enough to be able to proceed with a decision without requiring further information on these matters. The plans generally depict the existing site conditions and provide for a proposed site and floor plan as appropriate.

Traffic and car parking

Submissions received have raised substantial concerns having regard to both traffic [flow] and car parking implications of the proposal, specifically within the internal Northpoint Shopping Centre car park.

The proposal does not substantially alter the layout of the car park insomuch that it only requires the removal of several spaces due to re-design, without adversely impacting upon car parking space size and associated aisle widths.

There was no further reduction of the requirement in spaces allowed for the entire shopping centre – based on a complicated history of the car park, recent amendments to planning applications (such as Northpoint Hotel / Bottle shop) and the additional section of car park constructed in recent years.

At Council's request to respond to a further information requirement for the application, a pedestrian crossing between footpaths at the entry to the drive through area is also being retained and slightly modified for pedestrian safety.

A plan has been provided showing the layout of the Northpoint Shopping Centre and the 'likely vehicle access pathway to drive-through' from both Mortlake Road and Hayley Drive. This plan is an indicative travel path towards the convenience restaurant drive-through and should not be confused with drive-through queuing. Additionally, to Council's satisfaction, any additional directional signage could be provided as a requirement of a planning permit.



The TIAR discusses vehicle queuing within the drive-through area and has considered it satisfactory. The TIAR has also considered the broader traffic implications of this proposal and finds that the local network is expected to be able to absorb the additional generation of traffic without causing a significant impact. It follows that the existing business are unlikely to be adversely impacted on account of the proposal from a car parking perspective.

Leasing arrangements

There is the concern that the proposal removes some designated car parking spaces are part of a lease arrangement.

Leasing arrangements between a tenant and management of the shopping centre is not a planning matter of concern for the proponent of this development. Notwithstanding, it is understood that these spaces designated under a private lease can be reallocated within the car park after the proposed development is complete.

Emergencies

Submissions have stated that the proposal does not indicate an emergency evacuation area. Additionally, concerns have also been raised having regard to a dedicated ambulance car park within the car park – specifically in relation to the medical centre.

Emergency evacuation

The proposal is in a location which is currently nominated via signage on site as an 'emergency assembly area'. Its relocation on account of development is not up to the proponent to determine at this point in time and is not a relevant planning matter, specifically with relation to broader emergency management or evacuation plans of the Northpoint Shopping Centre. This is governed by separate legislation.

Ambulance space

The concerns relating to the Ambulance space can be resolved. Despite it not being clear where the existing designated ambulance space is located, the concerns are acknowledged.

There is a clear opportunity to utilise the area to the rear of the drive-through area where the current [un]loading bay is proposed. This space would have good footpath access and is within close proximity to the existing tenancies of the Northpoint Shopping centre, including the medical clinic.

It is offered to incorporate a shared space at this location for both ambulance emergency use and [un]loading.

A condition of any given planning permit could be included which reads to the effect of:

'the nomination of a shared ambulance space and [un]loading zone bay to the rear of the drive-through area to the satisfaction of the Responsible Authority.'



Feel of the area

A concern has been raised having regard to the look and feel of the area as well as the implications of the loss of green space.

Given that this site has always been earmarked for development this green space was simply borrowed amenity until such time that a permit be granted for its development.

The proposed development and signage is appropriately located within the Commercial 1 Zone and within an activity centre. The building will be of a high quality and the signage will also be suitable to the area having regard to the existing context of the shopping centre.

The proposal is still considered to be generally acceptable having regard to planning policy both at a state and local level.

Odour, noise and rubbish

Objections have raised concerns having regard to odour, noise and litter pollution within the vicinity of the subject site, including surrounding residential areas.

It is noted that there are no threshold or separation distances required for a convenience restaurant having regard to any potential odours. Although odours and flues are usually controlled through other legislation, given that this matter arises from the development it is considered appropriate to resolve this through a general condition which would require the installation and proper management of odour filters to Council's satisfaction.

Other food premises within the Northpoint Shopping Centre include (but not limited to) Brumby's Bakery, Domino's Pizza and Harry's Fish and Chips, some of which would also be subject to the issue of odour and be required to comply with similar legislation.

Noise sources from this type of development typically include delivery trucks, plant and equipment and noise from customer operating devices. The development would be required to adhere to the appropriate regulations under the SEPP N-1 for these types of noise sources. The noises from delivery within the service lane is not expected to be any noisier than deliveries for other premises such as Coles within the Northpoint Shopping Centre, who also use the same service delivery area. It is expected that for this development the majority of deliveries and waste collection will occur prior to 9am.



It is noted that an acoustic fence was required to be constructed between the shopping centre and the existing dwelling to the south as part of the combined development permit and rezoning as part of Planning Scheme Amendment C37 in 2005.

Responding to litter pollution, bins are provided on site and within the store. In terms of collection, KFC will arrange private waste collection for any waste generation and stored on site within bins. Ultimately the responsibility for the disposal of litter outside of the premises rests with the customer; however, these concerns could be further resolved through a Waste or Litter Management Plan to the satisfaction of the Responsible Authority.

Matters relating to odour, noise and litter would not be new to this area due to the number of uses already established within Northpoint Shopping Centre. Moreover, the Commercial 1 Zone anticipates this type of use in this location and attracts general amenity considerations under Clause 34.01-2

Health

Objections have also mentioned the health implications of the convenience restaurant associated with the development. The concerns relating to health impacts are acknowledged; however, it is respectfully submitted to Council that the health concerns have limited planning merit when considered against the Warrnambool Planning Scheme

Additionally, the subject site has always been anticipated to have a 'convenience restaurant' as shown within the plan for development considered under Planning Scheme Amendment C37. Whilst there are minor variations to the layout shown on plan 0330 TPO3 – December 2004 (prepared by Clarke Hopkins Clarke), the proposal is considered to be generally in accordance with the indicative convenience restaurant shown (plan attached). Therefore, more broadly, a convenient restaurant in this location had the general support of the expert Planning Panel chaired by Rodger Eade in December 2005 and subsequently Warrnambool City Council at this point in time.

It is reiterated the proposal is not for the 'use' of land but rather the buildings, works and signage components. The application must be considered against the provisions of the Warrnambool Planning Scheme and non-planning issues or issues relating to the use of land should not carry weight in the decision-making process.

The below case law is provided which is of relevance to the above statements.



Case Law

[McDonald's Australia Pty Ltd v Yarra Ranges SC \[2012\] VCAT 1539](#)

In McDonald's Australia Pty Ltd v Yarra Ranges SC, the application was for a McDonalds located in the suburb of Tecoma which received 1,300 objections to Council.

The Tribunal determined that it had no discretion to determine the issues associated with the use of the land where the application was only for development. There are similarities with this proposal given that the proposed KFC could commence business within any existing building on the land (Northpoint Shopping Centre) without a planning permit.

The Tribunal stated:

20. We also heard many submissions regarding the behaviour of patrons and the possible prevalence of litter generated by the use of the land. These matters cannot be determinative in this matter as they relate to the use of the land. We propose to address these matters through permit conditions...

29. We summarise this section by confirming that under the scheme a convenience restaurant, including McDonald's could commence operations without planning permission in any existing building within Tecoma's commercial centre. The use of the land for this purpose is not before us.

[Hunt Club Commercial Pty Ltd v Casey CC \(includes Summary\) \(Red Dot\) \[2013\] VCAT 725 \(20 May 2013\)](#)

In Hunt Club Commercial Pty Ltd v Casey CC, the Tribunal determined that it had no discretion to determine potential social harm or health impacts caused by a planning application on matters which are considered to be outside of the Planning Scheme. This decision related to an application under Clause 52.27 to sell or consume liquor.

The Tribunal stated:

15. Town planning is not a panacea for all perceived social ills, nor is planning decision-making a forum for addressing all issues of social or community concern. At its heart, planning is about the use, development and protection of land. It has a spatial context that is primarily concerned with the fair, orderly, economic and sustainable use and development of land. Town planning does not involve itself in moral judgements nor, subject to this locational or spatial perspective, in the

operation of a competitive market economy in which certain goods and services are lawfully made, sold or consumed. Whilst town planning seeks to secure a pleasant, efficient and safe working, living and recreational environment, it is not the role of town planning to address all issues of public health, nor to regulate the pricing or general availability of a product to manage the health and well being of a society.



16. It follows, for example, that it is not the role of a planning decision-maker to consider the broader impacts on society of obesity, when making a decision about the development of land for a particular fast-food outlet...

We trust this information is satisfactory to allow Council to complete its final assessment and make a decision. However, should you have any questions or require further information, please do not hesitate to contact our office on (03) 5562 9443 or admin@myersplanninggroup.com.au.

Yours sincerely



Cameron McNeill
Senior Planning Consultant
Myers Planning Group

SITE SCHEDULE

SITE AREA 'A'	17,081 sqm
LEASABLE FLOOR AREA SUPERMARKET	2276 sqm
LEASABLE FLOOR AREA SPECIALTY S/O'S	663 sqm
AREA FOR S/O OUTLET	70 sqm
AREA FOR VEHICLE RESTAURANT	140 sqm
AREA MEDICAL CENTRE	220 sqm
TOTAL LEASABLE FLOOR AREA	4470 sqm
TOTAL CARPARKING PROVIDED	236 CARS

SITE SCHEDULE - Tavern Site

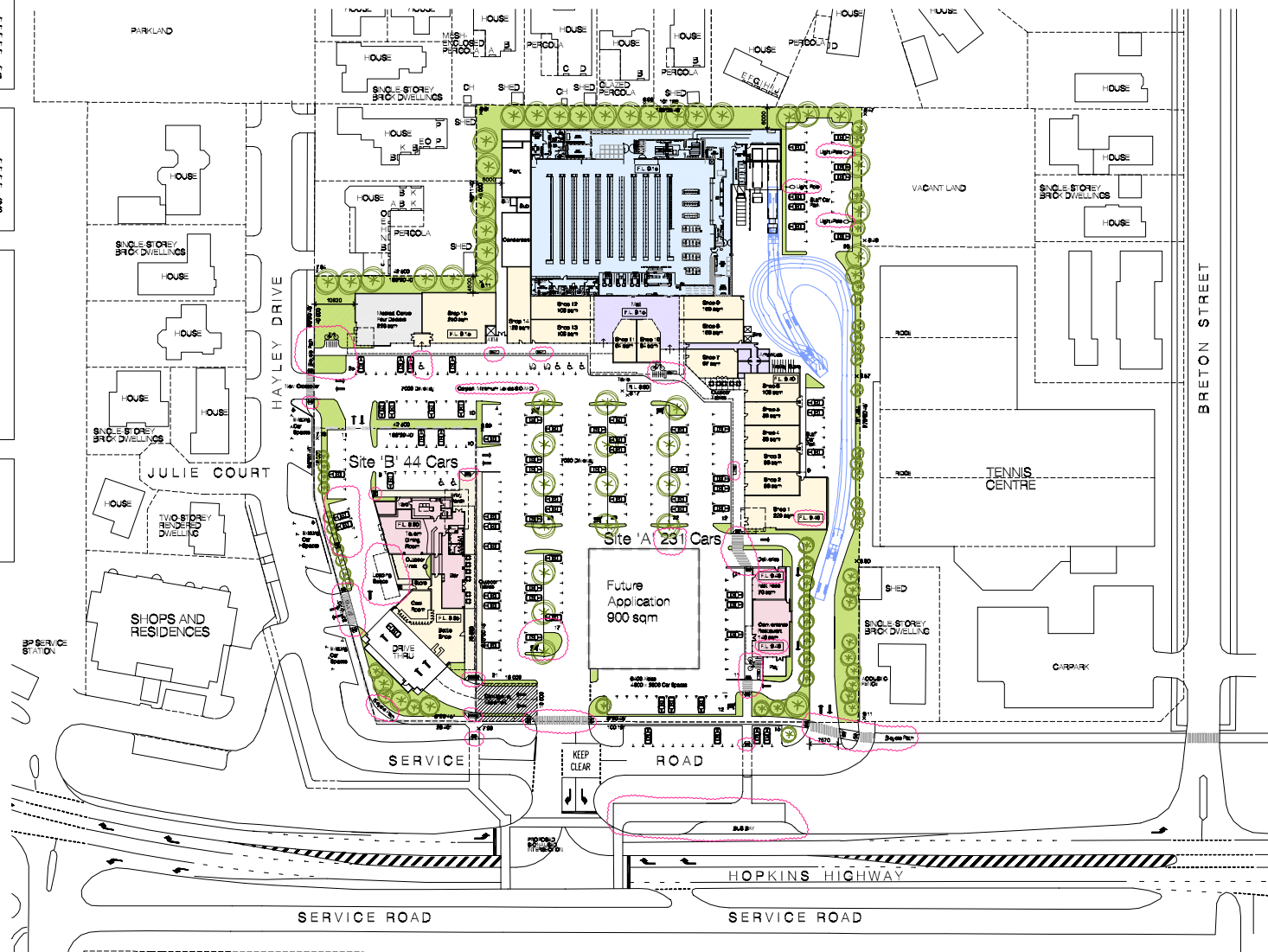
SITE AREA 'B'	2,787 sqm
AREA BUILDING BOTTLE S/O'S	230 sqm
AREA NEW BOTTLE S/O'S	276 sqm
AREA TAVERN	333 sqm
TOTAL	839 sqm
TOTAL CARPARKING ON SITE	29 CARS
TOTAL CARPARKING ON SITE (EXISTING AND NEW)	14 CARS

SCHEDULE OF WINDOWS TO ADJOINING DWELLINGS

A	2100 x 1800 W BUILDING DOOR HABITABLE ROOM
B	2100 x 1800 W HABITABLE ROOM WINDOW
C	1500 x 2400 W HABITABLE ROOM WINDOW
D	1500 x 1800 W HABITABLE ROOM WINDOW
E	800 H x 800 W WINDOW OUTSIDE C-68
F	800 H x 1800 W WINDOW OUTSIDE C-68
G	1000 H x 600 W WINDOW
H	1000 x 1500 W HABITABLE ROOM WINDOW
I	1000 x 1500 W GARAGE WINDOW
J	2100 x 2700 W HABITABLE ROOM WINDOW
K	2100 x 2100 W GARAGE HOUSE DOOR
L	1800 x 1800 W HABITABLE ROOM WINDOW
M	1000 H x 1500 W HABITABLE ROOM WINDOW
N	2100 x 1800 W BUILDING DOOR HABITABLE ROOM
O	2100 H x 2100 W HABITABLE ROOM WINDOW
P	2100 H x 2100 W HABITABLE ROOM WINDOW
CH	CUBBY HOUSE

NOTES:

- THE SCHEDULE IS TO BE READ IN CONJUNCTION WITH THE PUBLISHED DEVELOPMENT PLAN
 1. BUILDINGS PLANNED PRIOR TO APPLICATION DATE ARE SHOWN IN RED
 2. EXISTING BUILDINGS ARE SHOWN IN GREEN
 3. PROPOSED BUILDINGS ARE SHOWN IN BLUE
 4. EXISTING LAND IS SHOWN IN YELLOW
 5. PROPOSED LAND IS SHOWN IN PINK





14 February 2022

James Phillips
Coordinator City Development
Warrnambool City Council
25 Liebig Street
Warrnambool VIC 3280

By email only:

Dear James,

PP2021-0197

Buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant.

1/72 Mortlake Road, Warrnambool

We continue to act on behalf of our client Work Horsham Pty Ltd in relation to the above matter.

A consultation meeting for the above planning application occurred on site on 25 January 2022. After this meeting it was advised that there may still be several outstanding concerns relating to the functionality of the car park on account of the proposed drive through.

To date we've provided Council the following in this matter:

- Town planning report including a Clause 52.06 assessment, also having regard to the relevant combined Planning Scheme Amendment and Permit (C37 and PP2004-1225).
- Written response to Council's original Request for Further Information.
- Site plan of the KFC also showing the car park and the likely path of travel from Mortlake Rd/Hayley Dr (as requested by Council's Request for Further Information).
- Traffic Impact Assessment prepared by ESR Transport Planning.

The original development plan for the site in 2005 identified a convenience restaurant in this location with an almost identical layout, including a single lane drive through in the same location as the proposed application. The current proposal goes beyond this plan and allocates additional land to be able to locate a double lane entry to the drive through to allow for two speaker boxes for customers to order. This will result in a higher turnover of traffic through the convenience restaurant than a single lane model and is considered an improved outcome.

No issues were raised by Traffic Group at the time of the convenience restaurant drive through being nominated on the development plan for C37 and no issues have been raised by ESR Transport Planning based on the current proposal.

Informally, there appeared to be a pre-conceived notion that this KFC will be as busy as the central Warrnambool KFC store (Corner of Raglan Parade and Kepler Street). Warrnambool customers are expected to be generally split amongst both stores.

Our client has exhausted redesign options for the drive through and associated store and is attempting to work closely with the landowner [of Northpoint Shopping Centre] relating to car parking matters.

Myers Planning Group Pty Ltd
ABN 53 253 414 622
182B Lava Street,
Warrnambool VIC 3280
www.myersplanninggroup.com.au

It is reiterated that our client would be amenable to any planning permit conditions which Council believe may assist in resolving any concerns having regard to the functionality of the car park. This could include additional line marking, hatched areas for keep clear zones or wayfinding signage. As previously submitted the vehicle queuing should not be confused with the likely path of travel towards the drive through.



Absent of any peer review to the expert traffic engineer's reports so far (Traffix Group or ESR Transport Planning) our client is not proceeding with further modifications to the private car park as part of this planning application prior to a decision.

It is respectfully requested that Council proceed with a recommendation to the next Ordinary Council Meeting.

If you have any questions, please contact me on telephone (03) 5562 9443 or email cameron@myersplanninggroup.com.au.

Yours sincerely,

Cameron McNeill
Senior Planning Consultant

7.4. DART & MARLIN APPLICATION TO AMEND PERMIT PP2015-0185

DIRECTORATE : City Growth

PURPOSE:

This report recommends that Council resolve to issue of a Notice of Decision (NOD) to grant an Amendment to Permit PP2015-0185 to 'vary a liquor licence to general and packaged liquor, increase the licenced area, extend trading hours, and display business identification signage at the 216-218 Timor Street, Warrnambool'.

EXECUTIVE SUMMARY

- An application to amend planning permit PP2015-0185 has been submitted to Council to vary an existing café/restaurant liquor licence to a 'general' and 'packaged' liquor licence, increase the red-line (licenced) area, extend trading hours and include the display of business identification signage at 216-218 Timor Street, Warrnambool (Dart & Marlin).
 - Public notice and referral has been carried out and five (5) objections from surrounding property owners/ occupiers have been received.
 - The detail contained within the application is sufficient to enable Council to support the proposal against the relevant provisions of the Warrnambool Planning Scheme.
-

MOVED: CR BEN BLAIN

SECONDED: CR DEBBIE ARNOTT

That Council having caused notice of Planning Application No. PP2015-0185.01 to be given under Section 52 of the Planning and Environment Act 1987 (the Act) and having considered all the matters required under Section 60 of the Act issues a Notice of Decision to Grant a permit under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 TP 24140M, 216-218 Timor St WARRNAMBOOL VIC 3280, to 'vary a liquor licence to general and packaged liquor, increase the red line area, extend trading hours, and display signage' in accordance with the endorsed plans, subject to the following conditions:

1. Amended plans

Before the use commences plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. The licenced area to exclude a 2m pedestrian clearway along the Timor Street façade of the building.

2. Patron Management Plan

Before the use commences or unless otherwise approved by the Responsible Authority in writing, all measures, recommendations and guidelines contained in the approved Patron Management Plan must be implemented to the satisfaction of the Responsible Authority, and thereafter maintained at all times to the satisfaction of the Responsible Authority.

3. Operating hours of general liquor licence

The use of the general liquor licence may operate only between the hours of:

- a. 11am to 1am the following day – Monday to Saturday.
- b. 11am to 11pm – Sunday.
- c. 12pm to 11pm the following day – ANZAC Day and Good Friday.

4. Maximum patronage

No more than 200 patrons are permitted on the premises at any one time without the written consent of the Responsible Authority.

Layout Not Altered

5. The location of the red line for the licenced premises endorsed to form part of the permit must not be altered or modified without the prior written consent of the responsible authority.

6. General amenity

The use must not detrimentally affect the amenity of the neighbourhood, including through the:

- a. Transport of materials, goods or commodities to or from the land.
- b. Appearance of any building, works or materials.
- c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
- d. loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land.

7. Operating hours of off-premises liquor sales

Off-premises liquor sales (packaged liquor) is limited to between the hours of 11am to 9pm – every day.

8. Local Laws

No liquor is to be consumed outside the premises after 10pm on any given night unless with the prior written consent of the Responsible Authority.

9. Noise amenity

No amplified music is permitted outside the building (including rear courtyard), other than at 'background' noise levels up to 10pm on any day.

10. Six (6) months after the commencement of the use a suitably qualified acoustic consultant must provide Council with a report confirming that the venue complies with State Environment Protection Policy (SEPP) No. N-2. The report must acknowledge the recommendations of the Acoustic Report provided with the application (Renzo Tonin & Associates dated 24 March 2021) and any measures put in place by the operator to ensure on-going compliance.

11. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

12. General operations

Signage must be displayed near all entrances/exits requesting patrons to leave the Premises in a quiet and orderly manner so as not to disrupt nearby residents to the satisfaction of the Responsible Authority.

13. **At all times when guests are accommodated on the land, there must be present on the land a person aged 18 years or over who is responsible for ensuring that the activities on the premises and the conduct of persons attending the land do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority.**
14. **The permit operator must maintain a register of complaints to the satisfaction of the Responsible Authority. The complaint register must include the date, time and nature of the complaint, and any action taken to ameliorate the complaint raised. The register must be made available for inspection by the Responsible Authority upon a written request being made.**

Signage

15. **The expiry date for signage is 15 years from the date of issue of the permit.**
16. **On expiry of the permit the sign and structures built specifically to support and illuminate it must be removed.**

CARRIED - 6:1

**Crs. Ziegeler, Arnott, Jellie, Blain, Paspaliaris and Taylor voting for the motion
Cr. Akoch voting against the motion**

BACKGROUND

The subject site is located within the Warrnambool Central Business District. The site fronts Timor Street and is located approximately 40m from the Kepler-Timor Street intersection to the east. Public and vehicular access to the site is primarily from Timor Street. Deliveries can also be provided at the rear of the site, via an alleyway off Kepler Street.

The proposal is to vary an existing café/restaurant liquor licence at 216-218 Timor Street to a general and packaged liquor licence, increase the red line area, extend trading hours, and include the display of signage.

The sale and consumption of liquor is proposed to occur during the following times:

General liquor licence

- 11am to 1am the following day – Monday to Saturday.
- 11am to 11pm – Sunday.
- 12pm to 11pm the following day – ANZAC Day and Good Friday.

Off-premises liquor sales (packaged liquor)

- 11am to 9pm – all days.

The purpose of the amendment is to accommodate the land use transitioning from a Restaurant to a Bar- uses that both fall within Section 1 (no permit required) of the Commercial Zone. A difference 'type' of licence prompts a planning application.

The application is accompanied by an Acoustic Report and revised Patron Management Plan. Both documents include details of operating hours, marshalling of patronage, managing patronage behaviour, and protecting the amenity of the area.

The extension in licenced area is to incorporate part of the upper floor and un-licenced areas of the rear courtyard. At present the licenced area excludes the raised platform.

The proposed business identification sign is 3m by 4m, would be painted on the site of the building and would reflect the business name' logo - similar to that which is already visible on the building frontage. No illumination is proposed.

While not triggering a planning permit, the applicant proposes to reduce patron numbers from 250 to 200 across the site.

The application has been referred to the VCGLR, Warrnambool Police, and Council's Local Laws branch.

ISSUES

A planning permit is required to vary a liquor licence, increase the red line area, extend trading hours, and display signage, pursuant to the Warrnambool Planning Scheme.

The application has been subject to public notice and five (5) objections have been received concerning the following matters:

- Hours of operation
- Crowding
- Noise
- Amenity based concerns
- Cumulative impact
- Characterisation of the use

A full assessment of the application and the objections are contained within the detailed planning assessment.

In brief, the objections are acknowledged and it is considered an appropriate response to include new conditions on the permit to address noise and patron behaviour, particularly into the evenings. The cumulative impact is negligible given the existing use as a restaurant, that hours are not to be significantly increased and the location of the site within the 'Core Commercial Area'. Noise limits will be imposed to manage the amenity of the area and to ensure consistency with other permits issued for liquor licences within the CBD.

FINANCIAL IMPACT

The costs associated with the assessment of the application and any subsequent reviews have been allowed for in the City Strategy and Development budget.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

TIMING

In accordance with the provisions of the *Planning and Environment Act 1987*.

COMMUNITY IMPACT / CONSULTATION

- In accordance with the provisions of the *Planning and Environment Act 1987*, public notice has been carried out.

On 21 July 2021 Councillors and Council staff met on site with objectors and the applicant.

LEGAL RISK / IMPACT

- Risk is managed through assessment of the proposal in accordance with all relevant requirements of the Planning Scheme and the *Planning and Environment Act 1987*.

OFFICERS' DECLARATION OF INTEREST

None

CONCLUSION

On balance, the proposal is considered acceptable, having regard to relevant Planning Policy Framework, including the objections, and subject to conditions, to result in the proper and orderly planning of the area.

ATTACHMENTS

1. Cover Letter P P 2015-0185 [7.4.1 - 1 page]
2. Application Form [7.4.2 - 4 pages]
3. Attachment 1 - Copy of Title [7.4.3 - 2 pages]
4. Attachment 2 - Plans (Redline) (Detailed) [7.4.4 - 1 page]
5. Attachment 2 - Plans (Redline) [7.4.5 - 1 page]
6. Attachment 2 - Plans (Signage) [7.4.6 - 1 page]
7. Attachment 3 - Acoustic Report (Updated) [7.4.7 - 32 pages]
8. Attachment 4 - Patron Management Plan [7.4.8 - 5 pages]
9. Dart & Marlin VCGLR liquor licence [7.4.9 - 1 page]
10. NOVO PLANNING REPORT 216-218 Timor Street (updated) [7.4.10 - 16 pages]
11. P P 2015-0185.01 - Objections [7.4.11 - 71 pages]
12. PP2015-0185 Planning Assessment [7.4.12 - 31 pages]



16 March 2021

Daniel Searson
Warrnambool City Council
DSearson@warrnambool.vic.gov.au

Dear Daniel

RE: PP2015-0185 – 216-218 Timor Street, Warrnambool

NovoPlanning has been engaged by The Dart and Marlin to assist with this application to amend PP2015-0185.

This application seeks to amend PP2015-0185 to allow for:

- Increase the red line area for the General Licence area to include the external area to the north (including the Wool Shed);
- Increase the hours of operation;
- Off-premises liquor sales (packaged liquor); and
- Signage.

The amended application is supported by:

- Updated Planning Application Form (noting the change of applicant)
- Planning Report
- Copy of Title
- Plans
- Acoustic Report (previously submitted to Council with no changes)
- Updated Patron Management Plan which has included the recommendations from the Acoustic Report.

Can you please invoice NovoPlanning Pty Ltd for the additional application fee.

Thank you for consideration of this application and if you have any queries, please contact myself on 0417 036 702 or kirsten@novoplanning.com.au.

Yours sincerely

A handwritten signature in blue ink, reading "Kirsten Kilpatrick". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

KIRSTEN KILPATRICK
Director – Town Planning & Strategic Advice
NOVOPLANNING



Planning Enquiries
Phone: (03) 5559 4800
Web: www.warrnambool.vic.gov.au

Office Use Only		Fee: \$
Application No.:		Receipt No.:
Date Lodged:	/ /	Ward:
Date Allocated:	/ /	Zone(s):
Allocated to:		Overlay(s):

Application to Amend a Planning Permit

Use this form to make an application to amend a planning permit under section 72 of the *Planning and Environment Act 1987* and to provide the information required by section 47 of the Act and regulation 16 of the Planning and Environment Regulations 2005.

Supplementary information requested in this form should be provided as an attachment to your application. ☒ Please print clearly or complete the form electronically (refer to How to complete the Application to Amend a Planning Permit form).

▲ Note: This form cannot be used to amend a permit issued at the direction of VCAT.

Privacy notice

▲ Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

Need help with the application?

If you need help to complete this form, read *How to complete the Application to Amend a Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or www.dse.vic.gov.au/planning.

Contact council to discuss the specific requirements for this application. Insufficient or unclear information may delay your application.

- ① Has there been a pre-application meeting with a council officer?

☒ Yes ☐ No

If yes, with whom?:

Date: / /

The land

- ② Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address

Street No.:	Street Name:
216-218	TIMOR ST
Suburb/Locality:	Postcode:
WARRNAMBOOL	3280

Formal Land Description

▲ This information can be found on the certificate of title.

Lot No.:	on Lodged Plan, Title Plan or Subdivision Plan No.:
1	TPO 24140M
OR	
Crown Allotment No.:	Section No.:
	Parish Name:

- ③ Title information.

☒ ☒ Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

- ④ Describe how the land is used and developed now.

eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.

RESTAURANT + BAR

- ⑤ Plan of the land.

☐ ☒ Attach a plan of the existing conditions. Photos are also helpful.

The amendment proposal

⚠ You must give full details of the permit being amended and the amendment being applied for. If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- ⑥ a. What permit is being amended?

Include the permit number and what the permit allows.

EXTENDING LICENSED AREA/INCREASE HOURS/
SIGNAGE PACKAGED LIQUOR SALES

- b. What is the amendment being applied for?

Describe the changes proposed to the permit including any changes to the plans or to any other documents included in the permit.

Detail any changes sought to what the permit allows.

PACKAGED LIQUOR SALES
SIGNAGE

Detail any changes sought to the current conditions of the permit.

HOURS
REDLINE / LICENSED AREA
SIGNAGE

Detail any changes sought to the plans or to any other documents endorsed under the permit.

PLANS
PATRON MANAGEMENT PLAN

- c. Why is the amendment required?

State the reasons for the change.

CL 52.27 'LICENSED PREMISES' AND
SIGNAGE

- ⑦ Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

☒ Attach additional information providing details of the proposal, including:

- ☐ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- ☐ Plans showing the layout and details of the proposal.
- ☒ If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- ⑧ Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

- ☒ No, go to 9.
- ☐ Yes, ☒ Attach a copy of the document (instrument) specifying the details of the encumbrance.
- ☐ Does the proposal breach, in any way, the encumbrance on title?
- ☐ No, go to 9.
- ☐ Yes, contact council for advice on how to proceed before continuing with this application.

⚠ Note

Council must not grant an amendment to permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*).

Contact council and/or an appropriately qualified person for advice.

Costs of buildings and works/permit fee

Most applications require a fee to be paid. Contact council to determine the appropriate fee.

- ⑨ If the permit allows development, state the estimated cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost \$

⚠ You may be required to verify this estimate.

Note: If the estimated cost of the development to be allowed by the amended permit is less than the estimated cost of the development allowed by the permit, show it as a negative number (see *How to complete the Application to Amend a Planning Permit* form for examples).

- ⑩ Do you require a receipt for the amendment to permit fee?

☒ Yes ☐ No

Contact, applicant and owner details

- ⑪ Provide details of the contact, applicant and owner of the land.

Contact

The person you want Council to communicate with about the application.

Name:	KIRSTEN KILPATRICK		
Organisation (if applicable):	NOVOPLANNING PIL		
Postal address:	PO BOX 8151		
	NEWTOWN	Postcode:	3 220
Contact phone:	041 7 036 702	<input checked="" type="checkbox"/>	Indicate preferred contact method
Mobile phone:		<input type="checkbox"/>	
Email:	kirsten@novoplanning.com.au	<input checked="" type="checkbox"/>	
Fax:		<input type="checkbox"/>	

Applicant

The person or organisation who wants the amendment to permit.

☒ Same as contact. If not, complete details below.

Name:	
Organisation (if applicable):	
Postal address:	
	Postcode:

Owner

The person or organisation who owns the land.

☐ Same as contact ☐ Same as applicant

Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land.

Name (if applicable):	
Organisation (if applicable):	GWEN + EDNA JONES FOUNDATION
Postal address:	121 KEPPLER ST
	WARRNAMBOOL
	Postcode: 3 2 8 0

Checklist

⑫ Have you?

- ☒ Filled in the form completely?
- ☒ Paid or included the application fee?
- ☒ Attached all necessary supporting information and documents?
- ☒ Completed the relevant council checklist?
- ☒ Signed the declaration below?

Declaration

⑬ This form must be signed.
Complete one of A, B or C

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

A Owner/Applicant

I declare that I am the applicant and owner of the land and all the information in this application is true and correct.

Signature

Date: / /

B Owner

I declare that I am the owner of the land and I have seen this application.

Signature

Date: / /

Applicant

I declare that I am the applicant and all of the information in this application is true and correct.

Signature

Date: / /

C Applicant

I declare that I am the applicant and:

- I have notified the owner about this application;
- and all the information in this application is true and correct.

Signature

Date: 24 / 02 / 2021

Lodgement

Lodge the completed and signed form and all documents with:

Warrnambool City Council

PO Box 198, WARRNAMBOOL VIC 3280

Warrnambool Civic Centre, 25 Liebig Street, WARRNAMBOOL VIC 3280

Telephone: (03) 5559 4800

Fax: (03) 5559 4900

For help or more information

Email: wbool_city@warrnambool.vic.gov.au

DX: Ausdoc DX 28005

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

VOLUME 10729 FOLIO 962

Security no : 124086780569X
Produced 25/11/2020 02:45 PM

LAND DESCRIPTION

Lot 1 on Title Plan 024140M.
Created by Application No. 087935A 30/05/2003

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
GWEN & EDNA JONES FOUNDATION of 121 KEPLER STREET WARRNAMBOOL VIC 3280
AJ139500E 18/08/2011

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.

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 TP024140M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

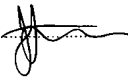
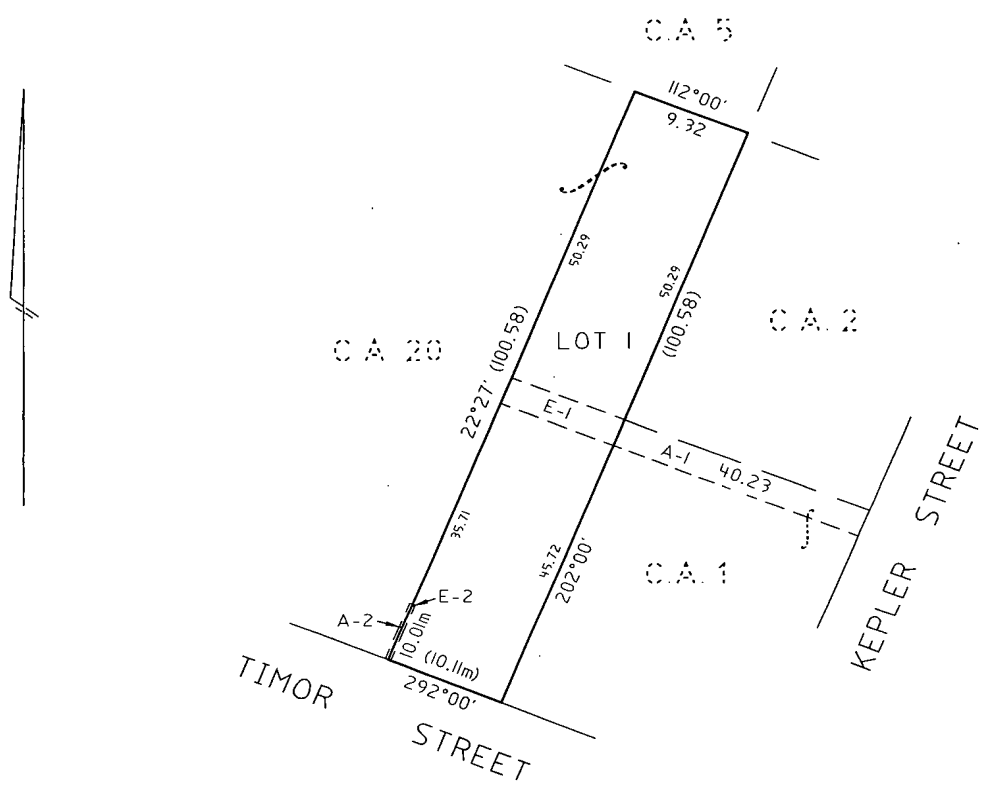
DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

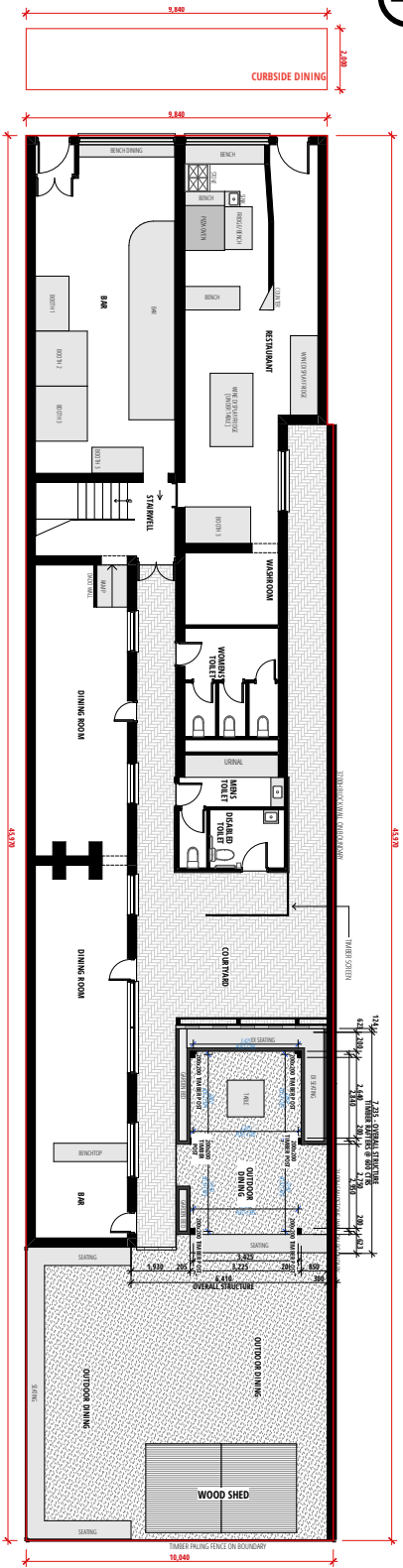
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Delivered by LANDATA®. Land Victoria timestamp 29/11/2016 15:00 Page 1 of 1

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EDITION 1		TITLE PLAN			TP24140M
Location of Land Parish: WANGOOM Township: WARRNAMBOOL Crown Allotment: 20 (PT) Section: 12 Crown Portion: - LTO base record: D.C.M.B Last plan Reference: Title Reference: Depth Limitation: NIL				Notations 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.	
Easement Information E - Encumbering Easement R - Encumbering Easement (ROAD) A - Appurtenant Easement					THIS PLAN HAS BEEN PREPARED FOR LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES Checked by  Date 11.6.2023 Assistant Registrar of Titles
Easement Reference	Purpose/Authority	Width	Origin	Land benefitted/In favour of	
E-1	CARRIAGEWAY	4.57	Y000813W (BOOK 522 NO 760)	SEE Y000813W	
E-2	PARTY WALL	0.23	Y000813W (BOOK 522 NO 760)	SEE Y000813W	
A-1	CARRIAGEWAY	4.57	Y000813W (BOOK 522 NO 760)	LOT 1 ON THIS PLAN	
A-2	PARTY WALL	0.23	Y000813W (BOOK 522 NO 760)	LOT 1 ON THIS PLAN	
					
LENGTHS ARE IN METRES		NOT TO SCALE	SHEET SIZE A3	DEALING No: AP87935A DEALING CODE: 14	

BUILDING PERMIT APPLICATION | 216 TIMOR STREET WARRNAMBOOL | 28/12/2020
RED LINE PLAN



RED LINE PLAN 110-002

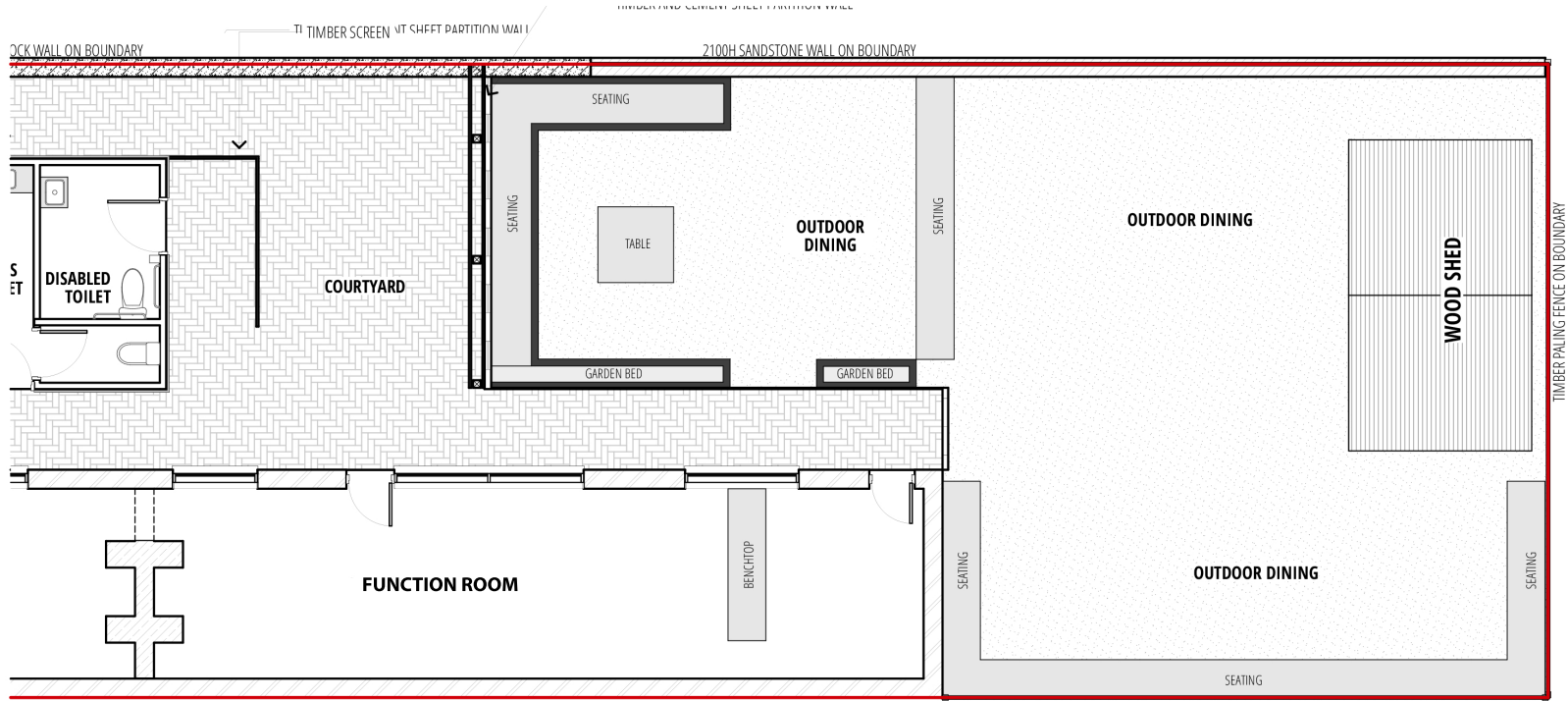
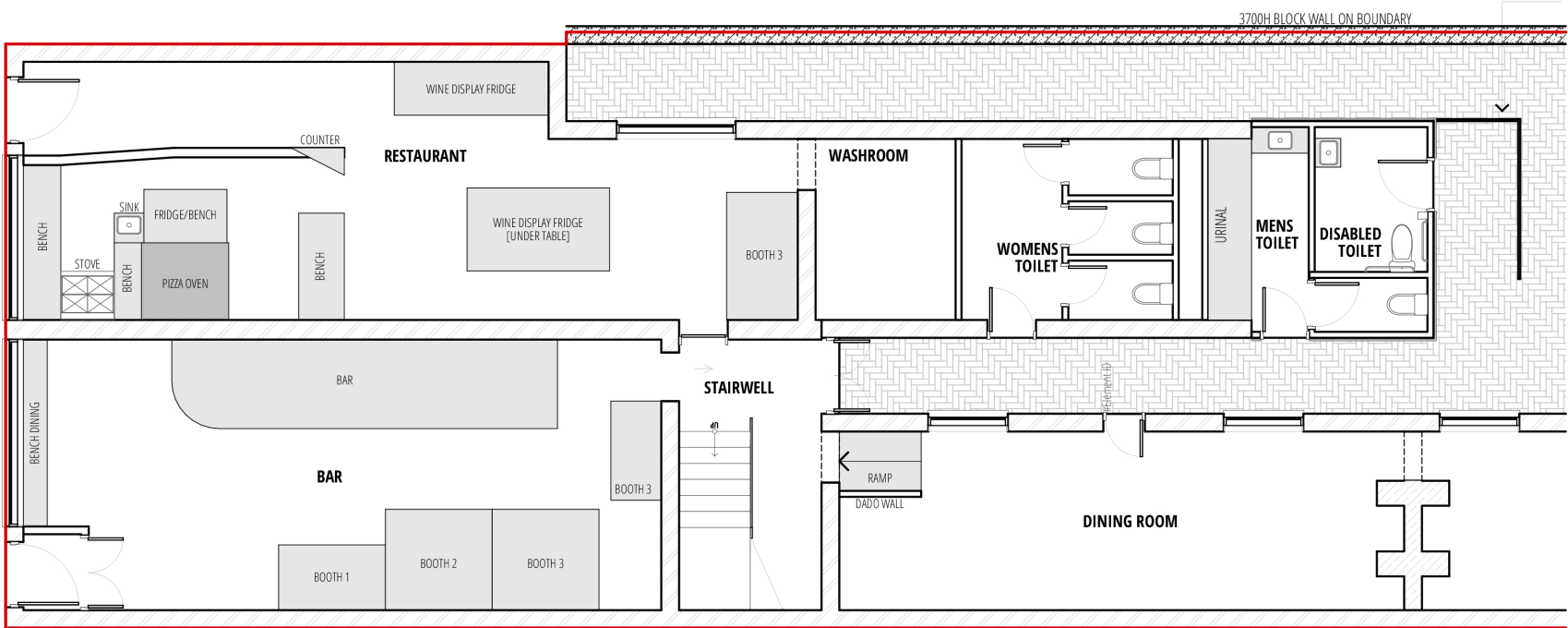
NOTES:

DO NOT SCALE OFF DRAWINGS

CONSTRUCTION TO BE IN STRICT COMPLIANCE WITH, BUT NOT LIMITED TO, THE BUILDING REGULATIONS 2006, THE NATIONAL CONSTRUCTION CODE - NCC, ALL RELEVANT AUSTRALIAN STANDARDS, HERS REPORT.



CURBSIDE DINING



PROJECT	BUILDING PERMIT APPLICATION
AT	216 TIMOR STREET WARRNAMBOOL
FOR	DAVID DECARRET
JOB NUMBER	1001
DRAWING SET	FLOOR PLANS:
DRAWING	GROUND
SCALE	1:100 @ A3
ISSUE	WORKING DRAWINGS
PUBLISHED	10/10/2020
REVISED	
DRAWING No	REVISION No



Above illustration showing signage 3.00M H x 12.5 M W





Acoustics
Vibration
Structural Dynamics

216-218 TIMOR STREET, WARRNAMBOOL

Acoustic Report

24 March 2021

The Dart and Marlin

MD293-01F01 Acoustic Report (r4).docx



Melbourne Sydney Brisbane Gold Coast Kuwait Singapore
Renzo Tonin & Associates ABN 30 117 463 297
Level 2, 7 Meaden Street, Southbank VIC 3006
P (03) 9690 6005 melbourne@renzotonin.com.au www.renzotonin.com.au



RENZO TONIN & ASSOCIATES

24 MARCH 2021

Document details

Detail	Reference
Doc reference:	MD293-01F01 Acoustic Report (r4).docx
Prepared for:	The Dart and Marlin
Address:	216-218 Timor St, Warrnambool, VIC 3280
Attention:	David de Carteret

Document control

Date	Revision history	Non-issued revision	Issued revision	Prepared	Instructed	Reviewed / Authorised
30.10.2020	Draft	0		A. Rajagopal	N. Peters	
09.11.2020	Review	1		A. Rajagopal	N. Peters	
16.11.2020	Issued		2	A. Rajagopal	N. Peters	N. Peters
26.11.2020	Update		3	N.Peters	N.Peters	N.Peters
24.03.2021	Update		4	N.Peters	N.Peters	N.Peters
File Path: \\Mel-dc01\rtagroupmelb\AssocMelbProjects\MD251-MD300\MD293 ar 216 Timor St, Warrnambool - Venue Assessment\1 Docs\MD293-01F01 Acoustic Report (r4).docx						

Important Disclaimers:

The work presented in this document was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian/New Zealand Standard AS/NZS ISO 9001.

This document is issued subject to review and authorisation by the suitably qualified and experienced person named in the last column above. If no name appears, this document shall be considered as preliminary or draft only and no reliance shall be placed upon it other than for information to be verified later.

This document is prepared for the particular requirements of our Client referred to above in the 'Document details' which are based on a specific brief with limitations as agreed to with the Client. It is not intended for and should not be relied upon by a third party and no responsibility is undertaken to any third party without prior consent provided by Renzo Tonin & Associates. The information herein should not be reproduced, presented or reviewed except in full. Prior to passing on to a third party, the Client is to fully inform the third party of the specific brief and limitations associated with the commission.

In preparing this report, we have relied upon, and presumed accurate, any information (or confirmation of the absence thereof) provided by the Client and/or from other sources. Except as otherwise stated in the report, we have not attempted to verify the accuracy or completeness of any such information. If the information is subsequently determined to be false, inaccurate or incomplete then it is possible that our observations and conclusions as expressed in this report may change.

We have derived data in this report from information sourced from the Client (if any) and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination and re-evaluation of the data, findings, observations and conclusions expressed in this report.

We have prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practices at the date of issue of this report. For the reasons outlined above, however, no other warranty or guarantee, whether expressed or implied, is made as to the data, observations and findings expressed in this report, to the extent permitted by law.

The information contained herein is for the purpose of acoustics only. No claims are made and no liability is accepted in respect of design and construction issues falling outside of the specialist field of acoustics engineering including and not limited to structural integrity, fire rating, architectural buildability and fit-for-purpose, waterproofing and the like. Supplementary professional advice should be sought in respect of these issues.

External cladding disclaimer: No claims are made and no liability is accepted in respect of any external wall and/or roof systems (eg facade / cladding materials, insulation etc) that are: (a) not compliant with or do not conform to any relevant non-acoustic legislation, regulation, standard, instructions or Building Codes; or (b) installed, applied, specified or utilised in such a manner that is not compliant with or does not conform to any relevant non-acoustic legislation, regulation, standard, instructions or Building Codes.

RENZO TONIN & ASSOCIATES

24 MARCH 2021

Update March 2021

Below is comment on items under discussion regarding this application.

- Indoor patron numbers (not outdoor patron numbers) have been increased, such that the total patron numbers are 250 (not 200). This report has been updated accordingly, and does not change the assessment outcome.
- Commentary on use of dB(C) for noise management levels, (to conform with SEPP N-2 dB(A) day evening limits, and dB(Z) night noise limits):
 - Un-weighted (or dB(Z)) noise levels present the total broadband sound pressure level, and is an engineering measure that does not reflect the human experience. The human ear does not hear noise in all frequencies in the same way. The human ear cannot hear very high frequencies or very low frequencies; and is not very sensitive to low frequency or high frequency, compared to middle (speech) frequencies.
 - dB(A) or A-weighted noise levels simulate how the human ear hears at moderate and low noise levels (eg. consistent with typical outdoor noise criteria levels).
The A-weighting applies adjustments to noise levels at different frequencies, to focus the dB(A) value on middle frequency, and reduce the effect of low and high frequencies on the presented dB(A) noise level.
 - Low frequency noise reduces less than high or middle frequency with distance, around corners, or when passing through materials.
Subsequently it is important to manage noise levels at low frequency at a noise source (in addition to middle and high frequency), to ensure that a dB(A) noise criterion is achieved.
 - Because A-weighting reduces the impact of low frequency on dB(A) overall broadband noise levels, dB(A) is not a very good management measure for music sound system noise levels (since music can have a significant low frequency component if not managed).
 - SEPP N-2 night time noise limits focus on specific dB(Z) individual frequency band noise limits; which effectively protects bedroom interiors from excessive low frequency noise, even if middle frequency and dB(A) noise limits are complied with. Since music can have significant low frequency noise, SEPP N-2 night limits are more stringent than day and evening limits.
 - By contrast to A-weighting, C-weighting provides minimal adjustments to low frequency noise when calculating an overall broadband noise level.
 - Simple sound level meters (eg. not costing tens-of-thousands-of-dollars) have only A- and C- weighting (dB(A) and dB(C)) overall broadband noise level measurement options.
 - For hypothetical rock/folk/roots music, 80 dB(A) may equal 85 dB(C).
For hypothetical night club music, 80dB(A) may equal 90 dB(C).
If hypothetically a 80 dB(A) management level was used, night club music may result in 5dB higher noise levels at the nearest dwelling, and the venue may not realise they have a low frequency music noise problem.
 - **With consideration of all of the above, Renzo Tonin & Associates has set out on-site dB(C) noise management levels, to protect residents for SEPP N-2 night time limit conformance, and to manage music noise levels for SEPP N-2 day and evening dB(A) conformance.**
- Commentary on noise monitoring.
 - As this acoustic assessment was undertaken during Melbourne's 2020 lockdown, ambient and traffic noise levels in the area were not representative of the typical noise environment. Site visits to regional Victoria were also not permitted by government regulations. To quantify the existing noise levels at the Subject Site, Renzo Tonin & Associates has referred to past noise measurement campaigns conducted for developments in the area.
 - The locations are considered to be in less active areas and as such assessment referring to noise monitor data at these locations is expected to be conservative.
 - As such it is expected that the result of monitoring adjacent the Subject Venue may result in less stringent limits.
 - A permit condition for noise monitoring shortly after commencement of the use, and updating the acoustic report accordingly, could be an appropriate measure for the Responsible Authority.

RENZO TONIN & ASSOCIATES

24 MARCH 2021

- Commentary on implementation of EPA Publication 1826.2 '*Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues*', which supersedes SEPP N-1 and SEPP N-2
 - EPA Publication 1757.1 '*Summary of Proposed Noise Framework*' summarises the proposed noise framework where EPA Publication 1826.2 shall supersede SEPP N-1 and SEPP N-2, effective 1 July 2021.
 - EPA Publication 1826.2 uses the same methods to calculate noise limits and assess noise impacts as SEPP N-1 and N-2.
 - As such with respect to the Subject Venue proposal, implementation of EPA Publication 1826.2, does not change the outcomes of this assessment.
 - Reference to EPA Publication 1826.2 has been included in the report update to fully address, both before and after 1 July 2021. For this transitional period, Renzo Tonin & Associates shall reference current noise policies, with the inference that EPA Publication 1826.2 is also addressed.

RENZO TONIN & ASSOCIATES

24 MARCH 2021

Executive summary

Renzo Tonin & Associates Undertaken an acoustic assessment of The Dart and Marlin, located at 216-218 Timor Street, Warrnambool (the Subject Site/Venue), as part of an application for a General License for the site.

With the incorporation of the following measures, Renzo Tonin & Associates expects that the Subject Venue can operate in conformance with all relevant criteria and without adverse noise impact on residential amenity in the area.

Music noise
Indoor music <ul style="list-style-type: none"> During amplified music, doors from the Bar to the Courtyard, Timor Street, and Restaurant shall be kept closed except to provide access and egress. Only one door of the Bar airlock shall be open at any time. No loudspeakers shall be placed near the Timor Street façade or courtyard walkway. Internal noise levels shall be managed using the Venue sound meter near the locations of exits and glazing, following the instructions in this report. <ul style="list-style-type: none"> L_{Ceq} 85 dB(C) during the night (after 9pm Sundays, or 10pm other days) L_{Ceq} 100 dB(C) at other times
Background indoor music <ul style="list-style-type: none"> Music noise levels shall be maintained at <i>background music</i> levels. Per Clause S.9A(5) of the Liquor Control Reform Act 1998, background music levels constitute "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree." External doors and windows should be kept closed during provision of background music, in particular after 10pm. As a general guide, reverberant internal noise levels should be maintained at or below L_{Ceq} 75 dB(C) near windows, doors and openings, following the instructions in this report.
Background outdoor music <ul style="list-style-type: none"> Music noise levels shall be maintained at <u>low</u> <i>background music</i> levels. Noise levels 1 metre from any speaker shall be managed not to exceed L_{Ceq} 70 dB(C) at a distance of 1 metre from any speaker, following the instructions in this report. Speakers shall be placed such that they located and aimed away from overlooking windows of 222 Timor Street. An array of many small low capacity/low volume speakers located near the heads of patrons should be used (rather than a few high-power speakers for example) Speakers shall be selected and controlled so as not to emphasise bass content in the music beyond typical equalisation. No subwoofers. No music shall be provided after 9pm Sunday or 10pm other days
Temporary outdoor live music
<u>Possible separate temporary licence for outdoor music a couple of times a year</u> <ul style="list-style-type: none"> Noise levels at 222 Timor Street overlooking windows shall be managed not to exceed L_{Aeq} 65 dB(A) at dwellings, following instructions in this report. Operational hours and duration shall be negotiated with the Responsible Authority as part of the temporary licence. For consideration of neighbours, 10pm is considered a courteous time to cease music. An event management plan shall be prepared, which includes items set out in this report
<u>Once a week: Two sets, roughly 45 minutes each, between 1-8pm, solo/duo/small acts</u> <ul style="list-style-type: none"> Noise levels at 222 Timor Street overlooking windows shall be managed not to exceed L_{Aeq} 50 dB(A) at dwellings, following instructions in this report.

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- The live music provision shall be limited to two 45-minute sets between 1-8pm, solo/duo/small acts.
- Contemporary rock drumkits are expected to be problematic and shall not be used.
- A management plan shall be prepared, which includes items set out in this report.

Outdoor patron noise

- Combined Outdoor Dining and Courtyard patron capacity of 100 up to 11pm. After 11pm Courtyard patron capacity of 25.
Curbside patron capacity of 25 up to 11pm. From 10pm those patrons may be located in front of the Bar only (not restaurant).
- Proposed pergola (covering part of the Outdoor Dining area) roof and west wall to have a surface density no less than 3 kg/m²
- For outdoor areas, the Subject Venue shall provide food on site, and management measures consistent with that required of a restaurant, with adequate seating for restaurant patrons.
- The following typical Venue Management Plan control measures should be implemented:
 - Demonstrate incorporation of safe design principles as detailed in the *'Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017)'*.
 - Install appropriate signage throughout the venue and in common areas instructing patrons on expected behaviour, including to minimise levels of noise whilst leaving the premises.
 - The maintenance of a register for any complaints.
 - Provide a telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register.
 - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation.
 - Details of training provide for bar staff in the responsible serving of alcohol.
 - Plans for measures to be taken by management and staff to ensure patrons do not cause nuisance or annoyance beyond the land.
- Generally, patrons outside the Subject Venue shall be welcomed and encouraged to enter the premises, rather than congregate outside, and shall be managed by security so as to not generate excessive noise.

Scheduled activities

- Waste collection shall be conducted in accordance with EPA Publication 1254 *'Noise Control Guidelines'* and shall not occur after 8pm, and before 7am weekdays or 9am all other days.
- Deliveries shall be conducted in accordance with EPA Publication 1254 *'Noise Control Guidelines'* and shall not occur after 10pm, and before 7am weekdays or 9am all other days.
- Emptying bottles into bins and glass crushing shall not occur after 10pm, and before 7am weekdays or 9am all other days. Noise enclosures are required for any bottle crushers that are to be used.

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1 Introduction

Renzo Tonin & Associates has been engaged to conduct an acoustic assessment of The Dart and Marlin, located at 216-218 Timor Street, Warrnambool (the Subject Site/Venue), as part of an application for a General License for the site.

The work documented in this report was carried out in accordance with the Renzo Tonin & Associates Quality Assurance System, which is based on Australian Standard / NZS ISO 9001. Appendix A contains a glossary of acoustic terms used in this report.

2 Site and venue overview

Table 1 outlines the understood operational details of the Subject Venue proposal.

Table 1: Subject Venue operational proposal

Overall venue details	Hours: 11am to 1am Patrons: 250 permitted
Curbside Dining	Hours: 11am to 11pm Patrons: 25 allocated Music: low background music levels until 10pm
Outdoor Dining and Courtyard	Hours: 11am to 11pm Patrons: 100 allocated until 11pm. After 11pm, 25 patrons in courtyard. Music: <ul style="list-style-type: none"> • Low background music levels until 10pm • Once a week: Two sets, roughly 45 minutes each, between 1-8pm, solo/duo/small acts Pergola: 3.6m height structure, covering part of the outdoor dining area
Bar	Hours: 11am to 1am Music: Background music levels. Amplified live music at times
Restaurant, Dining Room	Hours: 11am to 1am Music: Background music levels.

Table 2 and Figure 1 summarise the Subject Site and surrounding environment.

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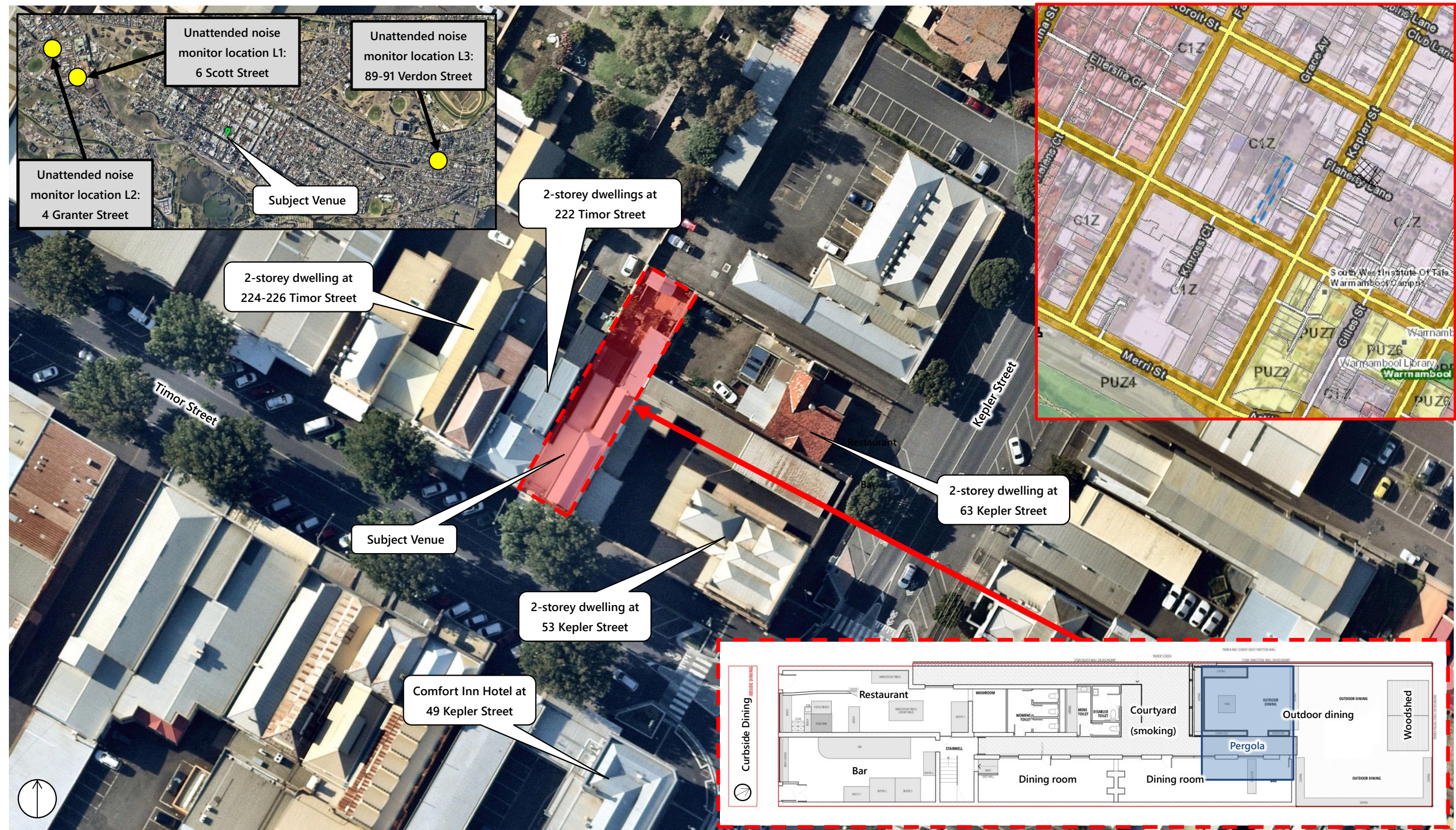
Table 2: Land uses surrounding the Subject Site

Subject Site	<p>216-218 Timor Street, Warrnambool – Commercial 1 Zone (C1Z)</p> <ul style="list-style-type: none"> • Subject Venue - see Figure 1 for configuration • Bar building: <ul style="list-style-type: none"> - Masonry construction - 2-storey, with the second storey used for admin/storage - Airlock to courtyard - Glazing, airlock door, and awning to Timor Street streetfront • Other buildings: single storey, masonry construction • Part of outdoor dining area to be covered by 3.6m height pergola
North of Subject Site	<p>67-77 Kepler Street, Warrnambool – Commercial 1 Zone (C1Z)</p> <ul style="list-style-type: none"> • 2-storey commercial use buildings
East of Subject Site	<p>53 & 63 Kepler Street, Warrnambool – Commercial 1 Zone (C1Z)</p> <ul style="list-style-type: none"> • 2-storey dwellings
South of Subject Site	<p>Timor Street – Road Zone 2 (RDZ2)</p> <ul style="list-style-type: none"> • 40 km/h speed limit • Commercial buildings across the road from the Subject Site <p>49 Kepler Street, Warrnambool – Commercial 1 Zone (C1Z)</p> <ul style="list-style-type: none"> • Comfort Inn Hotel – 2-storey hotel development
West of Subject Site	<p>222 Timor Street – Commercial 1 Zone (C1Z)</p> <ul style="list-style-type: none"> • Commercial use fronting Timor Street at ground level • Dwellings (1/222 and 2/222 Timor Street) on second story fronting Timor street, and at rear of property <p>224-226 Timor Street – Commercial 1 Zone (C1Z)</p> <ul style="list-style-type: none"> • 2-storey commercial use at front of property • 2-storey dwelling at rear of property

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Figure 1: Site overview



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3 Noise environment

As this acoustic assessment was undertaken during Melbourne's 2020 lockdown, ambient and traffic noise levels in the area were not representative of the typical noise environment. Site visits to regional Victoria were also not permitted by government regulations. To quantify the existing noise levels at the Subject Site, Renzo Tonin & Associates has referred to past noise measurement campaigns conducted for developments in the area:

- 2014 unattended noise measurements conducted for a past project in the area.
- 2018 unattended noise measurements conducted for a past project in the area

The measurement locations are shown in Figure 1 and described in Table 3 below. These locations are considered to be in less active commercial areas and as such assessment referring to noise monitor data at these locations is expected to be conservative. The noise monitoring results are drawn from town planning acoustic reports that are available from council via freedom of information, or via Google search.

Table 3: Noise monitoring locations

ID	Location	Details
L1	6 Scott Street, Warrnambool	<ul style="list-style-type: none"> • 1.7 kilometres west of the Subject Site • Noise monitoring conducted from 11-19 November 2014 • https://www.warrnambool.vic.gov.au/sites/warrnambool.vic.gov.au/files/documents/property/planning/amendments/c94/233469188_1_Expert%20witness%20report%20-%20Frank%20Butera%20(ARUP)%20-%20Noise%5B1%5D.PDF
L2	4 Granter Street, Warrnambool	<ul style="list-style-type: none"> • 2.1 kilometres west of the Subject Site • Noise monitoring conducted from 11-19 November 2014 • https://www.warrnambool.vic.gov.au/sites/warrnambool.vic.gov.au/files/documents/property/planning/amendments/c94/233469188_1_Expert%20witness%20report%20-%20Frank%20Butera%20(ARUP)%20-%20Noise%5B1%5D.PDF
L3	89-91 Verdon Street, Warrnambool	<ul style="list-style-type: none"> • 2.3 kilometres east of the Subject Site • Noise monitoring conducted from 10-16 December 2018 • https://www.warrnambool.vic.gov.au/sites/warrnambool.vic.gov.au/files/documents/property/planning/89-91%20%26%2095%20Verdon%20St%20Warrnambool%20-%20Other%20Reports%20-%20Breese%20Pitt%20Dixon%20pdf.pdf

Table 4 presents relevant background noise level measurements

Table 4: Period average background noise levels

ID	Location	Minimum period average background noise level, L ₉₀ dB(A)		
		Day	Evening	Night
L1	6 Scott Street (1.7km west)	42	38	39
L2	4 Granter Street (2.1km west)	44	43	40
L3	89-91 Verdon Street (2.3 east)	41	41	38
Average		42	41	39

Period Definitions: Day: Weekdays 7am - 6pm; Evening: Weekdays 6pm - 10pm; Night: All days 10pm - 7am

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Table 5: Short term background noise levels, at 89-91 Verdon Street (L3)

ID	Time and date	L_{90} dB(A)	Noise level ¹ , L_{OCT90} dB at frequency Hz						
			63 Hz	125 Hz	250 Hz	500 Hz	1kHz	2kHz	4kHz
L3	Thu 13 Dec 2018, 12:30-12:45am	34	38	36	34	32	30	23	14
L3	Fri 14 Dec 2018, 12:45-1:00am	36	40	38	36	34	32	25	16

Notes: 1. A weighted noise levels documented at location L3 have been fit with a typical/conservative spectrum background spectrum

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4 Criteria

4.1 Superseding noise legislation

EPA Publication 1757.1 *'Summary of Proposed Noise Framework'* summarises the proposed noise framework effective 1 July 2021. EPA Publication 1826.2 *'Noise Limit and Assessment Protocol for the Control of Noise from Commercial, Industrial and Trade Premises and Entertainment Venues'*, which is legislated by way of the Environment Protection Act 2017 and the Environment Protection Regulations supersedes:

- State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade), SEPP N-1
- State Environment Protection Policy (Control of Music Noise from Public Premises), SEPP N-2
- Environment Protection (Residential noise) Regulations 2018
- Environment Protection (Vehicle emissions) Regulations 2013

EPA Publication 1826.2 uses the same methods to calculate noise limits and assess noise impacts as SEPP N-1 and N-2, except that the definition for noise sensitive premises has been expanded from residential uses and places-of-sleep, to also include educational uses.

For this transitional period, Renzo Tonin & Associates shall reference current noise policies, with the inference that EPA Publication 1826.2 is also addressed.

4.2 SEPP N-2 music noise limits

Music noise emissions from public premises are controlled and assessed in accordance with State *Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* (SEPP N-2), which is legislated by way of the *Environment Protection Act 1970*. The goal of SEPP N-2 is to:

... protect residents from levels of music noise that may affect the beneficial uses ... in particular, sleep in the night period... while recognising the community demand for a wide range of musical entertainment.

4.2.1 Temporary outdoor 'concert' use

SEPP N-2 applies the following noise limits for temporary outdoor music concert uses:

Outdoor venue 'concerts' operating up to six times a year

- 12 to 10 or 11pm¹: L_{eq} 65 dB(A) outside dwellings¹

Outdoor venue 'concerts' operating more than six times a year

- 12 to 10 or 11pm¹: L_{eq} 55 dB(A) outside dwellings¹

12noon to 11pm¹: Permitted period where outdoor venue operates less than 5 hours

12noon to 10pm¹: Permitted period where outdoor venue operates more than 5 hours

1 SEPP N-2 uses the definition "Noise Sensitive Premises" to generally refer to locations of domestic use sleep, which encompass dwellings, residential buildings, caretakers house, hospital, hotel, institutional home, tourist establishment, work release hostel.

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4.2.2 Typical venue uses

SEPP N-2 applies the following noise limits for indoor venues and typical venue uses:

Indoor venues

- For the day/evening period: Music noise L_{eq} dB(A) shall not exceed the background noise $L_{90} + 5$ dB(A)
- For the night period: Music noise L_{OCT10} dB shall not exceed the background noise $L_{OCT90} + 8$ dB

The night-time noise criteria are generally more stringent than those applied during the day/evening periods; in particular at bass frequencies. Therefore, compliance with night period criteria generally implies compliance with day and evening period criteria. The applicable location of assessment is summarised below

	External assessment location	Internal assessment location
Day /evening	Outside, near a habitable room	Inside a habitable room
Night	Outside a room used for the purposes of sleep	Inside a room used for the purposes of sleep
Reason for measuring at this location	All instances except...	...where an outdoor measurement does not represent the noise exposure within the habitable room

The tables below present SEPP N-2 noise limits:

Table 6: SEPP N-2 day / evening limits (assessed outside habitable rooms)

Period	Background noise level ¹ , L_{90} dB(A)	SEPP N-2 limit, L_{eq} dB(A), (assessed outside)
Day	42	+5 = 47
Evening	41	+5 = 46

Period Definitions: For indoor venues that operate more than three times a week, the day/evening periods are defined as follows:
Saturdays 10am – 10pm; Sundays 12pm – 9pm; Other 9am – 10pm

Notes: Background noise levels per Table 4

Table 7: SEPP N-2 night limits (assessed outside bedrooms)

Description		Noise level dB, at Frequency (Hz), (assessed outside)						
		63	125	250	500	1k	2k	4k
Night-time background noise level ¹	L_{90}	38	36	34	32	30	23	14
		+8	+8	+8	+8	+8	+8	+8
Noise limit	L_{10}	46	44	42	40	38	31	22

Period Definitions: Night periods are defined as all times outside those presented in Table 6

Notes: Background noise levels per Table 5

4.2.3 Background music noise

The term *background music* is defined by Clause S.9A(5) of the Liquor Control Reform Act 1998, which states:

...background music level, in relation to premises, means a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree.

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4.3 Criteria for patron noise

There are currently no legislated policies or guidelines in Victoria for the control or assessment of noise from patrons at venues. However, following from Planning Panel and VCAT precedents, Amendment GC73 to the Yarra Planning Scheme 37.01 *Special Use Zone* set out the following criteria for patron noise:

"2.0 Use of land
Management of Noise
The use of land must be managed so as to limit noise in accordance with the following Patron Noise Criteria:
For LAeq noise levels, the less stringent of the following: (nb. continuous outdoor patron noise targets)

- o If noise is assessed external to a Noise Sensitive Building, noise emissions must comply with the following patron noise design targets:
 - Day period (from 0700 to 1800) – 50 dB or background noise (LA90) + 10 dB, whichever is higher.
 - Evening period (from 1800 to 2200)– 45 dB or background noise (LA90) + 10 dB, whichever is higher.
 - Night period (from 2200 to 0700) – 40 dB or background noise (LA90) + 5 dB, whichever is higher. ...
- o If noise is assessed internal to a Noise Sensitive Building, noise emissions must achieve the lower of the design sound level range for (whichever is relevant) houses and apartments in inner city areas, entertainment districts, or near major roads, as provided in Australian Standard AS2107:2016 'Acoustics—Recommended design sound levels and reverberation times for building interiors'.
- o For L_{Amax} noise levels, during the hours of 10pm-7am: (nb. patron noise peak targets)
'Sleep Disturbance Criteria', being a noise level of 55dB L_{Amax}, assessed inside a habitable room of a Noise Sensitive Building normally used for the purpose of sleeping. "

The above criteria were derived from:

- Continuous outdoor patron noise targets developed by Marshall Day Acoustics (MDA), where (paraphrasing MDA commentary):
 - Target exceedance up to 2 dB have no likely impact
 - Target exceedance of 3-to-5 dB has possibility of impact: Provisions for managerial and engineering controls may be appropriate
 - Target exceedance of 5-to-8 dB has strong possibility of impact: Provisions for managerial and engineering controls should be incorporated
 - Target exceedance more than 8 dB will result in noise impacts: major changes to the design and/or operation of the proposed outdoor area will be required
- Continuous indoor noise targets based on *Australian Standard AS2107:2016 'Acoustics— Recommended design sound levels and reverberation times for building interiors.'*
In a GC73 associated acoustic expert witness conclave containing Mr Leo of Marshall Day Acoustics, Ms Williams of SLR Consulting and Mr Peters of Renzo Tonin & Associates, agreement on criteria comprising L_{eq} 30 dB(A) in bedrooms and L_{eq} 35 dB(A) in living rooms was reached, happening to correspond with lower of the design sound level range from AS2107:2000.
- Noise peak targets based on a survey of studies on sleep disturbance documented in NSW EPA document *Environmental Criteria for Road Traffic Noise, 1999* (ECRTN) and the subsequent New South Wales Office of Environment and Heritage *Road Noise Policy, March 2011* (RNP) – these documents set a target of L_{max} 50-55 dB(A)

When a window to a room is open (such as might be required for natural ventilation during the night), it is commonly accepted that the noise level inside the room due to external sources would be 10-to-15 dB(A) lower than the noise level outside the room.

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To summarise, the applicable criteria for the Subject Venue are presented in Table 8 below. These have been adopted as targets for patron noise. A 15-minute duration is considered appropriate for assessment.

Table 8: Patron noise targets

Noise type	Period	Criterion
Continuous patron noise level	Day / evening	L_{eq} 51 dB(A) outside or L_{eq} 35 dB(A) inside ¹ <i>(nb. $L_{90} 41^2 + 10 = 51$)</i>
	Night	L_{eq} 44 dB(A) outside or L_{eq} 30 dB(A) inside ¹ <i>(nb. $L_{90} 39^2 + 5 = 44$)</i>
Maximum (or event peak) patron noise level	Night	L_{max} 50-55 dB(A) inside a bedroom, or L_{max} 65 dB(A) outside a bedroom window required to be open for ventilation

Period Definitions: Day: 7am - 6pm; Evening: 6pm - 10pm; Night: 10pm - 7am

Notes:

1. Internal patron noise criterion derived from AS2107 recommended design sound levels
2. Background noise levels per Table 4.

Acoustic consultants in Melbourne have measured patron noise levels from numerous venues at varying distances and under various operational conditions with a significant degree of variation in results.

As part of acoustic evidence for Yarra Planning Scheme Amendment GC73, Marshall Day Acoustics presented the following commentary regarding patron noise for the purpose of predicting noise levels from external patron areas (quotations in grey, understood paraphrase or comments in black). Renzo Tonin & Associates has measured noise levels consistent with these.

Table 9: Patron sound power levels: YPS Amendment GC37 (c/- Marshall Day)

Area use category	Average sound power level per patron, $L_{W,eq}$ dB(A)	Maximum sound power level from 2 patrons shouting $L_{W,max}$ dB(A)	Area use definition
Vertical drinking ('worst-case' crowd)	88	104 (does not scale with patron number)	Standing patrons drinking and talking. Focus of activity on drinking and socialising.
Taverns with significant food offerings	83	104 (does not scale with patron number)	Predominantly seated patrons, drinking, dining and talking. Focus of activity on drinking, whilst dining and socialising.
Restaurant dining	78	98 (does not scale with patron number)	Seated patrons, drinking, dining and talking. Focus of activity on dining and socialising.
Small smoking areas, <40 patrons	73	98 (does not scale with patron number)	Patrons using area for smoking. Focus of activity on smoking rather than socialising (data also includes outdoor areas with alcohol consumption).

Notes:

- Sound power levels appear to be generally referenced from Lazarus, H 1986, "Prediction of verbal communication in noise – a review: Part 1", Applied Acoustics, vol. 19, pp., as cited in Hayne et al 2011, 'Prediction of noise from small to medium sized crowds', in Acoustics 2011: Breaking New Ground, Proceedings of the Annual Conference of the Australian Acoustical Society, AAS Queensland Division 2011, Gold Coast, paper number 133.

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Area use category	Average sound power level per patron, $L_{W,eq}$ dB(A)	Maximum sound power level from 2 patrons shouting $L_{W,max}$ dB(A)	Area use definition
$L_{W,eq}$	Scaled as 3 dB per doubling/halving of patron numbers, assuming that at any one time, two patrons will be listening quietly for every patron talking (Per Figure from MDA Evidence)		
$L_{W,max}$	Maximum sound power level from two patrons shouting simultaneously, facing in opposite directions such that noise emissions may be modelled as omnidirectional. This sound power level does not scale with patron number.		

4.4 Deliveries to- and waste collection from retail tenancies

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines to mitigate the impact of deliveries and waste collection on residential amenity.

4.4.1 Deliveries

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines for deliveries:

Schedule: Deliveries to shops, supermarkets & service stations

- 7 am — 10 pm Monday to Saturday
- 9 am — 10 pm Sundays and public holidays

(Outside these hours) ... deliveries should be inaudible in a habitable room of any residential premises ... regardless of whether any door or window ... is open

4.4.2 Waste collection

EPA Victoria Publication 1254 *Noise Control Guidelines* provides the following guidelines for waste collection:

- *Refuse bins should be located at sites that provide minimal annoyance to residential premises.*
- *Compaction should be carried out while the vehicle is moving*
- *Noisy verbal communication between operators should be avoided where possible.*

The following times are recommended for waste collection:

One collection per week

- 6:30 am - 8 pm Monday to Saturday
- 9 am - 8 pm Sunday and public holidays

Two or more collections per week

- 7 am - 8 pm Monday to Saturday
- 9 am - 8 pm Sunday and public holidays

4.4.3 Glass disposal

EPA Publication 1254 '*Noise Control Guidelines*' does not provide explicit guidance for disposal of glass. However, City of Yarra Planning Scheme 22.09 provides the following best practice guidance:

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- *The layout and design of new licensed premises incorporate safe design principles as detailed in the Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017).*
- *Waste management and storage is provided on-site, and noise enclosures are provided where bottle crushers are to be used.*
- *Deliveries to and waste collection from a licensed premise should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday except for those allowed under any relevant local law.*
- *Emptying bottles into bins in outdoor areas should not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.*

5 Noise assessment

5.1 Noise propagation model

A CadnaA three-dimensional noise model, implementing ISO 9613 noise propagation algorithms was built, to calculate noise propagation from the Subject Site to surrounding residential premises.

The built form of the Subject Development and surrounding dwellings were integrated into the model. The following propagation effects were included in the predictive model:

- Mitigation of noise with distance, including geometrical spreading and air absorption
- Reflections from buildings and environment
- Barrier effects due to obstructions between noise sources and residential receivers
- Ground absorption effects, where appropriate
- Local topography

The following subsections document assessments of music and patron noise.

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5.2 Music noise

5.2.1 Amplified indoor music

The following is proposed for provision of music within the Subject Venue:

Bar	Hours: 11am to 1am Music: Background music levels. Amplified live music at times
Restaurant, Dining Room	Hours: 11am to 1am Music: Background music levels.

With the existing construction of the Subject Venue frontage, predicted permitted internal music levels for SEPP N-2 conformance are as follows:

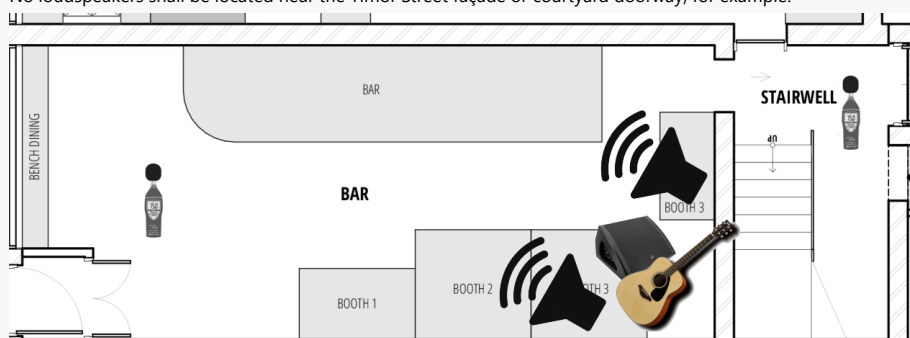
Table 10: Permitted indoor noise levels and music event comparison

Description	Day / Evening assessment L_{eq} dB(A)	Night assessment L_{OCT10} dB in Octaves (Hz)						
		63	125	250	500	1k	2k	4k
Noise reduction from Bar interior to outside 222 Timor Street, second storey, south facing windows (most affected dwelling)	48'	35	41	45	50	55	58	55
+ SEPP N-2 noise limits	46	+46	+44	+42	+40	+38	+31	+22
Permitted noise levels for SEPP N-2 compliance	94'	81	85	87	90	93	89	77
Corresponding reference L_{Ceq} noise level within venue to maintain conformance	L_{Ceq} 100 dB(C)	----- L_{Ceq} 85 dB(C)-----						

Notes: 1. L_{eq} dB(A) assumes an amplified rock band spectrum

With the following venue management strategies, amplified music may be played in the bar:

- During amplified music, doors from the Bar to the Courtyard, Timor Street, and Restaurant shall be kept closed except to provide access and egress. Only one door of the Bar airlock shall be open at any time.
- No loudspeakers shall be located near the Timor Street façade or courtyard doorway, for example:







- Internal noise levels shall be managed using the Venue sound meter near the locations of exits and glazing, with examples as shown above.
 - iii. L_{Ceq} 85 dB(C) during the night (after 9pm Sundays, or 10pm other days)
 - iv. L_{Ceq} 100 dB(C) at other times

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Renzo Tonin & Associates provides the following guidance for sound meter use to manage amplified music Bar noise levels

Sound meter setup guidance for amplified indoor music	
1.	Use a QM 1589 sound meter (e.g. available from Jaycar for ~\$130)
2.	 Turn on the sound meter
3.	 Switch to ' <u>dB</u> C' by pressing the 'A/C' button once <i>(nb. dB C means that the sound meter does not ignore low frequency)</i>
4.	 Switch to ' <u>Hi</u> ' range by pressing the 'Hi/Lo' button once
<i>Ensure that other settings are as shown on the screen to the right. If this not so, turn off the sound meter and repeat</i>	
5.	Manage Bar music levels near external doors and windows to generally not exceed the following: <ol style="list-style-type: none"> L_{Cfast} 85 dB(C) during the night (after 9pm Sundays, or 10pm other days) L_{Cfast} 100 dB(C) at other times <p><i>Managing levels to on average not exceed L_{Cfast} 85 and 100 dB(C) is expected to result in L_{Ceq} 85 and 100 dB(C), and SEPP N-2 noise limit conformance.</i></p>



By achieving SEPP N-2 conformance at 222 Timor Street, SEPP N-2 conformance at more distant dwellings shall also be achieved.

The following upgrades may permit higher amplified music noise levels within the Bar:

- Fitting Bar external doors and airlock with acoustic perimeter- and foot- door seals. Fitting Courtyard corridor with an airlock is also prudent.
- Constructing acoustic secondary glazing system for the Timor Street façade behind the existing; or constructing an internal wall behind the existing glazing; (specifics to be coordinated with an acoustic consultant).
- Retrofit acoustic secondary glazing may also be offered to 222 Timor Street, however it is considered more appropriate to treat the Bar itself.
- On-site acoustic testing to confirm upgrade performance

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5.2.2 Background indoor music




The following is proposed for provision of music within the Subject Venue:

Bar	Hours: 11am to 1am Music: Background music levels. Amplified live music at times per above.
Restaurant, Dining Room	Hours: 11am to 1am Music: Background music levels.

Indoor background music provided background music levels is expected to be SEPP N-2 compliant at all times with the following configuration:

- Music noise levels shall be maintained at *background music* levels.
Per Clause S.9A(5) of the Liquor Control Reform Act 1998, background music levels constitute "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree."
- External doors and windows should be kept closed during provision of background music, in particular after 10pm.
- As a general guide, reverberant internal noise levels should be maintained at or below L_{Ceq} 75 dB(C), or L_{Aeq} 69 dB(A) near windows, doors and openings.
- An array of many small low capacity/low volume speakers located near the heads of patrons should be used (rather than a few high-power speakers for example)
- Speakers shall be selected and controlled so as not to emphasise bass content in the music beyond typical equalisation. No subwoofers.

Renzo Tonin & Associates provides the following guidance for sound meter use to manage music noise levels.

Sound meter setup guidance	
1.	Use a QM 1589 sound meter (e.g. available from Jaycar for ~\$130)
2.	 Turn on the sound meter
3.	 Switch to ' dB(C) ' by pressing the 'A/C' button once (nb. dB(C) means that the sound meter does not ignore low frequency)
4.	 Switch to ' Hi ' range by pressing the 'Hi/Lo' button once
Ensure that other settings are as shown on the screen to the right. If this not so, turn off the sound meter and repeat	
5.	Manage music levels 1 metre from speakers to generally not exceed L_{Cfast} 75 dB(C).
Managing levels to on average not exceed L_{Cfast} 75 dB(C) near windows and doors is expected to result in L_{Ceq} 75 dB(C) or L_{Aeq} 69dB(A) at that location, and SEPP N-2 noise limit conformance.	



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5.2.3 Background outdoor music




The following is proposed for provision of music in the Subject Venue outdoor space:

Courtyard (smoking) area	Hours: 11am to 1am Music: low background music levels until 10pm
Curbside Dining	Hours: 11am to 11pm Music: low background music levels until 10pm
Outdoor Dining	Hours: 11am to 11pm Music: Low background music levels until 10pm

Outdoor music provided at low background music levels is expected to be SEPP N-2 compliant during the evening with the following configuration.

- Music noise levels shall be maintained at low background music levels.
Per Clause S.9A(5) of the Liquor Control Reform Act 1998, background music levels constitute "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree."
- Noise levels 1 metre from any speaker shall be managed not to exceed L_{Ceq} 70 dB(C) or L_{Aeq} 64dB(A) at a distance of 1 metre from any speaker.
- Speakers shall be placed such that they located and aimed away from overlooking windows of 222 Timor Street.
- An array of many small low capacity/low volume speakers located near the heads of patrons should be used (rather than a few high-power speakers for example)
- Speakers shall be selected and controlled so as not to emphasise bass content in the music beyond typical equalisation. No subwoofers.
- No music shall be provided after 9pm Sunday or 10pm other days

Renzo Tonin & Associates provides the following guidance for sound meter use to manage outdoor music noise levels

Sound meter setup guidance	
1.	Use a QM 1589 sound meter (e.g. available from Jaycar for ~\$130)
2.	 Turn on the sound meter
3.	 Switch to ' <u>dB</u> C' by pressing the 'A/C' button once (nb. dB(C) means that the sound meter does not ignore low frequency)
4.	 Switch to ' <u>Hi</u> ' range by pressing the 'Hi/Lo' button once
Ensure that other settings are as shown on the screen to the right. If this not so, turn off the sound meter and repeat	
5.	Manage music levels 1 metre from speakers to generally not exceed L_{Cfast} 70 dB(C), during the day and evening (not night).
Managing levels to on average not exceed L_{Cfast} 70 dB(C) at 1 metre, is expected to result in L_{Ceq} 70 dB(C) or L_{Aeq} 64dB(A) at 1 metre, and SEPP N-2 noise limit conformance during the day and evening.	



By achieving SEPP N-2 conformance at 222 Timor Street, SEPP N-2 conformance at more distant dwellings shall also be achieved.

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The following next steps may permit louder background music in outdoor areas

- On-site acoustic testing
- Retrofit acoustic secondary glazing may also be offered to 222 Timor Street

5.2.4 Temporary outdoor live music

The following is proposed for provision of music in the Subject Venue outdoor space:

Outdoor Dining	<ul style="list-style-type: none"> • Once a week: Two sets, roughly 45 minutes each, between 1-8pm, solo/duo/small acts • Possible separate temporary licence for outdoor music a couple of times a year
----------------	--

SEPP N-2 applies the following noise limits for temporary outdoor music concert uses:

- Outdoor venue 'concerts' operating up to six times a year
- 12 to 10 or 11pm¹: L_{eq} 65 dB(A) outside dwellings
- Outdoor venue 'concerts' operating more than six times a year
- 12 to 10 or 11pm¹: L_{eq} 55 dB(A) outside dwellings

12noon to 11pm¹: Permitted period where outdoor venue operates less than 5 hours

12noon to 10pm¹: Permitted period where outdoor venue operates more than 5 hours

The above limits for temporary outdoor live music are less stringent than SEPP N-2 typical venue noise limits, in recognition of SEPP N-2's goal of:

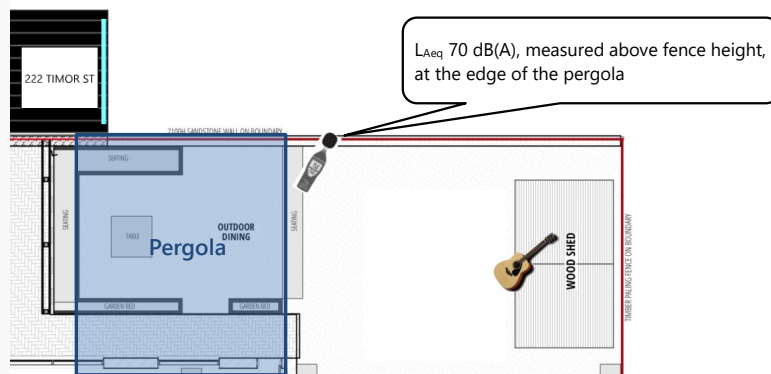
... protect residents from levels of music noise that may affect the beneficial uses ... in particular, sleep in the night period... while recognising the community demand for a wide range of musical entertainment.

In recognition of the above goal, the venue operator must pay close consideration to amenity impacts on surrounding dwellings, and manage to minimise.

The following management measures are recommended:

Possible separate temporary licence for outdoor music a couple of times a year

- Noise levels at 222 Timor Street overlooking windows shall be managed not to exceed L_{Aeq} 65 dB(A). This can be verified by measuring noise levels (to not exceed L_{Aeq} 70 dB(A)) at the location shown below: Music can also be emitted from background outdoor speakers per Section 5.2.3.






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- Speakers shall be placed away from overlooking windows of 222 Timor Street, aiming at patron areas.
- Operational hours and duration shall be negotiated with the Responsible Authority as part of the temporary licence. For consideration of neighbours, 10pm is considered a courteous time to cease music.
- Contemporary rock drumkits are expected to be problematic and should be avoided, unless a strategy to reduce drumkit noise levels is established.
- An event management plan shall be prepared:
 - Plans to routinely document noise levels at the 222 Timor Street façade during the event, for instance every 15 minutes during performances. Noise level records shall be stored and available to the responsible authority if requested.
 - Instruct musicians and sound system operators of expected noise criteria, and what to do to reduce noise levels when instructed.
 - Inform all dwellings within 100 metres of the Subject Venue of the event, and provide a telephone number to contact the premises
 - Provide a public telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register.
 - Maintain of a register for any complaints.
 - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation.

Sound meter setup guidance

1. Use a QM 1589 sound meter (e.g. available from Jaycar for ~\$130)
2.  Turn on the sound meter
3.  Leave on '**dB(A)**' default setting
4.  Switch to '**Hi**' range by pressing the 'Hi/Lo' button once

Ensure that other settings are as shown on the screen to the right. If this not so, turn off the sound meter and repeat

5. Manage music levels to generally not exceed L_{Afast} 70 dB(A)

Managing levels to on average not exceed L_{Afast} 70 dB(A) at the identified location (edge of pergola), is expected to result in SEPP N-2 noise limit conformance for temporary outdoor concerts.

6. At least every 15 minutes during performances, inspect L_{Afast} dB(A) noise levels for at least 1 minute. Then record the date / time / approximate average noise level.
If the approximate average noise level is close to-, or exceeds 70 dB(A), instruct the sound system operator to reduce volume, then repeat the measurement.

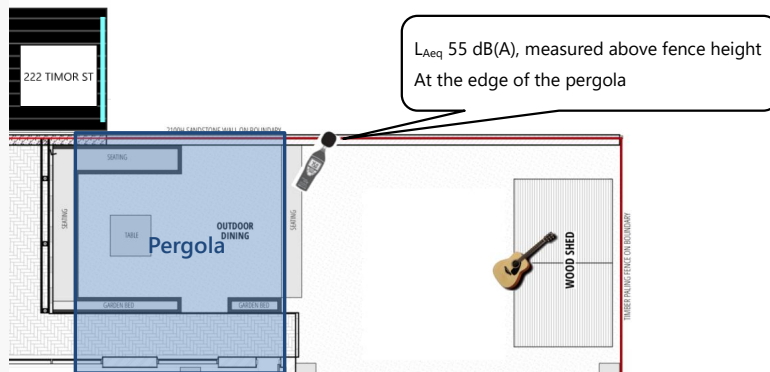


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Once a week: Two sets, roughly 45 minutes each, between 1-8pm, solo/duo/small acts

- Noise levels at 222 Timor Street overlooking windows shall be managed not to exceed L_{Aeq} 50 dB(A) (nb. this is 5dB below the 55dB(A) threshold.)
This can be verified by measuring noise levels (to not exceed L_{Aeq} 55 dB(A)) at the location shown below:
Music can also be emitted from background outdoor speakers per Section 5.2.3.



- The live music provision shall be limited to two 45-minute sets between 1-8pm, solo/duo/small acts.
- Contemporary rock drumkits are expected to be problematic and shall not be used.
- A management plan shall be prepared:
 - Plans to routinely document noise levels at the 222 Timor Street façade, for instance every 30 minutes during performances. Noise level records shall be stored and available to the responsible authority if requested.
 - Instruct musicians and sound system operators of expected noise criteria, and what to do to reduce noise levels when instructed.
 - Provide a public telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register.
 - Maintain of a register for any complaints.
 - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation.

Sound meter setup guidance

- Use a QM 1589 sound meter (e.g. available from Jaycar for ~\$130)
-  Turn on the sound meter
-  Leave on 'dB(A)' default setting
-  Switch to 'Hi' range by pressing the 'Hi/Lo' button once

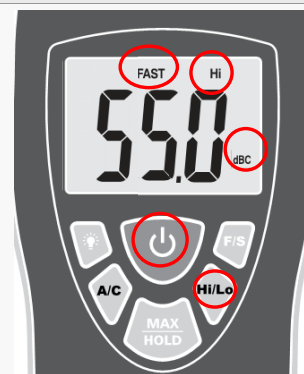
Ensure that other settings are as shown on the screen to the right. If this not so, turn off the sound meter and repeat

- Manage music levels to generally not exceed L_{Afast} 55 dB(A)

Managing levels to, on average, not exceed L_{Afast} 55 dB(A) at the identified location (edge of the pergola), is expected to result in SEPP N-2 noise limit conformance for temporary outdoor music.

- At least every 30 minutes during performances, inspect L_{Afast} dB(A) noise levels for at least 1 minute. Then record the date / time / approximate average noise level.

If the approximate average noise level is close to-, or exceeds 55 dB(A), instruct the sound system operator to reduce volume, then repeat the measurement.



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By achieving SEPP N-2 conformance at 222 Timor Street, SEPP N-2 conformance at more distant dwellings shall also be achieved.

The following next steps may permit louder background music in outdoor areas

- On-site acoustic testing
- Retrofit acoustic secondary glazing may also be offered to 222 Timor Street, and effective noise limits reviewed by separate acoustic assessment.

5.3 Outdoor patron noise

The following outdoor patron details are proposed:

Curbside Dining	Hours: 11am to 11pm Patrons: 25 allocated. From 10pm those patrons may be located in front of the Bar only (not restaurant).
Outdoor Dining and Courtyard	Hours: 11am to 11pm Patrons: 100 allocated until 11pm. After 11pm, 25 patrons in courtyard.

Table 11 presents the patron noise assessment.

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Table 11: Outdoor patron noise assessment

Location	Predicted internal noise level	Complies with targets for patron noise?		
		Day / Evening	Night	L _{max} 50-55 dB(A)
		L _{eq} 35 dB(A) inside	L _{eq} 30 dB(A) inside	inside a bedroom
100 dining patrons in Outdoor Dining and Courtyard until 11pm				
25 dining patrons in Curbside Dining until 10pm				
1/222 Timor Street	L _{eq} 30 dB(A)	✓	✓	
North windows	L _{max} 40 dB(A)			✓
1/222 Timor Street	L _{eq} 35 dB(A)	✓	(N/A)	
South windows	L _{max} 50 dB(A)			(N/A)
25 smoking patrons in courtyard only				
1/222 Timor Street	L _{eq} 15 dB(A)	✓	✓	
North bedroom facade	L _{max} 35 dB(A)			✓
25 dining patrons in Curbside Dining concentrated in front of Bar frontage only (not Restaurant)				
1/222 Timor Street	L _{eq} 15 dB(A)	✓	✓	
South windows	L _{max} 35 dB(A)			✓

Notes: ✓ Conformance per criterion definition
 ✗ Non-conformance per criterion definition

- Due to proximity of 1/222 Timor Street, internal patron noise criteria have been applied in this assessment. 6mm float glass has been assumed. Renzo Tonin & has assessed to facades of habitable rooms, identified per http://www.ludeman.com.au/property?property_id=140195; wet area facades are not assessable. Patron sound power levels per Table 8 "restaurant dining" and "small smoking areas".
- Noise levels at other dwellings are expected to be lower than those presented above as a result of greater distance.

With the following management measures, patron noise is predicted to conform with the nominated criteria:

- Combined Outdoor Dining and Courtyard patron capacity of 100 up to 11pm. After 11pm Courtyard patron capacity of 25.
Curbside patron capacity of 25 up to 11pm. From 10pm those patrons may be located in front of the Bar only (not restaurant).
- Proposed pergola (covering part of the Outdoor Dining area) roof and west wall to have a surface density no less than 3 kg/m²
- For outdoor areas, the Subject Venue shall provide food on site, and management measures consistent with that required of a restaurant, with adequate seating for restaurant patrons.
- The following typical Venue Management Plan control measures should be implemented:
 - Demonstrate incorporation of safe design principles as detailed in the 'Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017)'.
 - Install appropriate signage throughout the venue and in common areas instructing patrons on expected behaviour, including to minimise levels of noise whilst leaving the premises.
 - The maintenance of a register for any complaints.
 - Provide a telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register.
 - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation.
 - Details of training provide for bar staff in the responsible serving of alcohol.

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- Plans for measures to be taken by management and staff to ensure patrons do not cause nuisance or annoyance beyond the land.
- Generally, patrons outside the Subject Venue shall be welcomed and encouraged to enter the premises, rather than congregate outside, and shall be managed by security so as to not generate excessive noise.

5.4 Activity scheduling

Renzo Tonin & Associates recommends that venue maintenance activities be scheduled in accordance with the following, per Section 4.4.

- Waste collection shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 8pm, and before 7am weekdays or 9am all other days.
- Deliveries shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10pm, and before 7am weekdays or 9am all other days.
- Emptying bottles into bins and glass crushing shall not occur after 10pm, and before 7am weekdays or 9am all other days. Noise enclosures are required for any bottle crushers that are to be used.

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6 Conclusion

Renzo Tonin & Associates has been engaged to conduct an acoustic assessment of The Dart and Marlin, located at 216-218 Timor Street, Warrnambool (the Subject Site/Venue), as part of an application for a General License for the site.

With the incorporation of the following measures, Renzo Tonin & Associates expects that the Subject Venue can operate in conformance with all relevant criteria and without adverse noise impact on residential amenity in the area.

Music noise
Indoor music
<ul style="list-style-type: none"> During amplified music, doors from the Bar to the Courtyard, Timor Street, and Restaurant shall be kept closed except to provide access and egress. Only one door of the Bar airlock shall be open at any time. No loudspeakers shall be placed near the Timor Street façade or courtyard walkway. Internal noise levels shall be managed using the Venue sound meter near the locations of exits and glazing, following the instructions in this report. <ul style="list-style-type: none"> i. L_{Ceq} 85 dB(C) during the night (after 9pm Sundays, or 10pm other days) ii. L_{Ceq} 100 dB(C) at other times
Background indoor music
<ul style="list-style-type: none"> Music noise levels shall be maintained at <i>background music</i> levels. Per Clause S.9A(5) of the Liquor Control Reform Act 1998, background music levels constitute "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree." External doors and windows should be kept closed during provision of background music, in particular after 10pm. As a general guide, reverberant internal noise levels should be maintained at or below L_{Ceq} 75 dB(C) near windows, doors and openings, following the instructions in this report.
Background outdoor music
<ul style="list-style-type: none"> Music noise levels shall be maintained at <u>low background music</u> levels. Noise levels 1 metre from any speaker shall be managed not to exceed L_{Ceq} 70 dB(C) at a distance of 1 metre from any speaker, following the instructions in this report. Speakers shall be placed such that they located and aimed away from overlooking windows of 222 Timor Street. An array of many small low capacity/low volume speakers located near the heads of patrons should be used (rather than a few high-power speakers for example) Speakers shall be selected and controlled so as not to emphasise bass content in the music beyond typical equalisation. No subwoofers. No music shall be provided after 9pm Sunday or 10pm other days
Temporary outdoor live music
<u>Possible separate temporary licence for outdoor music a couple of times a year</u>
<ul style="list-style-type: none"> Noise levels at 222 Timor Street overlooking windows shall be managed not to exceed L_{Aeq} 65 dB(A) at dwellings, following instructions in this report. Operational hours and duration shall be negotiated with the Responsible Authority as part of the temporary licence. For consideration of neighbours, 10pm is considered a courteous time to cease music. An event management plan shall be prepared, which includes items set out in this report
<u>Once a week: Two sets, roughly 45 minutes each, between 1-8pm, solo/duo/small acts</u>
<ul style="list-style-type: none"> Noise levels at 222 Timor Street overlooking windows shall be managed not to exceed L_{Aeq} 50 dB(A) at dwellings, following instructions in this report.

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- The live music provision shall be limited to two 45-minute sets between 1-8pm, solo/duo/small acts.
- Contemporary rock drumkits are expected to be problematic and shall not be used.
- A management plan shall be prepared, which includes items set out in this report.

Outdoor patron noise

- Combined Outdoor Dining and Courtyard patron capacity of 100 up to 11pm. After 11pm Courtyard patron capacity of 25.
Curbside patron capacity of 25 up to 11pm. From 10pm those patrons may be located in front of the Bar only (not restaurant).
- Proposed pergola (covering part of the Outdoor Dining area) to have a surface density no less than 3 kg/m²
- For outdoor areas, the Subject Venue shall provide food on site, and management measures consistent with that required of a restaurant, with adequate seating for restaurant patrons.
- The following typical Venue Management Plan control measures should be implemented:
 - Demonstrate incorporation of safe design principles as detailed in the *'Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017)'*.
 - Install appropriate signage throughout the venue and in common areas instructing patrons on expected behaviour, including to minimise levels of noise whilst leaving the premises.
 - The maintenance of a register for any complaints.
 - Provide a telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register.
 - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation.
 - Details of training provide for bar staff in the responsible serving of alcohol.
 - Plans for measures to be taken by management and staff to ensure patrons do not cause nuisance or annoyance beyond the land.
- Generally, patrons outside the Subject Venue shall be welcomed and encouraged to enter the premises, rather than congregate outside, and shall be managed by security so as to not generate excessive noise.

Scheduled activities

- Waste collection shall be conducted in accordance with EPA Publication 1254 *'Noise Control Guidelines'* and shall not occur after 8pm, and before 7am weekdays or 9am all other days.
- Deliveries shall be conducted in accordance with EPA Publication 1254 *'Noise Control Guidelines'* and shall not occur after 10pm, and before 7am weekdays or 9am all other days.
- Emptying bottles into bins and glass crushing shall not occur after 10pm, and before 7am weekdays or 9am all other days. Noise enclosures are required for any bottle crushers that are to be used.

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APPENDIX A Glossary of terminology

The following is a brief description of the technical terms used to describe noise to assist in understanding the technical issues presented.

Ambient noise	The all-encompassing noise associated within a given environment at a given time, usually composed of sound from all sources near and far.																																															
Background noise	Background noise is the term used to describe the underlying level of noise present in the ambient noise, measured in the absence of the noise under investigation, when extraneous noise is removed. It is described as the average of the minimum noise levels measured on a sound level meter and is measured statistically as the A-weighted noise level exceeded for ninety percent of a sample period. This is represented as the L90 noise level (see below).																																															
Decibel [dB]	The units that sound is measured in. The following are examples of the decibel readings of common sounds in our daytime environment: <table><tr><td>threshold of hearing</td><td>0 dB</td><td>The faintest sound we can hear</td></tr><tr><td></td><td>10 dB</td><td>Human breathing</td></tr><tr><td>almost silent</td><td>20 dB</td><td></td></tr><tr><td></td><td>30 dB</td><td>Quiet bedroom or in a quiet national park location</td></tr><tr><td>generally quiet</td><td>40 dB</td><td>Library</td></tr><tr><td></td><td>50 dB</td><td>Typical office space or ambience in the city at night</td></tr><tr><td>moderately loud</td><td>60 dB</td><td>CBD mall at lunch time</td></tr><tr><td></td><td>70 dB</td><td>The sound of a car passing on the street</td></tr><tr><td>loud</td><td>80 dB</td><td>Loud music played at home</td></tr><tr><td></td><td>90 dB</td><td>The sound of a truck passing on the street</td></tr><tr><td>very loud</td><td>100 dB</td><td>Indoor rock band concert</td></tr><tr><td></td><td>110 dB</td><td>Operating a chainsaw or jackhammer</td></tr><tr><td>extremely loud</td><td>120 dB</td><td>Jet plane take-off at 100m away</td></tr><tr><td>threshold of pain</td><td>130 dB</td><td></td></tr><tr><td></td><td>140 dB</td><td>Military jet take-off at 25m away</td></tr></table>			threshold of hearing	0 dB	The faintest sound we can hear		10 dB	Human breathing	almost silent	20 dB			30 dB	Quiet bedroom or in a quiet national park location	generally quiet	40 dB	Library		50 dB	Typical office space or ambience in the city at night	moderately loud	60 dB	CBD mall at lunch time		70 dB	The sound of a car passing on the street	loud	80 dB	Loud music played at home		90 dB	The sound of a truck passing on the street	very loud	100 dB	Indoor rock band concert		110 dB	Operating a chainsaw or jackhammer	extremely loud	120 dB	Jet plane take-off at 100m away	threshold of pain	130 dB			140 dB	Military jet take-off at 25m away
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	140 dB	Military jet take-off at 25m away																																														
dB(A)	A-weighted decibels. The A- weighting noise filter simulates the response of the human ear at relatively low levels, where the ear is not as effective in hearing low frequency sounds as it is in hearing high frequency sounds. That is, low frequency sounds of the same dB level are not heard as loud as high frequency sounds. The sound level meter replicates the human response of the ear by using an electronic filter which is called the "A" filter. A sound level measured with this filter switched on is denoted as dB(A). Practically all noise is measured using the A filter.																																															
dB(C)	C-weighted decibels. The C-weighting noise filter simulates the response of the human ear at relatively high levels, where the human ear is nearly equally effective at hearing from mid-low frequency (63Hz) to mid-high frequency (4kHz) but is less effective outside these frequencies.																																															
Frequency	Frequency is synonymous to pitch. Sounds have a pitch which is peculiar to the nature of the sound generator. For example, the sound of a tiny bell has a high pitch and the sound of a bass drum has a low pitch. Frequency or pitch can be measured on a scale in units of Hertz or Hz.																																															
L _{Max}	The maximum sound pressure level measured over a given period.																																															
L ₉₀	The level of noise exceeded for 90% of the time. The bottom 10% of the sample is the L90 noise level expressed in units of dB(A).																																															
L _{eq}	The "equivalent noise level" is the summation of noise events and integrated over a selected period of time.																																															
Sound level meter	An instrument consisting of a microphone, amplifier and indicating device, having a declared performance and designed to measure sound pressure levels.																																															
Sound pressure level	The level of noise, usually expressed in decibels, as measured by a standard sound level meter with a microphone.																																															
Sound power level	Ten times the logarithm to the base 10 of the ratio of the sound power of the source to the reference sound power.																																															

**PATRON MANAGEMENT PLAN
FEBRUARY 2021**

**THE DART AND MARLIN
216-218 TIMOR STREET WARRNAMBOOL**

1. Introduction

PP0185/2015 allows for the land at 216-218 Timor Street to be used as Licensed Premises (Restaurant, Bar and Bottle Shop).

The Dart and Marlin operates at 216-218 Timor Street and Mr David de Carteret is the licensee.

This Patron and Venue Management Plan has been prepared in accordance with Condition 2 of PP0185/2015.

2. Hours of operation

- Monday to Saturday - 12pm to 1am the following day
- Sundays - 12pm to 12am, except when Sunday precedes a public holiday when the premises will close at 1am.
- ANZAC Day and Good Friday - 12pm to 1am the following day

3. Staffing

The Venue Manager will be responsible for adequate staffing to ensure the safety and wellbeing of patrons and staff.

4. Staff training

The Patron and Venue Management Plan will form part on an induction program for all staff. All staff will be required to be familiar with the requirements of this plan. The Plan will be accessible to all staff and administered by the Venue Manager.

The Licensee and General Manager have Advanced RSA training.

All staff must have completed RSA certification.

An RSA training register will be maintained and copies of employee certificates will be kept on file.

5. Patron numbers

Patron numbers will limit of 250 at any one time.

The majority of patrons attend the venue within the hours of 6pm and 10.30pm for dining.

6. Patron management

Patrons will be encouraged to behave, both within and when departing the premises, in a respectful and considerate manner.

The premises primarily caters for seated patrons who are offered a meal. Approximately 70% of the red line area is allocated to patrons seated at a table. The remaining 30% is used by patrons who may be standing and moving around during booked special events.

Staff will take reasonable steps to ensure that patrons behave in an orderly manner when leaving the venue, maintaining the quiet and good order of the locality. Patrons will be serviced regularly by waiting staff, providing

opportunities to supplement liquor consumption with water, non-alcoholic drinks and food. Tap water is available without charge.

When there is a scheduled special event or a full house at the end of trade, from 15 minutes prior to closing time to 15 minutes after the premises closes to the public there will be a designated staff member at or adjacent to the front door of the premises to encourage patrons to depart in a manner so as not to disturb nearby residents.

Staff have a responsibility to identify any person who is intoxicated or behaving inappropriately and bring it to the attention of the management. In the case of a suspected intoxicated, the patron will be asked to leave the premises. In the event that the person refused to leave the premises, management will seek the assistance of the Victoria Police.

Staff will monitor all patrons to ensure that they are safe and to ensure compliance with the *Responsible Serving of Alcohol* policy.

A logbook of any incidents involving patrons will be kept maintained detailing the time, location and description of the incident, staff involved, witnesses and names of patrons if available. Police will be called if there is any violence or threats of violence at the premises.

Any complains made by patrons, neighbours or otherwise will also be logged and kept on hand, with the details recorded and made available to Police and authorised Council Officers on request.

Curbside

A maximum of 25 patrons until 11pm in the Curbside dining area. From 10pm those patrons may be located in the front of the Bar only (not the restaurant and not permitted to use the outside area (unless for smoking).

Outside

A maximum of 100 patrons until 11pm in the Outdoor dining and Courtyard area. After 11pm the court yard capacity is limited to 25 patrons. Staff will manage noise levels and request that patrons respect nearby residents.

The patrons will be required to congregate in the covered area.

7. Noise

An Acoustic Report dated 26 November 2020 was prepared by Renzo Tonin & Associates. Live Music is permitted at the venue subject to compliance with the requirements in the Acoustic Report. The key requirements are:

Indoor music

- All doors to be closed except for access and egress. Only one door of the Bar airlock shall be open at any time. No loud speakers are permitted near the Timor Street facade or courtyard walkway.
- Indoor noise levels are 100dB(C) except for after 9pm on a Sunday and 10pm other days where the limit is 85dB(C)
- Background indoor music is to a level that enable patrons to conduct a conversation but not to exceed 75dB(C) near windows, doors and openings.

Outdoor music

- Speakers must be orientated away from the windows at 222 Timor Street.

- Many smaller speakers to be placed in the outdoor area (larger high-power speakers/ sub woofers are not permitted).
- No music is permitted outdoors after 10pm (including background music) any day and 9pm on a Sunday.
- Live outdoor music is permitted until 8pm and will be limited to solo/ small acts of 45 min duration over 2 sets.

A noise monitoring device will operate on a regular basis to determine compliance and the results logged for inspection as required.

It is proposed to have at least six (6) outdoor live music events outside per year which would be subject to an Event Management Plan to be submitted to Council each calendar year or as required. This will involve consultation with residents prior to each event.

8. Queueing outside the venue.

During peak time patron numbers are managed by staggering seating times for table bookings to facilitate smooth arrival and departure of patrons to mitigate congestion and minimise queues forming on the curb while groups are shown to their table. The layout of the venue allows patrons to wait within the venue while waiting to be shown to their table.

9. Waste management

Rubbish will be stored in appropriate containers removed between 7am and 6pm, Monday to Friday.

Bottles will not be placed in external garbage bins after 10pm on any night, or before 9am on any day.

Staff will conduct routine sweeps of the footpath area at the front of the shop and immediately adjacent to the shop to monitor for any takeaway packaging that has not been correctly disposed of by patrons during the opening hours. At the completion of days trade a final sweep will be undertaken by the staff.

10. Complaints

A complaint register will record details of all complaints received including who, when, where, what, any action taken and the response to the complainant will be maintained and kept on hand in the premises and made available to Police and Council officers on request.

Management will use its best endeavours to resolve all complaints within 14 days.

11. Health and safety

In addition to the RSA training which all staff will receive, management will also maintain current First Aid and CPR certificates. Police will be called if there is any violence or threats of violence.

A designated smoking courtyard is at the rear of the premises away from the residences.

Complimentary drinking water will be provided to patrons.

12. Signage

Three patron management signs issued by the Victorian Commission for Gambling and Liquor Regulation will be displayed at prominent locations as advised by the Commission. The signs will warn against underage supply of alcohol, underage entrance to licensed and penalties for unlawful behaviour.

Signage will be installed at exits to remind patrons to be quiet and respect the surrounding residential area.

13. Transport

Transport options available to patrons of the venue primarily involve either private vehicles, taxi or ride share (such as Uber).

Patrons will be encouraged to wait either inside the venue for transport or quietly outside.

In the event that a taxi is not available during peak times a taxi rank and weatherproof shelter are located 150m to the south of the venue on the corner of Giles and Timor Street adjacent to South West TAFE.

14. Review

The Patron and Management Plan will be reviewed annually or earlier if considered necessary by management.

RESTAURANT AND CAFE LICENCE

Licence No. 32332738

Subject to the provisions of the Liquor Control Reform Act 1998 and any conditions specified in the licence, the licensee is authorised to supply liquor up to and including 31 December 2022

Licensee DAVID JOHN DE CARTERET

Address 216-218 TIMOR STREET
for service WARRNAMBOOL 3280
of noticesLicensed 216-218 TIMOR STREET
premises WARRNAMBOOL 3280
address

Trading as THE DART AND MARLIN

GENERAL INFORMATION

A liquor licence does not override local laws, planning schemes and conditions on planning permits. It is the licensee's responsibility to ensure they comply with these.

TYPE OF LICENCE

This licence is a restaurant and cafe licence and authorises the licensee to supply liquor on the licensed premises for consumption on the licensed premises during the trading hours specified below.

RESTAURANT & CAFE CONDITIONS

This licence is subject to the following conditions:

- (a) the predominant activity carried out at all times on the licensed premises must be the preparation and serving of meals for consumption on the licensed premises; and
- (b) tables and chairs must be placed in position on the licensed premises so as to be available for at least 75% of the patrons attending the premises at any one time; and
- (c) the licensee must not permit -
 - (i) the live performance of any musical works; or
 - (ii) the playing of any recorded musical works -
 - on the premises at higher than background music level at any time outside ordinary trading hours.

Condition (c) does not apply to music performed or played on the licensed premises outside ordinary trading hours as part of a function that is held in an area of the premises that is set aside for the exclusive use of persons who have booked a table in that area and their guests, and is attended only by those persons and their guests.

AMENITY

The licensee shall not cause or permit undue detriment to the amenity of the area to arise out of or in connection with the use of the premises to which the licence relates during or immediately after the trading hours authorised under this licence.

MAXIMUM CAPACITIES

250 patrons

TRADING HOURS

ANZAC Day and Good Friday	Between 12noon and 11pm
On any other day	Between 11am and 11pm

APPROVALS/CONSENTS

Section 9(1)(b)/9A(1)(b)/11A(3)(b) Footpath/External area. The licensee is authorised to supply liquor on premises, other than the licensed premises, authorised by the Victorian Commission for Gambling and Liquor Regulation and shown on the approved plan during the hours specified below for consumption on those premises.

ANZAC Day and Good Friday	Between 12noon and 10pm
On any other day	Between 11am and 10pm

End of Conditions - Printed on 11/02/2022



Town Planning & Strategic Advice
www.novoplanning.com.au

PLANNING REPORT

PROPOSED SIGNAGE AND CHANGE OF LIQUOR LICENSE
216-218 TIMOR ST, WARRNAMBOOL

17 March 2021

1. OVERVIEW

NovoPlanning submits this revised application to amend PP2015-0185 to allow for changes to the current licensed area and buildings and works at 216-218 Timor Street, Warrnambool.

The Dart and Marlin a bar and restaurant. This application seeks to increase the licensed area currently permitted under PP2015-0185, and change 'what the permit allows' for the use the land for a restaurant, bar, bottle shop and signage.

PP2015-0185 was issued on 18 December 2015.

The land is zoned Commercial 1 Zone in the Warrnambool Planning Scheme. A Heritage Overlay applies to the land. No buildings and works are proposed as part of this application, except for the erection of signage.



Figure 1 – Subject Site (Source Google Maps)

2. PROPOSAL

The Dart and Marlin is an existing restaurant and bar located in the Warrnambool City Centre at 216-218 Timor Street, Warrnambool. **Refer to Attachment 1 – Copy of Title.**

PP2015-0185 allows for a General Licence between the hours of 11am to 11pm, Monday to Sunday and 12pm to 11pm on ANZAC Day and Good Friday. The General Licence is identified as 'redline area' on the endorsed plans. A General License allows for the consumption on-premises (within the redline area) or off-premises. As the permit was granted after 20 February 2012, the General Licence only permits the sale of off-premises liquor whilst supplying liquor for on-premises consumption.

This application seeks to amend PP2015-0185 to allow for:

- Increase the red line area for the General Licence are to include the external area to the north (including the Wool Shed);
- Increase the hours of operation;
- Off-premises liquor sales (packaged liquor); and
- Signage.

Redline area

The Redline area is

Hours of operation

The proposed hours of operation which require an amendment to Condition 3 are:

11am to 1am the following day – Monday to Sunday

12pm to 1am the following day – ANZAC Day and Good Friday

The packaged liquor sales will be limited to 11am to 9pm Monday to Sunday. The sales will mostly accompany take-away food sales, but allow for sale in the venue mostly during the day. No packaged liquor sales will be permit after 9pm under any circumstances.

Refer to Attachment 2 - Plans

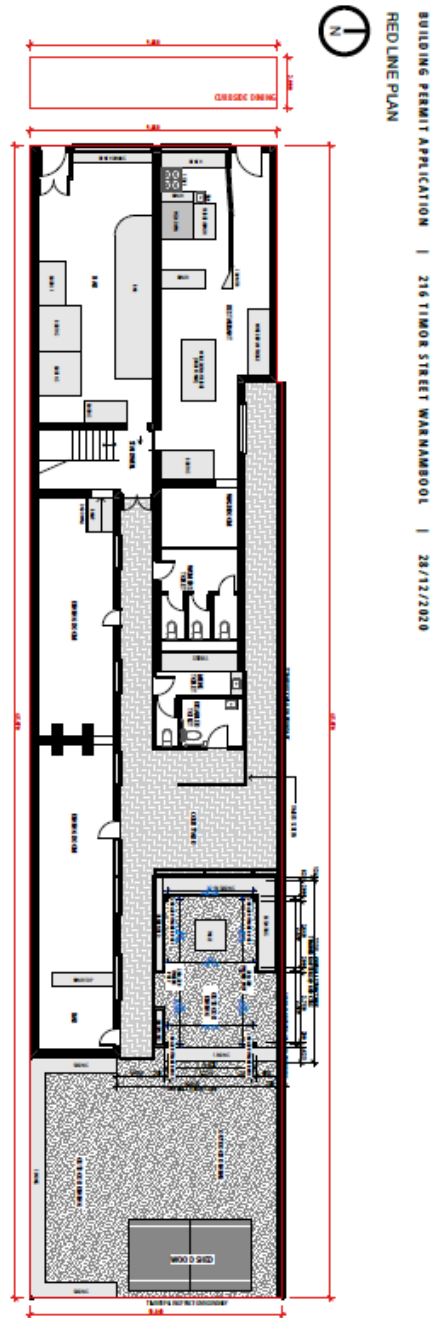


Figure 2 –Proposed Red Line Area (ground)

3. SITE & LOCALITY CONTEXT

The land at 216-218 Timor Street, Warrnambool has an existing building with frontage to Timor Street. The site is a narrow rectangular site. The title particulars for Lot 1 on TP024140M. This application relates to 462m² in the southern part of the land.



Figure 3 – Subject Site 216-218 Timor Street



Figure 4 – Part of the site affected by this application

4. PLANNING POLICIES

The relevant Planning Policies which apply to this proposal are:

Clause 13.05-1S 'Noise Abatement' aims to 'assist the control of noise effects on sensitive land uses'.

Response

The State Environment Protection Policy (Control of Music Noise from Public Premises) No.2 (SEPP N-2) applies to this proposal and an acoustic assessment has been undertaken. The report confirms that subject to meeting the recommendations, the proposal will not have unreasonable adverse noise impacts on the residential amenity in the surrounding area.

Clause 13.07-1S 'Land use compatibility' aims to 'protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts'.

Response

The additional noise attenuation and management seeks to reduce the unreasonable off-site noise impacts. This includes managing indoor amplified music and limiting hours in the outdoor areas.

Clause 17.02-IR 'Business- Great South Coast' aims support growth in the Warrnambool Central Business District.

Response

The Dart and Marlin is located in the Warrnambool City Centre and provides hospitality services for the local community and visitors.

Clause 21.01 'Municipal Profile, Council Vision and Strategic Directions' aims to create a thriving City Centre.

Response

The site is located in the City Centre and the proposed use is compatible with the vision in this policy to create a 'thriving, culturally rich and inclusive leading regional city'.

Clause 21.02 'Settlement' supports housing the City Centre however it also recognises its function as the primary retail and commercial services.

Response

The Warrnambool City Centre supports leisure and entertainment include restaurants and bars as proposed in this application.

Clause 21.11 'Local Areas' vision is to 'support the Warrnambool City Centre as the principal activity centre for Warrnambool and southwest Victoria'.

Response

This policy supports commercial/ mixed use development on the subject land. This policy references the Warrnambool City Centre Revitalisation - The Structure Plan (2012) which reinforces the aspiration

for the City centre to be a vibrant commercial and tourism destination. Food and drinks premises are important services to the region and contribute to the vibrancy of the area.



Figure 5 – Clause 21.11 City Centre Framework Plan

5. PLANNING PROVISIONS

Zones and Overlays

The subject land is zoned Commercial 1 Zone (C2Z) in the Warrnambool Planning Scheme and affected by a Heritage Overlay (HO324). The site is located in an area of Aboriginal Cultural Heritage Sensitivity.

The objectives of C1Z are:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. To provide for residential uses at densities complementary to the role and scale of the commercial centre.

PP2015-0185 has been granted to use the land for a restaurant and café and for a General Liquor Licence. PP2018-0131 was granted for buildings and works (woolshed) on 7 August 2018.

A permit is not required for the use of the land for a restaurant, bar or bottle shop in the Commercial 1 Zone as each of these uses are nested under 'retail premises' and are 'Section 1 – Permit not required uses'. No buildings and works are proposed as part of this application. Therefore, there are no permit triggers under the Commercial 1 Zone.



Figure 6 – Zone

HO324 'Commercial Precinct' is part of a precinct-based heritage overlay. The Warrnambool Infrastructure Incorporated Plan applies to land affected by HO324 but only applies to infrastructure and vegetation management. A permit is required to erect a sign under the Heritage Overlay.



Figure 7 – Heritage Overlay (HO324)

Clause 52.27 Licensed Premises

A permit is required to vary the redline area, hours of operation and type of license. The objectives are:

- To ensure that licensed premises are situated in appropriate locations; and
- To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Planning Practice Note 61 is also considered in the preparation of this application.

Clause 53.06 Live Music Venue

This provision applies to use or develop the land for a live music venue. The subject land has been used as a restaurant and bar which are 'as of right' uses in the Warrnambool Planning Scheme, therefore this provision does not apply.

Clause 65 – Decision Guidelines

This application has considered Clause 65 Decision Guidelines. This includes amenity impacts, orderly planning of the area, zone, overlay and relevant policies.

6. ASSESSMENT

Background

PP2015-0185 was granted for the “use of the premises for a liquor licence (restaurant and café)”. The permitted hours in are 11am to 11pm Monday to Sunday and 12pm to 11pm ANZAC day and Good Friday. A maximum of 250 patrons are permitted on site. The permit allows for a ‘general liquor licence’.

It is noted that previously correspondence sought to reduce the number of patrons to 200 patrons on site for any time, but it is now proposed to retain the approved limit of 250 patrons.

PP2020-0272 was granted on 2 March 2020 for a cover area (pergola) in the outdoor area. The pergola will mitigate noise impacts on the adjoining residences. The roofed timber structure is approximately 6.4 by 7.2m.

Over recent years nearby residents and property owners have raised concerns regarding noise and amenity impacts. This application seeks to update the Patron Management Plan and is supported by an Acoustic Report which provides recommends noise mitigation strategies. It is also acknowledged that some residents have raised concerns regarding patrons leaving the venue. The Dart and Marlin proposes a training program for its staff and additional signage for patrons leaving the venue.

Planning Assessment

This application seeks to amend the hours, red line area, packaged liquor sales and allow signage on the eastern wall.

The subject site is located in the Commercial 1 Zone and the objectives of the zone are to support ‘vibrant mixed use commercial centres for retail, office, business, entertainment and community uses’. There is strong policy support in the Warrnambool Planning Scheme to foster a vibrant and active city centre and this proposal to increase the hours of operation and extend the redline line area implements this policy.

Warrnambool is a popular tourist destination and dining and entertainment are important economic driver. As mentioned, restaurant, bar and bottle shop are all ‘Section 1 – No Permit Required’ uses in the Commercial 1 Zone. In the Commercial 1 Zone, ‘retail premises’ is a Section 1 use. Pursuant to Clause 73.04 ‘Nesting Diagrams’, a restaurant, bar and bottle shop are all nested under the land use term ‘retail premises’.

It is not proposed to increase the number of patrons so parking requirements apply.

The permit trigger for this application us under Clause 52.27 ‘Licensed Premises’ to increase the redline area, increase the hours and allow for packaged liquor sales.

A permit is also required for the signage.

Licensed Premises

Clause 52.27 ensures that the impact of licensed premises on the surrounding area is considered. In addition to this Clause, Planning Practice Note 61 has been considered.

A permit is required to vary the licensed (red-line) area and the type of license. This application seeks to extend the red-line area to the rear of the property, the upper level and also change the licence to allow package liquor sales during the day.

It is not proposed to amend the number of patrons. It will remain at 250 patrons in accordance with PP2015-0185.

The venue is divided in to different sections – indoor restaurant (ground and upper floor), bar (ground floor) and curbside dining. The packaged liquor sales are limited to part of the building and trading will be 11am to 9pm only Monday to Sunday.

The potential amenity impacts have been considered under Clause 52.27 and Planning Practice Note 61 which derives from *Swancom Pty Ltd v Yarra CC [2009] VCAT 923* (Swancom). The proposed changes will be managed through the Patron Management Plan.

The Commercial 1 Zone, Clause 21.11 and the Warrnambool City centre Revitalisation – the Structure Plan (2012) all support hospitality uses in this location. Retail and tourism are key drivers of the Warrnambool economy.

The noise in outdoor area operational hours will be restricted after 10pm which is the end of the 'evening' period in the State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade (SEPP N-1) and Noise from Industry in Regional Victoria (NIRV). Up 100 patrons will be in the outdoor area and this is reduced to 25 persons (limited to the covered area).

The curbside patron area is 25 patrons up to 11pm and from 10pm these patrons may be located in the front bar area only.

SEPP N-1 specify three noise periods – day, evening and night. The outdoor hours have purposely been limited to 10pm and to preserve the night time amenity for the adjoining residents, particularly to the south. We believe that it is reasonable in a Commercial Zone for operate to at least 10pm outdoors and additional measures are proposed for the indoor trading to 1am.



Figure 8 – Licensed Premises in surrounding area (source VCGLR)

The venue proposes to operate Monday to Saturday to 1am the following day. The land will offer a mix of seated dining and bar services. As mentioned, the maximum number of patrons will remain at 250 persons and will be on the ground level, upper level and in the rear (but limited to 100 until 10pm and 25 after 11pm).

It is proposed to have live music at the venue. Indoor live music is proposed all year round and would need to comply with the noise requirements from the Acoustic Report, Patron Management Plan and permit which align with SEPP N-2. A permit is not required to use the venue for Live Music however it can be managed through permit conditions.

It is proposed to have at least six (6) outdoor live music events outside per year which would be subject to an Event Management Plan to be submitted to Council each calendar year or as required. This will involve consultation with residents prior to each event.

Background music will be played inside and limited times outside.

1. Planning Policy Context

The subject site is located in a Commercial 1 Zone in the Warrnambool Planning Scheme. As stated in the Planning Report, the objectives of the zone are to create 'create vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses'.

A permit is not required for the use and there is strong policy support for hospitality uses in the Warrnambool City Centre. An Acoustic Report has been completed to ensure the proposal complies with SEPP N-2 and will be managed via the Patron Management Plan and permit conditions.

2. Surrounding land use mix and amenity

The subject site is located in a 'cluster' as there are three licensed venues within 100m radius (including The Dart and Marlin). The two other licensed venues within 100m of the premises include Swintons Supermarket and Team ToTo. There are more than 15 Licensed venues within 500m of the site, with the majority of the venues located in Liebig Street which is the core retail precinct.

3. Mix of Licenced Premises

The venues in the immediate area (i.e. 100m radius) are packaged liquor sales (Swintons) and General Licence (ToTo's). In Liebig Street, the licensed venues vary from on-premises and café and restaurant licences. Other late night licensed venues in the area include:

- Royal Hotel, Cnr of Timor and Fairy Street – Licensed to 1am (356 patrons)
- Warrnambool Hotel, 185 Koroit Street – Licensed to 2am (460 patrons)
- Whalers Hotel, 53 Liebig Street – Licensed to 3am
- The Senchai. 62 Liebig Street – Licensed to 3am (680 patrons)

The packaged liquor sales will be during the sale during the day and for take-away meals until 9pm.

4. Transport and Dispersal

The proposed venue seeks to have a maximise of 250 patrons on site at any one time and parking is available in the surrounding area.

The venue manager will be on site at all times to ensure the responsible serving of alcohol in accordance with the liquor licence requirements, and management of departing guests.

5. Impact Mitigation

The potential impact has been carefully considered and informed by the Acoustic report, previous objections and complaints.

The outdoor patrons will be reduced to 25 people after 11pm in the covered smoking area. No music (including background music) will be played after 10pm (9pm on a Sunday).

The Patron Management Plan has been updated to ensure that there will be regular management of noise levels, ensure that doors remain closed and patrons are encouraged to leave in a quiet and respectful manner.

Noise

Clause 13.05-1S 'Noise Abatement' aims to control noise effects on sensitive land uses, such as dwellings. This policy required consideration of State Environment Protection Policy (Control of Music Noise from Public Premises) No. 2 (SEPP N-2).

There are nearby residences/ sensitive land uses at 222 Timor Street, 224-226 Timor Street, 63 Keppler Street, 53 Keppler Street and the Comfort Inn Hotel at 49 Keppler Street. Given the proximity of sensitive uses, an Acoustic Report has been prepared by Renzo Tonin & Associates (26 November 2020). The report responds to SEPP N-2. **Refer to Attachment 3 – Acoustic Assessment.**

Music noise levels will be monitored and the concerns of the nearby residents have been considered in this amended application. A permit is not required for the use of the land as a live music venue as a restaurant and bar is nested under the 'food and drinks premises'.

The Acoustic Report reports the noise levels in dB(C) whereby SEPP N-2 refers to dB(A) L_{eq15} . The noise measurement of dB(C) is sometime used for music noise measurement. The Acoustic Report was undertaken in November 2020 and a background noise assessment was unable to be completed at this time due to the Victorian Chief Health Officer Directions. Nevertheless, SEPP N-2 sets noise levels which are addressed in the report. If Council seek further clarification regarding background levels, this could be achieved through a permit condition.

The venue at 216-218 Timor Street is primarily an 'indoor venue' where music is played on a regular basis. It is also proposed to have limited outdoor live music events.

222 Timor Street

- Noise level shall be managed to not exceed 65dB(A) L_{eq15} (noise assessed for a minimum duration of 15 minutes)

Indoor music

- All doors from the bar to the courtyard, Timor Street and Restaurant to be closed when amplified music is played, and no amplified loud speakers shall be placed near the Timor Street facade or courtyard walkway. Amplified internal noise levels shall not exceed:
 - 85 dB(C) L_{eq15} after 9pm on Sunday and 10pm on Monday to Saturday; or
 - 100 dB(C) L_{eq15} at all other times.
- Background music noise levels should not exceed 75 dB(C) L_{eq15} near windows, doors and opening.

Outdoor music

- Background music noise levels shall not exceed 70 dB(C) L_{eq15} one (1) metre from any speaker and speakers should be placed away from overlooking windows at 222 Timor Street.
- No music is permitted after 9pm on a Sunday or 10pm other days.

The restaurant noise (where patrons are seated) generates lower noise emissions than patron noise from vertical drinking. The patron numbers will be limited outside to 25 persons and in the covered area to further reduce noise impacts. The indoor noise from music and patrons will be managed by keeping doors closed and limiting the noise levels. Based on the proposed location of the speakers and the permitted noise levels, the proposal will comply with SEPP N-2. The live music in the bar will be oriented to the bar to further minimise off-site impacts.

The recommendations in the Acoustic Report have been incorporated into the Patron Management Plan. The proposed levels are based on windows of the residential properties remaining closed.

Patron Management Plan

The Patron Management Plan has been updated in accordance with Condition 2. **Refer to Attachment 4 – Patron Management Plan.** The Patron Management Plan includes the following:

- Hours of Operation
Monday to Sunday 12pm to 1am the following day

Sunday 12pm to 12am, except where Sunday precedes a public holiday when the premise closes at 1am the following day

- Staffing and training
- Maximum patron number of 250 persons
- Limit noise and patron numbers in each area including after 11pm only 25 persons in the outdoor covered area

Signage

The application also seeks to install a new sign painted to the eastern side of the building. The sign will not be illuminated. The dimensions of the sign are 3m by 12.5m. The signage will not impact the heritage amenity of the area and the content of the signage is consistent with the colour palette of the building.

The signage requirement in the Commercial 1 Zone is Category 1. Category 1 applies to commercial areas. A permit is required for the proposed sign as the total area exceeds 8m² for a Business Identification sign is 36m² and will be visible on the eastern wall.



Figure 9 – Proposed Signage

Net Community Benefit

Overall, we believe this application will deliver a 'net community benefit' to Warrnambool. It is a commercial business which specifically implements key zone and policy objectives and sought to minimise unreasonable amenity impacts to the adjoining residents through Patron Management Plan, Acoustic Management and permit conditions.

7. CONCLUSION

The proposal seeks to increase the hours of operation, allow for package liquor sales during the day and increase the red-line area. The application is supported by an Acoustic Report and the updated Patron Management Plan. Based on the assessment in this report it is considered that the proposal can be managed to ensure that it will not result in unreasonable amenity impacts on the surrounding area.

The proposed signage will comply with the Warrnambool Planning Scheme and provides appropriate signage for the business in the City Centre. It will not unreasonably contribute to visual clutter and should be supported.



Kirsten Kilpatrick
Director – Town Planning & Strategic Advice

Objection to amended planning application number PP2015-0185.01 for 216-218 Timor St Warrnambool

I am the owner and occupier of 53 Kepler Street which shares a boundary wall with 216-218 Timor St.

It concerns me greatly that the Dart and Marlin operator proposes to extend operating hours and vary the red line plan. This would effectively allow it to run as an after-midnight nightclub.

The current operation already causes me considerable inconvenience and stress with loud music and crowd noise, street litter, vomit and urine on my walls.

There seems to be no consideration for the impact of the entertainment operation on neighbourhood amenity.

On many occasions the music has been so loud it has caused my furniture to vibrate and I and guests have barely been able to hear each other speak. I am aged 86 and do not appreciate the intrusion.

My property has been used for accommodation long before the Dart and Marlin began and before the former Gallery Nightclub. The argument that the Dart and Marlin has the right to operate in a commercial zone without hindrance can also be countered by the right for residents and guests to also live in the area without hindrance.

I strongly oppose the application and also call for strict noise conditions to be imposed on the current operation. At the very least there should be noise buffering installed around the walls and a sound-proof roof installed.

Yours sincerely

Erica Baker 0450654050

E. Baker

Warrnambool City Council	
- 4 JAN 2021	
Ref No	
Officer	
Scanned Yes / No	Ch;

Objection to Amended Planning Application Number: PP2015-0185.01

Dated: 4 January 2021

Site: 216-218 Timor Street, Warrnambool

Application to WCC to change liquor licence from a Restaurant Café Licence to a General Licence

The purpose of the application, put primarily as a result of COVID-19 is inconsistent with the broader proposal contained in the Application which includes –

- a. contemporaneous change to red line plan
- b. increase of trading hours until 1am
- c. provide for live music; and
- d. change to patron numbers.

Warrnambool Planning Scheme:

The below are relevant sections of the Warrnambool Planning Scheme and reference to the VCAT Red Dot Case *Swancom Pty Ltd T/as Corner Hotel v Yarra City Council & Ors*.

13.07-1S – Land use compatibility

Objective: *To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

Strategies:

- **Ensure that use or development of land is compatible with adjoining and nearby land uses.**
 1. The premises is located between 2 residential premises with a third to the Nth East also bordering the property. The proposal is not supported by WCC infill policy encouraging residential development to the CBD.
 2. Other authorities and policies such as the Yarra Planning Scheme state under clause 22.09 (drawing upon the *Residential Interface Study 2001*) states that trading after 11pm is not supported unless the responsible authority is satisfied that the use will not adversely affect the amenity of the area. The scheme refers to residential abuttal.
 3. The premises already operates as a bar rather than a restaurant serving alcohol without food outside the current permit conditions.
 4. Since it first started to trade, there has been a significant number of complaints by surrounding residents in relation to noise to WCC and Victoria Police. Generally these relate to “festivals” or long DJ sets and live bands with loud outdoor music and no dB output management.
 5. The properties located at 222 Timor Street and 114 Timor Street share sandstone boundary walls (with no insulation or air gap present) that transmits sound through to adjacent/above bedrooms in either dwelling. Sandstone is porous and transmits vibrations and sounds.
 6. The Venue is immediately surrounded by residential premises who have already been impacted by and made noise complaints to WCC or the Victoria Police. Many

of these premises owners operate holiday accommodation and the sound from the Venue (both inside and outside) has impacted occupancy and or resulted in complaints.

7. Unit 1/222 Timor Street comprises 3 bedrooms all of which border the Venue on its first floor. Sounds from the beer garden and "woodshed" that is used as a live music stage impacts the amenity of the owners enjoyment of Unit 1 and their ability to sleep without being woken by people are easily heard in the garden.
 8. Unit 2/222 is one property removed to the west of the venue. See **Annexure 2** email from current tenant dated 18 December 2020 in relation to the amenity of the area and the impact the venue has had. The Liquor Control Reform Act 1998 describes amenity as *"the quality that an area has of being pleasant and agreeable"*. The planning object suggests amenity is *"to secure a pleasant, efficient and safe working, living and recreational environment"* (Planning and Environment Act 1987 s4(1)(c)). The neighbour's current experience is the opposite.
 9. The occupant of Unit 1 has stated that if the owner is not present the premises is often noisier and regardless she can hear patrons speaking in the current outdoor area which is slightly south of the bedroom. A larger outdoor area immediately under the upstairs bedroom with 25 patrons until 1am would significantly impact the amenity of the adjoining sleeping area. I have also personally experienced regular loud patron and music noise from the bedroom and living areas while I was residing at the premises. I requested the applicant to keep the doors of the premises closed but they were regularly left open.
 10. The Applicant has a history of failing to comply with the current planning permit conditions. Note current Noise & Amenity Plan and Patron Management Plan dated 31 March 2016 states that music at the premises will not be higher than "background" music levels at any time. There have been multiple noise complaints to the WCC and Victoria Police as a result of events and festivals on the site along with regular live music performances at greater than background music levels.
 11. Please see attached **Annexure 1** Noise & Amenity Plan/Patron Management Plan and letter from Applicant to an objector dated 10 December 2015 from WCC enclosing letter dated 7 December 2015 from the Applicant. The letter states that *"Specifically, there will be no live music or entertainment performed within the premises (page 15,5.4.1)."* There are regular bands inside and outside the premises at louder than background music levels.
- ***Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.***
 12. The surrounding effected premises are either residential or holiday accommodation/motel accommodation. This is an established accommodation precinct. The proposed change in use is incompatible with these historic and current uses.
 13. Historic licence extensions for events until 1am have resulted in multiple complaints to Police and WCC.
 - ***Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.***
 14. As above.

- ***Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.***

15. Holiday rental and Motel Accommodation will be impacted by an increase in hours and a decrease in amenity of the area.

Policy documents Consider as relevant:

Recommended separation distances for industrial residual air emissions (Environment Protection Authority, 2013).

Further points:

1. Management procedures and patron behaviour (even at 25 after 11pm) outside premises and/or are currently beyond the control of the applicant;
2. Management procedures in monitoring dB level from performers inside and outside the premises are outside the historic control of the applicant resulting in significantly higher levels of sound escaping the premises than previously permitted “background noise”.
3. See **Annexure 3** of a photograph taken on 24 December 2020 at 9.09 pm showing a large outdoor speaker facing the street rather than the style of speakers recommended in acoustic report held by the applicant since November 2020. Also forming **Annexure 3** is a photo of a concert by Didirri taken from the Warrnambool Standard showing large speakers used in an outdoor concert in late December again after alternate speakers were recommended in the acoustic report.
4. Propose Management procedures to work with neighbours and address complains have not been adopted and or resolved. The Applicate rejects requests from neighbours to reduce noise by stating “the area is a commercial zone and I am entitled to conduct business in this manner”.
5. Air lock doors are generally chocked open for ease of patron movement allowing sound and noise to escape.
6. Speakers are turned up in outside areas higher than as background noise forcing patrons to speak louder with a competitive effect between patrons and music volume.
7. The cumulative impact will be significant on the neighbouring residents, tenants and guests.
8. The area is not a dense entertainment area.
9. There is no evidence of random site inspections from planners to determine current behaviour or offer neighbours comfort that this will occur;
10. The application has demonstrated a consistent disregard for existing planning permit conditions and amenity of the surrounding uses.

Objection:

11. Live music venues and residential/holiday and motel accommodation are not compatible.
12. WCC is encouraging infill residential use of CBD properties.
13. These decision guidelines require a consideration, as appropriate, of the impact of the hours of operation or the number of patrons on the amenity of the surrounding area,

and the cumulative impact of existing licences and the proposed licence on the amenity of the area.

14. The area has no other live music venues nearby.
15. If approved the need for a licence until 1am Monday to Saturday evening is excessive.
16. Management procedures and patron behaviour (even at 25 after 11pm) outside premises and/or are currently beyond the control of applicant;
17. Current operating guidelines and management plans are inadequate.
18. There will be adverse off site impacts due to noise such as reduced occupancy of holiday accommodation and an inability for neighbours to enjoy a peaceful environment in their home.
19. The applicants current use impacts the sleep of surrounding neighbours. Permitting the application will impact sleep further.
20. Management procedures in monitoring dB level from performers inside and outside the premises are outside the historic control of the applicant resulting in significantly higher levels of sound escaping the premises than previously permitted "*background noise*".
21. The proposal is inconsistent with principles of orderly and proper planning.

Section 13.07-3S Live Music

Objective: *To encourage, create and protect opportunities for the enjoyment of live music.*

Strategies: *Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues. Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

Policy guidelines: *Consider as relevant: The social, economic and cultural benefits to the community of:*

- *Retaining an existing live music venue.*
- *The development of new live music entertainment venues.*
- *Clustering licensed premises and live music venues.*

WCC must identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.

Current behaviour:

1. The applicant already considers the venue a live music venue without the current permits. Excerpt from advertisement from 2018 for a Head Chef on Indeed.com headed “*Head Chef - The Dart and Marlin*” the add states “*The Dart and Marlin next door is a bar and live music venue that supports local, national and international talent, providing an inclusive and welcoming space for everyone.*”
2. Background music levels are not complied with. Normal conversations are not possible within the premises. The Applicant regards the bar as a live music venue. Advertising and gig guides reflect this.
3. The owner has maintained the live music brand since 2018. This approach has been adopted well before this application was made.
4. There are no live music venues or clusters of live music venues in or around 216-218 Timor Street. The closest live music venue and or cluster is the Whaler’s Hotel and the Lighthouse Theatre.
5. The Renzo Tonin & Associates Executive summary suggests that if the Dart and Marlin can operate in conformance with the relevant criteria there will be no adverse impact on the neighbours. This is particularly concerning for the neighbours on the basis compliance with noise is a continuing issue.
6. The Gallery Night Club had considerably better noise reducing/insulation installed to reduce noise escaping the premises.
7. The comparison between the Dart and Marlin and other later night licenced venues such as ToTo and The Royal Hotel are not relevant in that they are not live music venues surrounded/abutted by residential premises. ToTo is a café, and the Royal Hotel and function room/medical clinic.
8. Warrnambool City Council support and encourage infill living in the CBD. Entertainment venue operators need to be amenable to amenity of the local area rather than relying on zoning to justify excessive noise.

Objection:

1. There are no other live music venues nearby.
2. The venue is not in a live music cluster.
3. Live music venues and residential/holiday accommodation is not compatible.
4. The regularity of live music proposed as “normal” allows neighbours with minimal “band free” weekend.
5. The sound escapes/passes through the premises roof which is not insulated and through adjoining/shared sandstone boundary walls.
6. Street front speaker is loud and excessive.
7. The orientation of the stage/storage area sends music into the adjacent dwellings at 222 Timor Street.
8. Other municipal planning guidelines prevent licences after 11pm where they abut a residence.

Section 52.27 – LICENSED PREMISES

Purpose: To ensure that licensed premises are situated in appropriate locations. To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Scope: These provisions apply to premises licensed, or to be licensed, under the Liquor Control Reform Act 1998.

Permit required: A permit is required to use land to sell or consume liquor if any of the following apply:

- A licence is required under the Liquor Control Reform Act 1998.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

This does not apply:

- To a limited licence.
- To a licence to manufacture liquor.
- If the schedule to this clause specifies that a permit is not required to use land to sell or consume liquor under a particular type of licence.
- To a variation that reduces the hours of trading allowed under a licence.
- To a variation that reduces the number of patrons allowed under a licence.
- To a variation that reduces the area within which liquor is allowed to be consumed or supplied under a licence.
- To a variation of licence at the initiative of the Victorian Commission for Gambling and Liquor Regulation, pursuant to Section 58 of the Liquor Control Reform Act 1998.
- To a variation of licence for a variation prescribed in Part 6, Regulation 31 of the Liquor Control Reform Regulations 2009.
- If a different licence or category of licence is required solely as a result of changes to licence categories.
- To a licence to sell only packaged liquor for consumption elsewhere issued before 8 April 2011.

The schedule to this clause may specify that a permit may not be granted to use land to sell or consume liquor under a particular type of licence.

Referral of applications: An application must be referred and notice of the application must be given in accordance with Clause 66 of this scheme.

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

The Municipal Planning Strategy and the Planning Policy Framework.

The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

The impact of the hours of operation on the amenity of the surrounding area.

The impact of the number of patrons on the amenity of the surrounding area.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

WCC must consider if the licenced premise is situation in an appropriate location and to ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.

Current behaviour and response:

The applicant currently relies on the “commercial zoning” to justify music played over and above background music levels. The neighbours are extremely concerned that the applicant has the ability to ensure that a management plan is enforced. The management plan accompanying the application is deficient to the extent that it does not adequately address measuring band sound levels outside, inside and reflecting the acoustic report relied on in the application.

The current premises already operates outside of the current licenced time frame past 11pm. The premises already operates as a bar rather than a restaurant serving alcohol with food.

There is very little in the application that addresses how the noise of 25 occupants entertaining themselves in a semi covered in external area is going to be managed between 11am and 1pm let

Objections:

1. Selling packaged liquor separately to food and beverage sale does not require a 1am licence and is outside the scope of the application which is based on COVID trading implications.
2. WCC has a policy encouraging infill residential use of CBD properties. How is this in line with granted venues surrounded by residential premises extended hours?
3. The decision guidelines require a consideration, as appropriate, of the impact of the hours of operation or the number of patrons on the amenity of the surrounding area, and the cumulative impact of existing licences and the proposed licence on the amenity of the area.
4. Management procedures and patron behaviour (even at 25 after 11pm) outside premises and/or are currently beyond the control of applicant;
5. Management procedures in monitoring dB level from performers inside and outside the premises are outside the historic control of the applicant resulting in significantly higher levels of sound escaping the premises than previously permitted “background noise”.

If approved the need for a licence until 1am Monday to Saturday evening is excessive.

The primary objection and concerns for neighbours is the Applicant’s history of non-compliance with his own management plan and disregard for planning permit and liquor licence conditions.

Additional information:

Annexure 4 shows email correspondence with WCC on 26 March 2019 with a private complaint from a guest and email dated 2 April 2019 maintaining concerns expressed on behalf of neighbours about the noise levels from the premises and the amenity of the area.

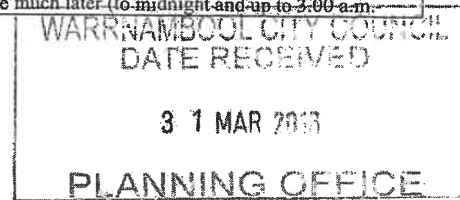
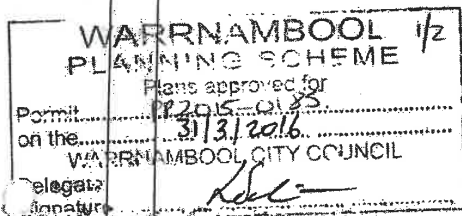
Annexure 5 provides a summary of the issues raised with the Applicant, WCC and expresses a historic invite to work through issues.



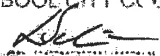
taylorl@taits.com.au

Annexure 1

Noise & Amenity plan/Patron Management plan		
The Dart and Marlin, Pizza restaurant. 216 –218 Timor Street, Warrnambool		
	Item	Action
(a)	Planning approval	Ref: PP2015-0185
(b)	Hours of operation.	Monday –Thursday: 3pm - 11 pm Friday – Sunday: 12pm - 11pm
(c)	Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.	It is not expected that the level of patronage will require any special measures. Tables and chairs are located toward the rear of the premises to reduce any congestion upon patron arrival or departure. All patrons to the site will enter and exit via the Timor Street entry points. No public access will be given via the rear laneway.
(d)	Training of staff in the management of patron behavior.	All staff employed will be required to have completed the minimum RSA training and possess the applicable certification. RSA training covers the following topics: <ul style="list-style-type: none"> ➤ problems associated with excessive consumption ➤ alcohol and the law ➤ the question of who is responsible for RSA ➤ facts about alcohol ➤ improving the atmosphere of your premises ➤ handling difficult customers ➤ Service to minors <p>An RSA training register will be maintained and copies of employee certificates will be kept on file.</p> <p>All staff employed upon induction will be made familiar with the Patron Management Plan (PMP), with copies of the plan to be kept on hand in the general operating procedure folder to be administered by the manager on duty.</p> <p>A logbook of any incidents involving patrons will be kept on hand, detailing the time, location and description of the incident, staff involved, witnesses, and the names of patrons if available. Any complaints made by patrons, neighbors or otherwise will also be kept on hand, with the details recorded and made available to concerned authorities upon request.</p>
(e)	Provision of free drinking water	Drinking water will be provided free of charge to patrons
(f)	Signage to be used to encourage responsible off-site patron behavior.	A sign will be displayed at the exit of the premises advising patrons to respect the amenity of nearby residential areas and to leave in a quiet and orderly manner.
(g)	Measures to control noise emissions.	A closing time of 11.00 p.m. will not adversely affect the amenity of the surrounding area. There are two other businesses in close proximity (the Last Coach hotel and the Gallery Nightclub) whose operating hours are much later (to midnight and up to 3.00 a.m.).



		refer to pages 16 & 17 of the planning application for full details of operating hours for those businesses).
		See also (h) and (i) below
(h)	General rubbish storage and removal arrangements, including hours of pick up.	As per the permit, rubbish will be stored in appropriate containers and removal will be between the hours of 7.00 a.m. and 6.00 p.m., Monday to Friday only.
(i)	Bottle and glass disposal/noise abatement.	Bottles will not be placed in external garbage bins after 10.00 p.m. on any night, or before 9.00 a.m. on any day.
(j)	Maximum number of patrons	As per the permit the restaurant when at full capacity is licensed for 250 patrons.
(k)	Music levels	The venue will not permit music on the premises at higher than background levels at any time.
(l)	Litter management	Staff will conduct routine sweeps of the footpath area at the front of the shop and immediately adjacent to the shop to monitor for any take away packaging that has not been correctly disposed of by patrons during the opening hours. At the completion of days trade a final sweep will be undertaken and a logbook kept to document the final sweep.

WARRNAMBOOL 2/2
PLANNING SCHEME
Plans approved for
Permit PP2015-0185
on the 31/3/2016
WARRNAMBOOL CITY COUNCIL
Delegated Signature 

WARRNAMBOOL CITY COUNCIL
DATE RECEIVED
31 MAR 2016
PLANNING OFFICE

Our Ref: PP2015-0185

10/12/2015



WARRNAMBOOL
CITY COUNCIL

Erica Baker
Warrnambool Outreach
53 Kepler St
WARRNAMBOOL VIC 3280

Dear Sir/Madam,

APPLICANTS RESPONSE TO OBJECTION(S)/SUBMISSION(S)

APPLICATION NO: PP2015-0185
DESCRIPTION: Liquor Licence (Restaurant & Cafe)
LOCATION: 216-218 Timor St WARRNAMBOOL VIC 3280

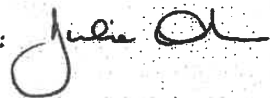
I refer to the above-mentioned Planning Permit application and to your objection/submission to the proposal.

A response from the applicant to your objection/submission has been received. Please find enclosed a copy of this response for your consideration.

Council requests that you advise in writing within 14 days from the date of this letter whether you would be prepared to withdraw your objection to the application in light of the further information received and enclosed. Should no response be received by the date, your objection will be considered to continue to be held.

If you have any queries, please contact Planning Support on 55594800.

Yours faithfully,

Per: 

Marlisha O'Flaherty
Town Planner
CITY DEVELOPMENT

Civic Centre 25 Liebig Street
Warrnambool Victoria Australia
PO Box 198 Warrnambool VIC 3280

Telephone (03) 5559 4800
Facsimile (03) 5559 4900
Ausdoc DX 28005

Website: www.warrnambool.vic.gov.au
ABN 44 594 246 321

David de Carteret

30 Plant Street

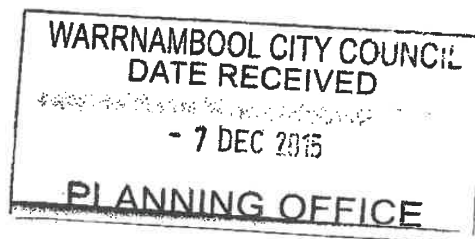
Northcote 3070

Warrnambool City Council

Civic Centre

25 Liebig Street

Warrnambool 3228



Dear Marisha,

PP2015-0185 - Planning application for 216-218 Timor St.

Re: objections received from Erica Baker and Peter & Gayle Collins with regard to the above application

The following comments & responses are made in relation to the objections raised by the above parties.

With regard to concerns raised by Erica Baker:

(a) Additional street litter from pizza and alcohol containers

Response:

- (i) the licence for the venue does not provide for the sale of packaged liquor (page 11, 4.2)(nor is the applicant seeking such a licence). Any liquor provided to patrons is to be consumed on site.
- (ii) It is expected that the majority of the production from the pizza component of the business will be consumed on site, reducing the number of pizza containers leaving the premises. As there is ample seating for restaurant patrons it is reasonable to expect that any pizzas that are sold take away will be destined to be consumed by customers at home or an alternative venue away from the subject site.
- (iii) Staff will be required to do a "sweep" of the area immediately adjacent to the business leading from the shop front at 216 – 218 Timor Street to the corner of Timor Street and Kepler (inclusive of the footpath and street frontage of Erica Bakers residence) at the close of business and routinely within the course of the evening trade to account for any litter that may have originated from restaurant patrons. A log book of these sweeps will be kept on site and monitored by management to identify any problem times or areas with any arises issues to be addressed

(b) Additional noise in the neighbourhood from music and patrons of the proposed business

- (ii) As noted in the application, noise levels will be consistent with normal day to day operations of a restaurant.
- (iii) To further reduce noise, placement of bottles in bins will be limited to between the hours of 9.00 a.m. and 10.00 pm.
- (iv) Specifically, there will be no live music or entertainment performed within the premises (page 15, 5.4.1).
- (v) Patrons will not use the rear for entry or exit. Entry and Exit by patrons to the premises will be via the shopfront at 216-218 Timor St.

Summary

As noted in the above responses, the applicant is seeking to differentiate the venue from other nearby licensed premises in offering a more subdued environment for the enjoyment of patrons. It is therefore conceivable that the addition of the venue will have a socially positive effect on the behaviour of the patronage within the vicinity. It is expected that any disturbance to neighbours will be minimal during the hours of operation and non-existent after 11.00 p.m. It is also important to acknowledge that the premises are located within the Commercial 1 Zone, which permits a restaurant as a section 1 use.

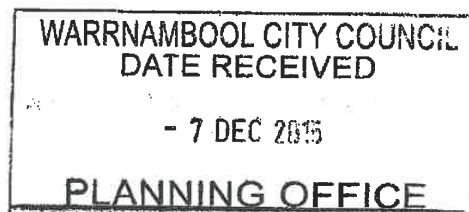
Kind regards,



David de Carteret

Applicant

7th December 2015



Annexure 2

Luke Taylor

From: chris_moloney@bigpond.com
Sent: Friday, 18 December 2020 6:34 PM
To: Luke Taylor
Subject: Fwd: Proposed application for extended trading hours & red line extension at 216 Timor St

Saved: 0

[Get Outlook for Android](#)

From: chris_moloney@bigpond.com <chris_moloney@bigpond.com>
Sent: Thursday, 17 December 2020, 5:53 pm
To: taylorl@taits.com
Subject: Proposed application for extended trading hours & red line extension at 216 Timor St

Hi Luke,

I have just received a letter as the occupier of 2/222 Timor St, from W.C.C in relation to an application for extended trading hours and red line extension at Dart & Marlin Pizza restaurant. I am sure as the owner of my premises you would have also received the same letter.

I would like to draw your attention to a few issues I have with this application that directly effects the amenity of the general area and in particular my quality of life as a resident of 2/222 Timor Street.

* I am unable to entertain in my outdoor area due to loud music and foul language that emanates from the rear beer garden area of Dart & Marlin on Wednesday - Saturday evenings.

* My bedroom is located on the upper story fronting Timor Street and is also subject to sometimes loud music coming from a large speaker placed at Street level on the western boundary of Dart & Marlin shop frontage. There are a number of tables located on the footpath outside D & M which is also a concern in relation to crowd noise, particularly on warm nights.

If this application was to be successful, it would extend the disruption to the amenity from 11pm to 1am, which is totally unacceptable.

Kind regards

Chris Moloney
2/222 Timor Street, Warrnambool, 3280

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au>

Annexure 3





Annexure 4

Luke Taylor

From: Luke Taylor
Sent: Tuesday, 2 April 2019 9:36 AM
To: 'Jodie McNamara'
Cc: James Tait; pcollo71@gmail.com; tommie.conway@gmail.com; James Tait; 'JPhillips@warrnambool.vic.gov.au'; 'Coombes, Gary'
Subject: Dart and Marlin - Dance Party 6 April 2019
Attachments: IMG_5583.PNG; IMG_5579.PNG
Saved: 0

Dear Jodie,

I refer to previous correspondence.

I was on Instagram last night when an advertisement for a dance party at the Dart and Marlin appeared. With some basic investigating I can see there is a Dance Party scheduled for this Saturday 6 April 2019. The dance party commences at 6pm and concludes at 1am. The Dance Party is outside at the rear stage until 11pm before moving inside to continue until 1am.

Attached is a screen shot of the advertisement from Instagram showing the rear stage in use during the last dance party. I note that the rear stage continues to be used:

1. Without any permit application having been approved or made;
2. Outside the red line plan as confirmed by Gary Coombes.

Also attached is a screen shot of the Facebook page showing the hours of the proposed dance party. I have not been able to find a special liquor licence for the event but perhaps that is yet to be granted.

A point for clarification - the current liquor licence refers to the Footpath/External area. I have copied Gary Coombes into this email from Vic Police - wondering if the licence restricts serving alcohol at any "external" area after 10pm? If so I query the rear outdoor area being used past this time.

Currently the owner has applied for extended trading hours for his liquor licence in December, January and February with what appears to be another extended trading period for April. Certainly not what was proposed in his planning permit application and on his own material. The neighbours feel that the owner is creating a night club or "festival hub" by stealth and the amenity of the area continues to be effected at each event. You might recall that after the last Dance Party in February I emailed the WCC with a complaint from the neighbour. Last week I received a private complaint from a guest at our apartment that is one over from the premises about the noise.

I have previously asked if there will be any WCC monitoring of the amenity from a dB perspective as I know that the laneway party off Liebig Street was monitored before being terminated. I asked if anyone would be attending the last Dance Party in February but no response was received. I again query what steps will be taken given the neighbours continue to maintain concerns about the impact on the amenity of the area combined with the business owners apparent continued disregard for planning, liquor licensing and the neighbours.

Kind regards,

Luke Taylor | Principal
Litigation & Family Law Group

Direct Line 5560 2164 | Email taylorl@taits.com.au
121 Kepler Street Warrnambool VIC 3280

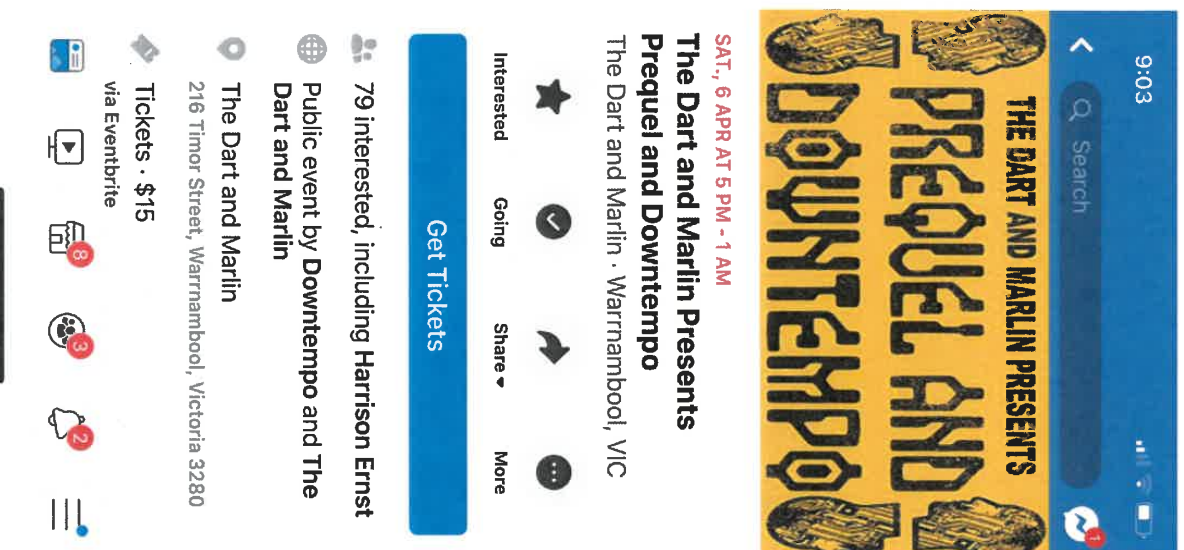
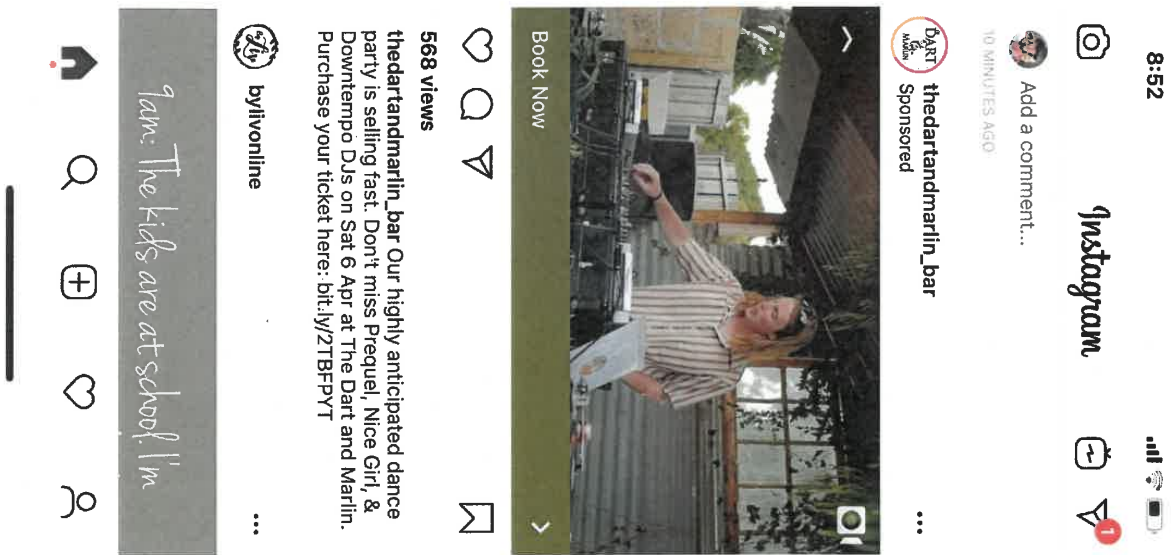
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Luke Taylor

From: Luke Taylor
Sent: Tuesday, 26 March 2019 10:20 AM
To: 'Jodie McNamara'
Cc: James Tait; 'tommie.conway@gmail.com'; 'pcollo71@gmail.com'
Subject: Dart and Marlin - Accommodation Feedback
Attachments: IMG_8044.PNG.png; ATT00001.txt

Saved: 0

Dear Jodie,

Keeping you up to date with feedback about the Dart and Marlin Bar.

One of our guests from the weekend of 23/24 March 2019 left the attached feedback by way of private message. Thankfully the feedback was a private message and was not made public as it is likely to impact future bookings.

I remain concerned that the bar is effecting the amenity of the area and this private feedback suggests that guests are noticing this too.

I remain concerned that not a great deal is being done by the WCC to ensure that the rear stage, or "storage shed" as suggested by the tenant, is being taken down and that noise levels are maintained so as not to impact the amenity. Commercial Zoning or not the amenity of the surrounding properties ought not to be effected by the bar.

Furthermore the business owner's own material while working through the objection process states that he would not be having living music inside or outside at the venue. Clearly this is not being adhered too.

I look forward to hearing from you.

Kind regards,

Luke Taylor | Principal
Litigation & Family Law Group

Direct Line 5560 2164 | Email taylorl@taits.com.au
 121 Kepler Street Warrnambool VIC 3280
 PO Box 311 (DX 28003), Warrnambool VIC 3280

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-----Original Message-----

From: Luke Taylor <TaylorL@taits.com.au>
Sent: Tuesday, 26 March 2019 10:08 AM
To: Luke Taylor <TaylorL@taits.com.au>
Subject: Accomodation Feedback

••••• Telstra 4G

7:53 pm

📶 🔋

⏪

Inbox (155)

⏩

Chelsea's private feedback for you:

"Hi Natalie, Our stay at you air bnb was really great, besides the noisy bar under us, which I understand isn't at your fault! Besides that we had a really great stay with our son, the little touches like having bubble bath and kids shampoo was really nice and appreciated! I will recommend this place to anyone who's looking for a weekend away! Cheers, Chelsea."

Now that you've both written reviews, we've posted them to your Airbnb profiles.

While Chelsea's feedback can't be changed or removed, you can write a response that will appear directly below it.

Write a Response

🚩

📁

🗑️

↩️

✍️

Annexure 5

Premises: The Dart and Marlin

Address: 217 Timor Street, Warrnambool

Concerned Parties:

Neighbours and business owners.

Issues for Clarification:

1. Warrnambool City Council Infill Policy

Encouraging living in the CBD and enjoying the city. What is the balance between resident and commercial businesses and how to ^{dowe} manage that so that everyone is content.

Once a business has a permit and liquor licence how is the amenity of the area managed?

See attached plan showing residents highlighted in orange effected by the noise from the venue.

2. Noise Generally – Summary

- a. Initially the business was going to sell pizza's and provide drinks via a small bar. The pizza bar closes at 10pm while the bar remains open until 11pm and often later. Query if a café bar licence meets this arrangement as food accompanying alcohol is primary requirement.
- b. Meeting with owner in relation to the business plans summarised by 222 Timor Street owner dated 18 March 2015. See Annexure 1 summarising meeting and plans and correspondence back from owner.
- c. 16 April 2016 while building works were being completed (outside building permit hours) at 3.47am with power tool and loud music noise from the pizza shop and bar area. Message apologising for noise from owner dated 8 July 2016. See Annexure 2
- d. Superficial signs to remind patrons to keep noise down is not an adequate method to reduce noise.
- e.
- f. Over the last 18 months there has been a significant increase in live music at the premises which is generally loud. This takes place in the bar section and in the basement. The music is often combined with music in the pizza shop so that three types of music playing at once.

During 2016 multiple text messages from 222 Timor St owner alerting business owner to noise. Text messages Not included by can be provided.

Correspondence on 23 November 2016 raising concerns about noise and correspondence about steps to reduce noise. Acknowledgement and apology from

owner. Offer put to have owner into property at 222 Timor Street to test for noise limits which is not taken up nor are any tests carried out seeking feedback. See Annexure 3 with email correspondence.

- g. Use of the basement – the basement shares a sandstone party wall with 222 Timor Street and sound travels directly through the wall into the hair dressing salon the residential premises upstairs. Multiple conversations have been held with the owner who has implemented some noise reducing insulation but has not taken the neighbour up on multiple invitations to test the noise levels and reach agreement as to an appropriate level of music.
- h. Licence ends at 11pm but is often open until 11.30pm with “last drinks”. Last drinks ought to be called at 10.40pm to ensure compliance with licence.
- i. Motel owner sights regular late night talking and noise at the front of the business after hours.
- j. Planning permit provides for end to curb side use at 10am. This was not enforced until complaints made.
- k. 10pm curb curfew pushes patrons to the rear garden of the premises causing greater noise until 11pm at rear of property.
- l. Noise from rear garden raised by 222 Timor Owners in late 2016. Discussion with business owner regarding location and reminding him of location of bedroom and surrounding dwellings. Outside area completed which did not encroach on the bedroom above which assisted to limit noise to bedroom.
- m. Email correspondence on 28 February 2017 raising concerns about noise of speakers. Text message correspondence around same time complaining of excessive external speaker volume. See Annexure 4.
- n. 222 Timor owners observed further works at rear of premises in September 2017. Email dated 1 September 2017 enquiring as to works. Response email dated 7 September 2017 confirming raised garden beds for herb gardens. See Annexure 5. On 19 January 2017 confirmed that the area would be a larger outdoor overflow area for patrons. Directly below neighbouring bedroom and emitting further noise in the neighbouring residences. Was confirmed verbally by owner there would not be out door speakers in that area unless a special event. Unsure what constitutes a special event.

Effectively we are at a stage where the owner says one thing and does another and instead of reducing the bass or music level generally to address the noise situation says that they are trying or that they have signs up or that the building is old and it is not insulated. Ultimately the owner states

that the zoning is commercial and he is not in breach of anything. 222 Timor Street owners have raised multiple times the amenity of the area and how everyone has a right to enjoy the space.

3. Liquor Licence trading hours

Often operating after 11pm.

Note the lease for the premises states that no noise is to be emitted from the premises after 11pm. Clause inserted on the basis of surrounding residents.

Special event licences – not communication with neighbours about the extended hours and noise.

4. Building/Planning Permit

a. What is the requirement for the pizza flue system? Very short from roof height and does not raise cooking smell. Are there requirements for this?

b. Operating DJ's and Bands in the basement:

- i. There are limited exits and no safety exit signs installed. What if there is a fire? Is this actual use permitted? See Annexure 6 with images from basement and confirmed extended trading hours. Note in the images there is no insulation in the ceiling whatsoever.
- ii. What is the height of a room to permit it to be used in a commercial premises?
- iii. Limited and DIY insulation has been installed to reduce noise. No professional consultation or engineering has been carried out.
- iv. The basement forming part of the venue to be used as a live music area was not made clear in the planning permit application.
- v. The planning permit was to operate a pizza shop and bar. There was limited reference to loud live music forming a significant aspect of the business structure and or two day festivals.
- vi. Air lock style doors are installed but generally chocked open. The doors must be to close so that they reduce the noise "loss" from the building. See Annexure 7.

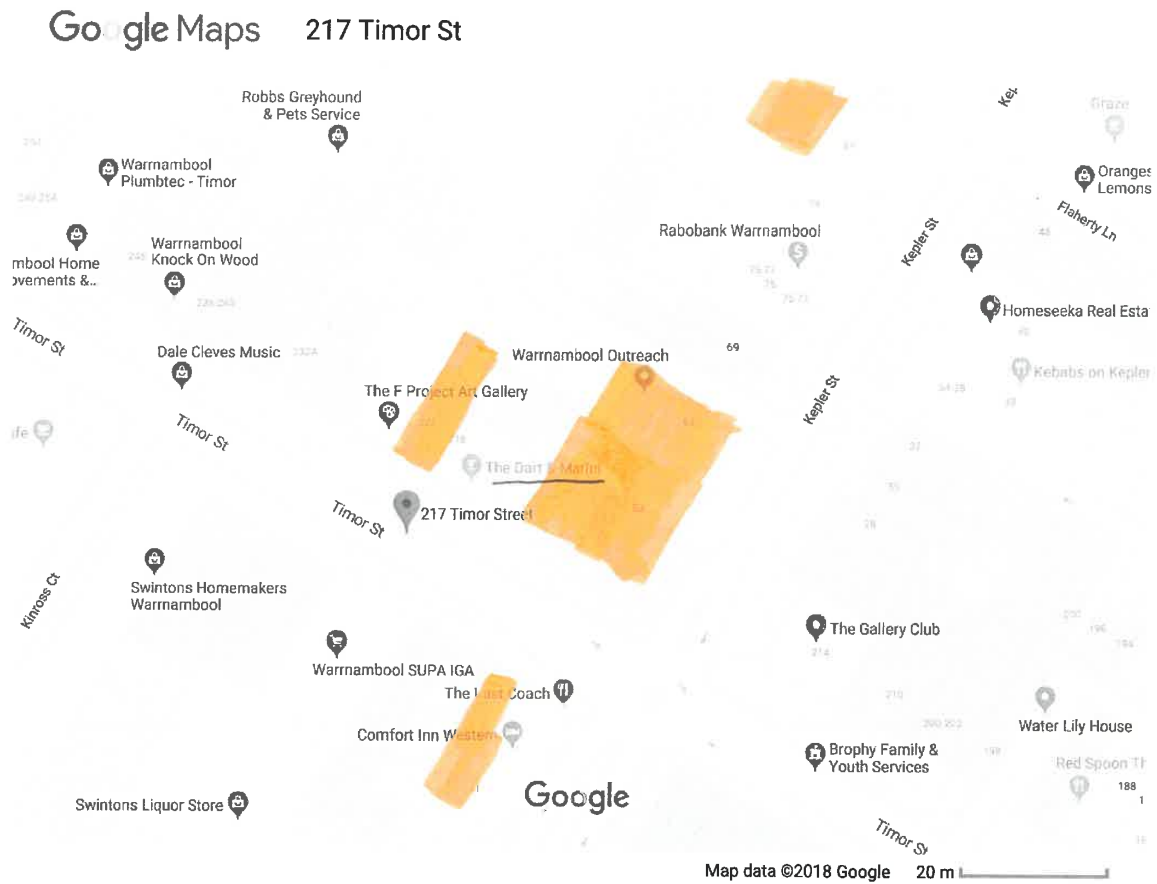
5. Two Day Music Festival advertised as the "Cooking Channel":

- a. See Annexure 8 showing the gig times.
- b. Was a permit obtained for a festival? Covering:
 - i. Crowd management and or security;
 - ii. Operating hours;
 - iii. Consultation with neighbours;
 - iv. Noise;
 - v. Liquor licence hours – noting acts were scheduled from 9am until 11.30pm when the liquor licence is from 11am until 11pm.
- c. How does a two day festival operate under a Café Bar liquor licence? The sale of food with beverages is not the primary purpose.

- d. What consideration for noise is given to neighbours when the music commences at 9am and goes until 12pm?
- e. Is the construction of the stage within the red line area and or planning permit area?
 - i. If not what are the consequences of this?
 - ii. What steps can be taken so the noise is managed?
- f. Construction of Stage at rear of property:
 - i. Was a building permit obtained?
 - ii. Has it been engineered and is it/was it safe? Public liability issue.
- g. Owner confirmed with 222 Timor owners that he intended removing and reinstating the stage from time to time to have larger live music gigs. Stage is directly outside large window of 222 Timor. Discussed amenity of area and how that will be impacted and how his initial position to work with the neighbours no longer exists since he has his permits. Unpleasant conversation and unwilling to discuss alternative possibilities and how the business model seems to have significantly changed since the permit was obtained.

217 Timor St - Google Maps

<https://www.google.com.au/maps/place/217+Timor+St,+Warrnamb...>



Annexure 1.

Luke Taylor

From: David de Carteret <davedec@gmail.com>
Sent: Wednesday, 18 March 2015 1:44 PM
To: Luke Taylor
Subject: Re: 217 Timor Street
Saved: 0

Hi Luke,

Great to meet with you too.

I fully appreciate your concerns regarding the noise from the rear courtyard area, and limiting the use of the area past 11pm is something that I'd be keen to trial, at least initially while we ascertain if the courtyard noise is in fact an issue at all (with some luck it won't be).

As discussed I am available to the idea of restricting the movement of smokers after 11pm to the small area between the two external sandstone walls, and the use of a physical barrier to do so as part of the restrictions.

All of your concerns are really very reasonable and I'm more than happy to work toward a workable solution, including limiting base vibrations from music, the above mentioned restrictions on the back courtyard, and anything else that might come up in the future that has an impact on you and our guests.

Bottle noise from emptying bins could also present a disturbance for example, so I'll be doing what I can to limit this to early in the evening. Any other operational matters we might not have discussed that could have an impact on the amenity of the area I'll be addressing consistently both independently and in consultation with you and anyone else in the area who might be affected. And as such value any feedback or concerns you might have, so please don't hesitate to bring them up with me.

Just on that, have you had much to do with the neighbors immediately adjacent to my property on the east side? I'd like to get in contact with them.

I'm really confident that the business can be a positive for both of us, and look forward to working with you to make it so.

Once I have finalised the license application, I'll go through the specifics with you so that we are both on the same page and then go from there.

Cheers,

Dave.

On Tue, Mar 17, 2015 at 12:53 PM, Luke Taylor <TaylorL@tatts.com.au> wrote:

Dear David,

Thanks for meeting with me last week. It was great to meet you and hear about the plans you have for the site.

As discussed:

1. Nat and I will be operating a short stay style accommodation from the property and in the short term (subject to enjoying living there) will be residing in the unit next to the property you propose leasing.
2. You propose operating a wine bar café in the first instance and later expanding your operations to a pizza shop and holding functions in the rear rooms. Your licence and operating hours were proposed to be until 11pm during the week with your licence application to trade until 12pm or 1pm on weekends. I indicated that when we had met with Nicho he had stated to Nat and I that you were not after a late night young style crowd and would not operate past 11pm. You were going for the up market professional crowd and didn't really see noise as an issue.
3. I noted that your proposed operating hours don't reflect this and are a bit of a concern. Also if you intend to have functions at the rear section I said I would be surprised if they would end before 11pm.
4. You indicated that perhaps you could limit the area that the patrons could use and I think that is a terrific idea.
5. You also indicated that you have worked in Melbourne in hospitality and have experience operating venues that had mixed users similar to the one you propose renting and that you had successfully kept all users happy.
6. You also indicated that you would expect that with the right level of insulation around our units that the noise may not be the concern we expect it might be. Obviously we hold the same hopes.
7. We discussed being able to cross promote the respective venues and direct our customers to the café and wine bar for meals etc.
8. I indicated that we have concerns about the level of noise that will leave the premises. Our particular concerns exist around:
 - a. loud or at least deep bass noise that travels long distances. This is primarily as a result of feedback from neighbours around Coffin Sally's in Port Fairy. You indicated that you intend operating a business that utilises a much higher levels of structure/management than the owners of that business. That is comforting;

- b. noise from the outdoor “deck” area at the rear of the property at night.

9. We both expressed the desire to have a positive relationship so that both our ventures could operate successfully. Working together I think we can achieve this.

10. Perhaps a way of ensuring both of us are comfortable moving forward and each party's expectations are the same we could discuss further:

- a. The outdoor area be vacated at 11pm each night regardless of the licenced hours;
- b. Patrons using the function area not be permitted to exit the room to the rear “deck” area after 11pm;
- c. From 11pm utilise a method of preventing patrons exiting the function room or wine bar to the rear deck and confine them to the area between the two sandstone buildings. For example there might be a gateway that is used after 11pm to manage the flow of patrons. That would certainly provide Nat and I with comfort that we will not have patrons smoking and drinking below our bedroom at 1pm or later after “last drinks” has been called. Without the use of some form of barrier I don't know how else you could manage the issue without coming out to Police it every 5 minutes which would not be practical. You indicated that you would be open to a suggestion like that and I said I wondered how you would enforce it and not be seen to be the “party pooper” asking people to come inside after 11. Perhaps that won't be an issue for you given your experience.
- d. Smokers be required after 11pm to smoke at the front of the bar on the street or between the two sandstone buildings.

I have considered this in light of the weather we get in Warrnambool and the probability that there will not be a great deal of occasions when the rear deck is used until 11pm but I would certainly sleep better knowing we have an understanding in place.

I certainly don't want to come across as saying “we can get along but that will be based on doing things my way”. Please don't take it like that. I am just floating some ideas.

Both of us intend sinking large sums into the respective businesses and we need them to both operate profitably but to do that I think we need to have an understanding that is set out and clear between us both. I also have a certain level of emotional energy in the building having spent significant parts of the last two years sacrificing my family time to work on site to put us in a better financial position in the long term

and I would hate to be in bed each night of the weekend waiting for the noise to abate before being able to sleep. Basically this would crush my dreams.

Additionally I would not like customers staying in the accommodation to record poor reviews because of neighbouring noise. That might effect our trade.

As set out above, we can meet again to discuss this and consider some methods that might work for everyone.

I look forward to discussing this with you.

Kind regards,

Luke Taylor | Principal

Litigation & Family Law Group

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From: David de Carteret [<mailto:davedec@gmail.com>]

Sent: Tuesday, 10 March 2015 2:41 PM

To: Luke Taylor
Subject: Re: 217 Timor Street

Hi Luke,

That works well, I'll see you tomorrow.

Dave

On Tue, Mar 10, 2015 at 2:37 PM, Luke Taylor <TaylorL@taits.com.au> wrote:

Hi Dave,

Wednesday afternoon at 4.30 would work. Does that suit?

Kind regards,

Luke Taylor | Principal

Litigation & Family Law Group

Direct Line 5560 2164 | **Email** TaylorL@taits.com.au

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From: David de Carteret [mailto:davedec@gmail.com]
Sent: Tuesday, 10 March 2015 9:45 AM

To: Luke Taylor
Subject: Re: 217 Timor Street

Hi Luke,

Apologies, but I'm going to have to re-schedule our meeting. Unfortunately I can't get down to Warrnambool from Melbourne until tomorrow now.

Are you available Wednesday afternoon or Thursday morning?

Regards,

Dave

On Fri, Mar 6, 2015 at 4:00 PM, Luke Taylor <TaylorL@taits.com.au> wrote:

Thanks Dave, that's great to hear and really reassuring.

Looking forward to meeting you.

Luke Taylor | Principal

Litigation & Family Law Group

Direct Line 5560 2164 | **Email** TaylorL@taits.com.au

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From: David de Carteret [mailto:davedec@gmail.com]
Sent: Friday, 6 March 2015 3:55 PM
To: Luke Taylor
Subject: Re: 217 Timor Street

Great,

4.30 Tuesday works well for me. Coffin Sally has had a bit of a less structured approach than I have regarding operating a business.

I've also managed venues in Melbourne that are commercial/residential shared spaces and appreciate the responsibilities that come with operating in this type of set up.

Looking forward to creating a situation that works for both of us.

Regards,

Dave.

On Fri, Mar 6, 2015 at 3:39 PM, Luke Taylor <TaylorL@tats.com.au> wrote:

Dear David,

Thanks for the email and invitation. I am happy to meet with you on site next week. I would like to have a good relationship and as you say both prosper from our respective projects.

My concerns are based around noise as you can expect – particularly noise in the outdoor deck area that has been proposed along with loud music late at night.

I am aware that Coffin Sally's in PF often party late into the night and I am concerned that something similar might happen at your business. That would disrupt my potential guests.

While I appreciate that it is likely to be noisy living in the CBD there would be a need to agreement that outside noise be terminated at a certain time. This is the primary concern for us. We are sinking a fair bit into our project and to be asking for music to be turned down etc would wear thin and do nothing for our relationship – worst case scenario right there.

I think your idea of discussing our respective plans is good and we can discuss each parties concerns.

Lets meet Tuesday at 4.30pm.

Kind regards,

Luke Taylor | Principal

Litigation & Family Law Group

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From: David de Carteret [<mailto:davedec@gmail.com>]

Sent: Friday, 6 March 2015 3:21 PM

To: Luke Taylor

Subject: 217 Timor Street

Hi Luke,

Quite a bit has changed since Nick Spurr met and spoke with you last year regarding the project we were undertaking at the property next door to your own on Timor Street.

Nick is no longer involved as a business partner on the project, but very likely he will still be involved in a mangers role once the business is up and running.

I am now the sole owner/operator of the project and after what has seemed like an eternity of preparations am getting to the point where I will be applying for a liquor license very soon.

I would really like to get your opinion on what I am proposing to do next door so we can hopefully reach a position that works for both of us and also get a clear understanding of what both of our plans and expectations are.

It probably makes sense to meet on sight at Timor and have a bit of a chat and a walk through. Next week, perhaps Tuesday or Wednesday would work well for me, any time of the day I can be available.

Just as I assume Nick made clear to you last year, I really would like to work as closely with you as possible to make the two projects work in each others favour.

Kind regards,

David de Carteret

e: davedec@gmail.com

m: 0424 557 861

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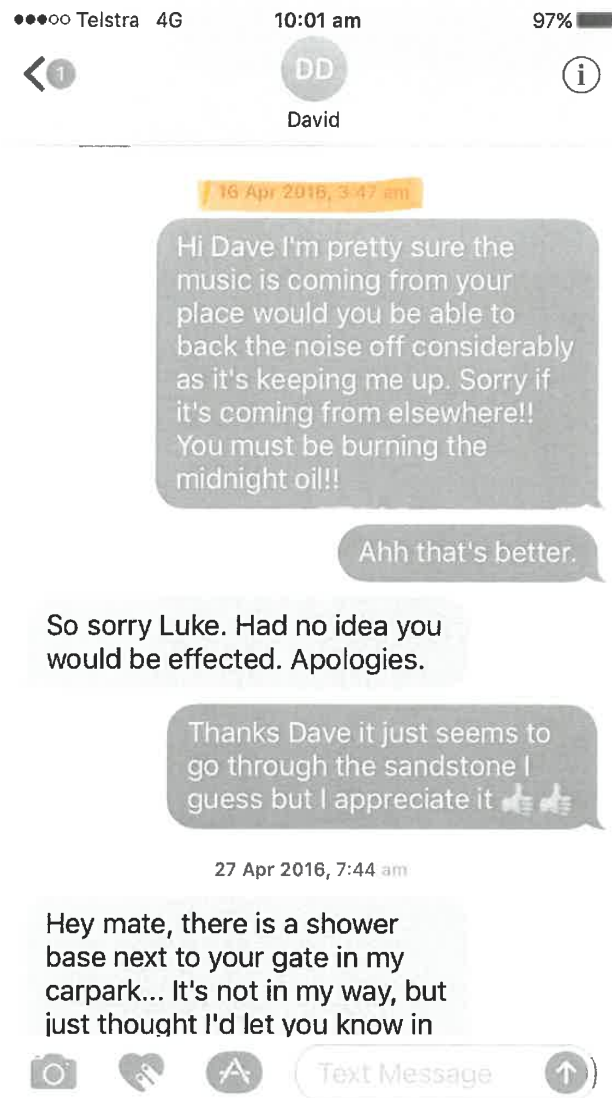
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Annexure 2.



Annexure 3.

Luke Taylor

From: David de Carteret <davedec@gmail.com>
Sent: Friday, 25 November 2016 11:54 AM
To: Luke Taylor
Subject: Re: Weekend Noise

Saved: 0
Timer: 0

Hi Luke,

Thanks for touching base, good to keep the communication channels open.

Saturday night

Regarding the event on Saturday night, I apologise. The space will not be used again for any purpose that involves the generation of music levels higher than normal until better sound proofing can be achieved - which will be done through a number of measures that include:

- replacing the existing external basement door with a double glazed, storm sealed door
- increasing sound absorbing material on the party wall - at the moment we have heavy curtains, but we will install a series of sound batts behind the curtains (or baffles) to absorb low frequencies.
- insulating the ceiling with sound absorbing acoustic foam.

Once we have taken the above mentioned measures we can go through a process of testing the impact on your home to decipher acceptable music levels as you have suggested. And look at further measure we could introduce if need be.

The event on Saturday was regrettable in so much as the music levels were not managed by our own staff, but by a third party - this won't be the case moving forward and in hindsight should have been avoided.

Bass levels from the pizza.

It's very unlikely that bass levels would sneaking up in the pizza shop. For this reason:

When you identified that the bass was a problem, we completely removed the capability of the sound system to produce low frequency in the pizza shop. This was done by taking the sub woofer out of the very small PC speaker system that we were and are still using.

If you have perceived increases in bass levels I was hazard a guess that you have been potentially responding to an increased volume of the music in the pizza shop after a certain hour due most likely to a number of things;

- staff have on occasion turned the music up while they packed down the shop. I have made all the staff aware of your most recent concerns, and will be increasing the signage in the back of house areas reminding staff to be aware of noise levels.
- as the shop empties out there is no longer bodies in the room to absorb the music, therefor more sound escapes the building.
- as the street gets quieter and traffic noise fades, music levels from our restaurant may become more perceptible.

Finally, there is no question that music levels from nearby business's other than our own are very loud and clearly perceptible from where I also live, above the shop. I'm not sure how possible it is to differentiate where the music is coming from within your home, but I do respectfully ask you to keep in mind that under certain conditions noise levels from both the Gallery and the Last Coach are much more perceptible than at other times, which could possibly also influence your perception of our music levels.

Apologies again about Saturday night, and I'll speak with the guys about closing routines.

Cheers,

David.

On Wed, Nov 23, 2016 at 10:31 AM, Luke Taylor <TaylorL@taits.com.au> wrote:

Sorry Dave – I see my email started with “Dear Davie” – a typo. Should have been Dave.

Luke Taylor | Principal

Litigation & Family Law Group

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From: Luke Taylor

Sent: Wednesday, 23 November 2016 10:27 AM

To: David de Carteret (davedec@gmail.com)

Cc: nat120@hotmail.com
Subject: Weekend Noise

Hi Davie,

Just touching base about the bass and noise levels on the weekend. I know you have invited me to speak to you about things and you are always very good to deal with but it does cause me stress so I thought an email would be best.

Friday night was OK aside from a higher than normal bass level from the "Standard Dave" pizza shop side. Perhaps they are sneaking up? The same was the case on Sunday night (but worse) and so I popped in and asked the chef (who's name escapes me now but is really good to deal with) and Harrison if they could turn the music down. The chef admitted he had it cranked up and apologised – there was no one in the restaurant and it was about 10pm. I reminded them that we were right next door and shared a wall so could they please consider us. That was fine.

We had been watching a movie with the bass going on in the background. Your text message on 29 July said that there would be no bass in the pizza shop until a solution was found as the roof was rattling. I would appreciate it if you could remind staff about this arrangement. I also note that it is not just the roof that rattles – the noise transfers through the party wall that is about 250mm thick sandstone which leads me to my next point.

On Saturday night it was really loud – bass and treble. Harrison explained on Sunday night during our conversation that your special event had been held in the basement. He also agreed that it had been "Thumping!" (his words).

When we were in the children's bedroom and guest room that night you could audibly make out the music from the basement rather than just a muffled noise from the restaurant as is sometimes the case. The noise must have been transferring from the basement up the wall into that part of our house which then emanates throughout the rest of our house. There has only been one other occasion when this has happened and that was while you were away. I believe there is virtually no steps you can take to avoid the transfer of bass/noise through that sandstone wall unless another false walls are installed – even then this might have a marginal effect.

I accept in terms of noise this is a learning experience/process for both of us but we are the only once negatively effected. I didn't want to say anything on the night as I didn't want to make a scene or spoil what I am sure was a terrific event but we were unable enjoy our house.

When we met on site before objections to your planning permit closed you categorically said to me that bass would not be an issue for us and that we would not be able to hear it from our house. I said that this was our biggest concern. I didn't object on the basis of our agreement. We regularly hear the bass on weekends but don't say anything as I hate coming to see you to ask you to turn it down. I don't enjoy being in my own house on those nights which is not fair and I don't enjoy having to come and speak with either you or your staff to ask for it to be turned down – something I shouldn't have to do anyway.

I have invited you on a number of occasions to do a test run or talk to us about events you are having so that we are aware and can either plan for it by going away or test run the bass so that you can set the levels. Harrison has been in and he could hear the bass which helped lead to it being turned down. You have not taken us up on our invites to test the noise but you have said that you agree that we shouldn't have to hear it or ask you to turn it down and you don't want it to be like that. Believe me, we don't either. Since July things have been much better and we appreciate this. There is the odd night when the bass is quite heavy as a result of certain tracks but we can live with that.

The difficulty we have is that things can be fine for a few weeks and then all of a sudden without knowing why there is a loud night. We wouldn't be able to have guests come and stay on those nights and I expect that if we rented the property on Air bnb, which we plan to do late next year, our reviews would be negative about the noise. Our business would suffer and it would lead to the devaluation of our property. We cannot afford that and I know you wouldn't want that for us. We need consistency around the bass/noise which we have had until recently.

We have inserted an additional wall in our bedroom and shortly double glazed windows will be installed along the front of both apartments. This will cost us around \$6,000 to try and make our house more enjoyable. We have taken steps to reduce the noise but from our end there is nothing more we can do.

I am happy to meet once you have digested this or alternatively look forward to hearing from you by email. I remain positive that we can work through this. We do appreciate all the other steps you have taken to keep the noise down so I don't want this to sound like a completely negative email, just some fine tuning.

Kind regards,

Luke Taylor | Principal

Litigation & Family Law Group

Direct Line 5560 2164 | **Email** TaylorL@taits.com.au

121 Kepler Street Warrnambool VIC 3280

PO Box 311 (DX 28003), Warrnambool VIC 3280

Luke Taylor

From: Luke Taylor
Sent: Wednesday, 23 November 2016 10:27 AM
To: David de Carteret (davedec@gmail.com)
Cc: nat120@hotmail.com
Subject: Weekend Noise

Saved: 0
Timer: 0

Hi Davie,

Just touching base about the bass and noise levels on the weekend. I know you have invited me to speak to you about things and you are always very good to deal with but it does cause me stress so I thought an email would be best.

Friday night was OK aside from a higher than normal bass level from the "Standard Dave" pizza shop side. Perhaps they are sneaking up? The same was the case on Sunday night (but worse) and so I popped in and asked the chef (who's name escapes me now but is really good to deal with) and Harrison if they could turn the music down. The chef admitted he had it cranked up and apologised – there was no one in the restaurant and it was about 10pm. I reminded them that we were right next door and shared a wall so could they please consider us. That was fine.

We had been watching a movie with the bass going on in the background. Your text message on 29 July said that there would be no bass in the pizza shop until a solution was found as the roof was rattling. I would appreciate it if you could remind staff about this arrangement. I also note that it is not just the roof that rattles – the noise transfers through the party wall that is about 250mm thick sandstone which leads me to my next point.

On Saturday night it was really loud – bass and treble. Harrison explained on Sunday night during our conversation that your special event had been held in the basement. He also agreed that it had been "Thumping!" (his words).

When we were in the children's bedroom and guest room that night you could audibly make out the music from the basement rather than just a muffled noise from the restaurant as is sometimes the case. The noise must have been transferring from the basement up the wall into that part of our house which then emanates throughout the rest of our house. There has only been one other occasion when this has happened and that was while you were away. I believe there is virtually no steps you can take to avoid the transfer of bass/noise through that sandstone wall unless another false wall is installed – even then this might have a marginal effect.

I accept in terms of noise this is a learning experience/process for both of us but we are the only once negatively effected. I didn't want to say anything on the night as I didn't want to make a scene or spoil what I am sure was a terrific event but we were unable to enjoy our house.

When we met on site before objections to your planning permit closed you categorically said to me that bass would not be an issue for us and that we would not be able to hear it from our house. I said that this was our biggest concern. I didn't object on the basis of our agreement. We regularly hear the bass on weekends but don't say anything as I hate coming to see you to ask you to turn it down. I don't enjoy being in my own house on those nights which is not fair and I don't enjoy having to come and speak with either you or your staff to ask for it to be turned down – something I shouldn't have to do anyway.

I have invited you on a number of occasions to do a test run or talk to us about events you are having so that we are aware and can either plan for it by going away or test run the bass so that you can set the

levels. Harrison has been in and he could hear the bass which helped lead to it being turned down. You have not taken us up on our invites to test the noise but you have said that you agree that we shouldn't have to hear it or ask you to turn it down and you don't want it to be like that. Believe me, we don't either. Since July things have been much better and we appreciate this. There is the odd night when the bass is quite heavy as a result of certain tracks but we can live with that.

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Kind regards,

Luke Taylor | Principal
Litigation & Family Law Group

Direct Line 5560 2164 | **Email** TaylorL@taits.com.au
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Phone (03) 5560 2100 | **Fax** (03) 5561 4567

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Annexure 4.

Luke Taylor

From: David de Carteret <davedec@gmail.com>
Sent: Tuesday, 28 February 2017 12:21 PM
To: Luke Taylor
Subject: RE: Basement Sessions

Saved: 0
Timer: 0

Hi Luke and Nat,

Following our conversation yesterday. We are endeavouring to better insulate for sound the basement.

This weekend we have jazz musicians playing from 8 - 9 on Saturday night, followed by solo musician who will be finishing between 10 and 10.15. The jazz musicians will play again on Sunday afternoon.

On Monday of next week we will build a fully isolated wall between the party wall in the basement and ours to hopefully further reduce impacting sound. I am also going to insulate the floor between the basement and the restaurant before the weekend that will also have a beneficial effect.

As you can appreciate this all comes at a significant cost, however I do care that you have a legitimate concern and will seek your feedback as the sound proofing is furthered.

Re: the speakers in the rear courtyard.

As agreed, they will remain at what we feel is a very low level up until 10pm. If the courtyard is disused after 10pm on any night I will instruct our staff to have the speakers turned off as the last group leaves. I will have this maintained by staff as consistently as possible.

Further more, I'll speak with council this week to discuss the prospect of keeping patrons kerbside beyond 10pm. We have preferenced the kerbside dining over courtyard up until the council directive last week as among other reasons a courtesy to you and will be pushing to have diners kerbside moving forward. Which I hope will take the majority of the outdoor activity away from the courtyard.

As we touched on yesterday. We are overtly aware of your presence and act accordingly to negate the impact our trading has on you where possible.

Given the age of the building there have been limits to what we can achieve with sound proofing (tin roof) but we have consistently responded and are continuing to do our best.

All the best.

Regards,

David.

On 8 Feb 2017 15:30, "Luke Taylor" <TaylorL@taits.com.au> wrote:

Hi David,

Thanks for coming back to me. It just sounds like it is coming up through the floor in the bedroom next to the pizza shop side. It would probably be a good idea if you just came inside our place one night when it was playing and had a listen although I know how busy you are. Would only take a minute.

Perhaps you are right with regards to the sound exiting above the door, maybe it is coming out there and it sounds like its coming through the floor.

The tests I am referring to are (subject to the door insulation not being the issue) some sound tests – as in you would set the music going at a level you would expect to play it at during the session and come and see what I am talking about and make adjustments. That way we could work on the levels of sound and try and ensure levels are managed. I honestly don't think you will be able to knock all the sound out from the basement due to the party wall but I would like to try such a test.

Nothing complicated although I do appreciate knobs get tweaked if the artist and crowd is enjoying themselves.

Kind regards,

Luke Taylor | Principal

Litigation & Family Law Group

Direct Line 5560 2164 | **Email** TaylorL@taits.com.au

121 Kepler Street Warrnambool VIC 3280

PO Box 311 (DX 28003), Warrnambool VIC 3280

Phone (03) 5560 2100 | **Fax** (03) 5561 4567

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From: David de Carteret [mailto:davedec@gmail.com]
Sent: Wednesday, 8 February 2017 3:16 PM
To: Luke Taylor
Subject: Re: Basement Sessions

Hi Luke,

I'm surprised that the levels in the basement are having an impact through the heaving stone wall, seeing as though none of our music has bass which can have the ability to vibrate the wall. More likely there is sound escaping from above the new door that has been installed in the basement which has a void that has been filled in with sound foam - but only a thin pre-existing outer tin skin.

I will have a look at how I can better insulate against noise escaping the basement tomorrow from above the door, which will likely require some minor but involved construction that I will be able to get to before next Wednesday.

After that - what type of test are you thinking?

Regards,

David

On Tue, Feb 7, 2017 at 6:32 PM, Luke Taylor <TaylorL@taits.com.au> wrote:

Hi Dave,

Just touching base about your recent and future basement sessions and works you have done to reduce the sound. Last Wednesday and Sunday came through clearly and I think it is travelling up the sandstone party wall. I am sure if we test some levels we can work something out. Sunday and Wednesday just gone wasn't restricted to just bass.

The main reason for the email is that my mother in law is coming down every Wednesday and will be in the room most effected.

If its just going to be a February thing then we don't need to worry. If you could just keep us in the loop that would be great.

Otherwise everything has been great and we otherwise thank you for all your efforts re bass/noise.

Kind regards,

Luke Taylor

Sent from my iPad

--

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
<http://www.mailguard.com.au>

Message protected by MailGuard: e-mail anti-virus, anti-spam and content filtering.
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[Report this message as spam](#)

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<http://www.mailguard.com.au>

Annexure 5.

Luke Taylor

From: David de Carteret <davedec@gmail.com>
Sent: Thursday, 7 September 2017 8:35 AM
To: Luke Taylor
Subject: Re: Update

Saved: 0

Hi Luke,

Trying to get some herb gardens in before spring.

We'll see how it goes at this rate though, not having too much luck with the weather.

Fingers crossed.

On Fri, Sep 1, 2017 at 1:06 PM, Luke Taylor <TaylorL@taits.com.au> wrote:

Hi Dave,

I see you are doing some work at the rear. Just wondering what your plans are.

Kind regards,

Luke Taylor | Principal

Litigation & Family Law Group

Direct Line 5560 2164 | **Email** TaylorL@taits.com.au

121 Kepler Street Warrnambool VIC 3280

PO Box 311 (DX 28003), Warrnambool VIC 3280

Phone (03) 5560 2100 | **Fax** (03) 5561 4567

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TaitsLegal CELEBRATING
150 YEARS
of Serving South West Victoria

Annexure 6.

●●●○○ Telstra

6:47 am

100%



Photo



thedartandmarlin_bar
The Dart and Marlin

** No insulation*



30 likes

thedartandmarlin_bar PSA: we are open Christmas Eve, and have **extended our opening hours** for this special and holy (moly) occasion. Indigo Children & special quests will be playing in the basement and if

●●●○○ Telstra

6:48 am

100%



Photo



33 likes

Annexure 7.

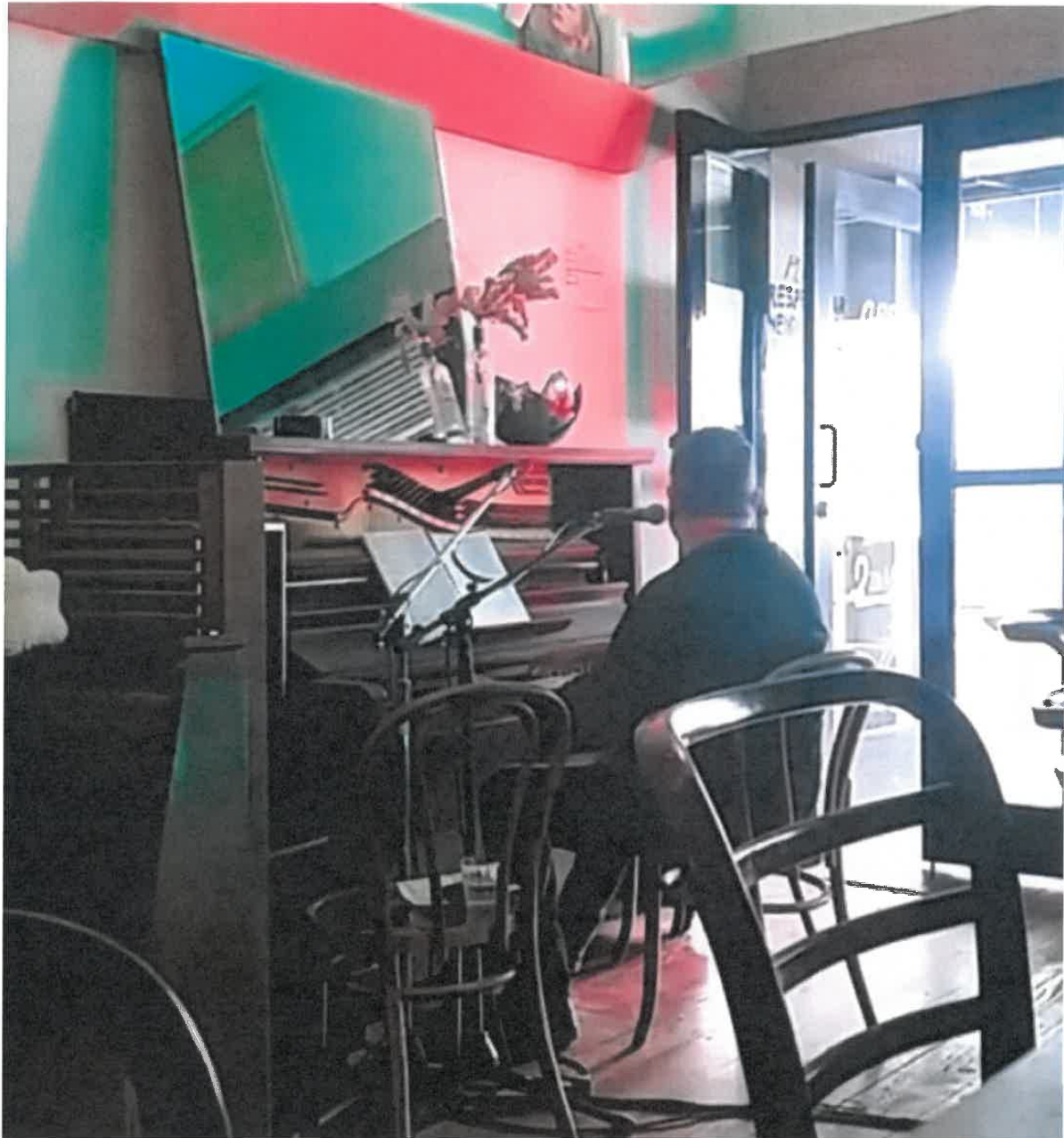
●●●○○ Telstra

6:47 am

100%



Video



269 views · Liked by navylioncafehar

Annexure 8.



Liked by **brightbirdespresso** and **21 others**

standarddavepizza Cooking Chanel is in TWO DAYS! There are THREE ticket options available for those of you who like to choice maximise and are after flexibility in your weekend: TWO DAY festival ticket pass – Let's be honest, the best ticket option. This will give you access to the whole festival, two huge days on Sat & Sun (\$60).

SATURDAY SINGLE DAY festival ticket pass – Giving you access to the festival on Saturday only, (\$40).

SUNDAY SINGLE DAY festival ticket pass – Giving you



Liked by **brightbirdespresso** and **21 others**

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SATURDAY SINGLE DAY festival ticket pass – Giving you access to the festival on Saturday only, (\$40).

SUNDAY SINGLE DAY festival ticket pass – Giving you

From: [Comfort Inn Western](#)
To: [Town Planning](#)
Subject: Objection to Dart and Marlin late licence
Date: Sunday, 3 January 2021 5:11:46 PM
Attachments: [image001.png](#)
[image002.png](#)
[image009.png](#)
[image010.jpg](#)
[image011.jpg](#)

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

To whom it may concern,

We at Comfort Inn Western Motel 49 Kepler Street Warrnambool, directly across the street from the Dart and Marlin, which to submit an objection to the Licence being applied for(1am trading).

The noise that we, and our guest have to put up with outside the venue, which permeates across the road at night is not something we want to deal with till 1am in the morning.

You then have to listen to the squealing, and yelling as guests depart, this is followed by the staff, shouting, singing, and a boom box blasting while they are taking furniture back inside.

Their licence is for 10pm on the street, (out of town police who were here for the May race carnival 2019 told us this) the licence also states, no live music, who is meant to be policing this permit,

We have called WCC, and been told it's a police matter, police tell us it's a WCC matter.

We are hoping the police will be contacted well before any decisions are made, in relation to infringements incurred by the venue.

We have had to go across the road on numerous nights to ask them to keep the noise down, this is always well after 11.30pm.

We don't want anyone's business to be disadvantaged, and if the permit was adhered to,(10pm everything off the street) I would be very happy, but I don't think we can rely on Dave or his staff to abide by this.

The aerial photo does not show the Comfort Inn Western Motel, being situated directly across for the Dart and Marlin out door eating area.

Also, hoping we receive the next mail from council on this matter, as we had to be informed by another business on this matter.

Thank you for taking the time to read our concerns.

Regards Bob and Deb Jones

GoldAward_Comfort_2018_Digital



GoldAward_Comfort_2018_SmlDigital



Comfort Inn Western
49 Kepler Street Warrnambool VIC 3280
Phone: +61 (03) 5561 5100
Fax: +61 (03) 5561 4500
Email: info@westernwarrnambool.com.au
Website: www.westernwarrnambool.com.au
ChoiceHotels.com.au | NeedaBreak.com



From: [Stephen Collins](#)
To: [Town Planning](#)
Subject: Objection to grant a planning permit
Date: Tuesday, 5 January 2021 1:28:22 PM

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Warrnambool City Council

Objection to amended planning application number: PP2015-0185.01 (Dart and Marlin 216-218 Timor St Warrnambool)

We own and operate 63 Kepler Street as a bed and breakfast accommodation venue.

Our rear boundary adjoins the Dart and Marlin outdoor entertainment area which operates with no soundproofing.

The crowd noise and music can be clearly heard in our rooms where up to 20 guests, including children stay. On some occasions the music volume from the Dart and Marlin has been so loud our guests have barely been able to hear each other speak, let alone try to sleep.

Nearby accommodation proprietors have told us of similar impact on their tenants/guests.

We would certainly be inconvenienced greatly if a licence extension was granted and loud outdoor performances and crowd noise continued.

We consider that noise insulation should be a requirement of the Dart and Marlin licence, now and into the future.

When the former Gallery Nightclub operated at the corner of Kepler and Timor Streets the operators were required to install sound proofing on the windows and doors to muffle the escape of noise into the neighbourhood. The Gallery was also required to have security staff to monitor patrons leaving the premises to minimise street disturbances.

The Dart and Marlin entertainment area has no soundproofing walls and no roof to reduce the noise volume from music and patrons.

We seek a requirement to have the entertainment area contained in a soundproof enclosure where minimal disturbance is caused to neighbouring residents.

Yours sincerely

Stephen Collins 0401895543 (sacoll89@gmail.com)

Mathew Collins 0400086670 (colloconnectelectrical@gmail.com)



Objection to Grant Planning Permit – Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless authorised or required by law. Council may not be able to process your request unless sufficient information is given.

Who is objecting?

I/We (Names in Block Letters)

Name(s) Vava Surname Sycopoulis

Name(s) Tommie Surname Conway

Address 89 Kepler St, Warrnambool Victoria

Post Code 3280

Telephone (Home) Telephone (Work)

Mobile 0400 343 736 Facsimile

Email Vavasycopoulis@yahoo.com.au

Signatures(s) Vava Vava Sycopoulis Date 3/1/21

Signatures(s) Tommie Tommie Conway Date 3/1/21

Important notes about objections to permit applications

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
3. To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice – Application for Planning Permit.
4. An objection must:
 - State the reasons for your objection: and
 - State how you would be affected if a permit is granted.
5. The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
8. To ensure the responsible authority considers your objection, make sure that the authority receives it by the date shown in the notice you were sent or which you saw in a newspaper or on the site.
9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



Objection to Grant Planning Permit – Part B

Please be aware that this page and any attachments of your objection/submission may be made available to any person for the purpose of consideration as part of the planning process.

What application do you object to?

Planning Application Number.....PP2015-0185.01 and PP2020-0272

What is the address of the land that is proposed to be used or developed?.....

216 Timor Street, Warrnambool

What is proposed? Change to liquor licence, extension of hours

What are the reasons for your objection? (If there is not enough room, attach a separate page.)

See attachment.

How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)

See attachment

What are the reasons for our objection?

1 This premises has regularly been too noisy resulting in us having to call authorities and lodge formal complaints on occasion – Council don't police the noise pollution so if the permit is granted, we've no recourse to ensure the conditions of permit are obeyed and observed. This important as the applicant has consistently contravened his current conditions of license and written commitments about allowing and managing noise at the venue. The owner has shown disregard and disdain for the neighbourhood in the past and granting a licence to 1am will exacerbate the issue as the duration of the excessive unmanaged noise will extend later into the night.

Noise & Amenity plan/Patron Management plan	
The Dart and Marlin, Pizza restaurant, 216 –218 Timor Street, Warrnambool	
Item	Action
(a) Planning approval	Ref: PP2015-0185
(b) Hours of operation	Monday – Thursday 9am – 11pm

(k) Music levels	250 patrons. The venue will not permit music on the premises at higher than background levels at any time.
l) Litter management	Staff will conduct routine sweeps of the footpath area at the front of the shop and immediately adjacent to the shop to monitor for any take away packaging that has not been correctly disposed of by patrons during the opening hours. At the completion of days trade a

Condition of the existing licence K is regularly ignored to the detriment of the amenity of the area.

2 The applicant has advised in writing to council that the venue will not be a live music venue. This is not the case and there is regular live music at the venue in contravention to the written responses when originally getting his licence to operate in the area.

- (ii) As noted in the application, noise levels will be consistent with normal day to day operations of a restaurant.
- (iii) To further reduce noise, placement of bottles in bins will be limited to between the hours of 9.00 a.m. and 10.00 pm.
- (iv) Specifically, there will be no live music or entertainment performed within the premises (page 15, 5.4.1).
- (v) Patrons will not use the rear for entry or exit. Entry and Exit by patrons to the premises will be via the shopfront at 216-218 Timor St.

Summary

As noted in the above responses, the applicant is seeking to differentiate the venue from other nearby licensed premises in offering a more subdued environment for the enjoyment of patrons. It is therefore conceivable that the addition of the venue will have a socially positive effect on the behaviour of the patronage within the vicinity. It is expected that any disturbance to neighbours will be minimal during the hours of operation and non-existent after 11.00 p.m. It is also important to acknowledge that the premises are located within the Commercial 1 Zone, which permits a restaurant as a section 1 use.

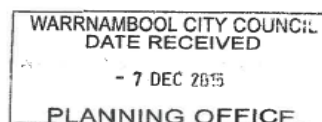
Kind regards,



David de Carteret

Applicant

7th December 2015



3. WCC are supporting residential living in the city which I too am supportive of to allow pedestrian access to the restaurant district / hospital /pubs /medical etc. It is difficult to promote inner city living if there are consistent noise issue in pockets that are away from the general restaurant and nightlife area of lower Liebig Street. A question that needs to be answered is how will noise be managed before developers will have confidence in building apartments, renovating old buildings into boutique apartments or holiday homes etc in the inner city. Lax management of existing permits and creep on permits over time will be detrimental to the stated effort of promoting city living.

How will you be affected by the grant of a permit.

His current permit until 11pm seems already too long for the neighbourhood, there are no walls in the courtyard proposed and the noise travels quite far in the late evening and night when other background noise has abated. The noise from music and loud conversations make it difficult to sleep when the venue has live music events.

We regularly have visitors at our property and sometimes it's difficult to entertain outdoors when they have Live music as it's almost always too loud. When we're indoors, we have to close the windows to try shut out the noise.

When the music finally comes to and end....the noise of the patrons talking still carries on throughout the evening.

We strongly object to the application.



Delegate Planning Assessment Report

Application Details:

Application is for:	Vary a liquor licence to general and packaged liquor, increase the red line (licenced) area, extend trading hours, and display signage
Applicant's/Owner's Name:	Mr David J De Carteret 216-218 Timor St WARRNAMBOOL VIC 3280
Date Received:	7 December 2020, further information rec. 4 June 2021
Application Number:	PP2015-0185.01
Land/Address:	Lot 1 TP 24140M 216-218 Timor St WARRNAMBOOL VIC 3280
Zoning:	Commercial 1 Zone
Overlays:	Heritage Overlay – Schedule 324
Under what clause(s) is a permit required?	HO324 – 43.01-1 (Display a sign) Clause 52.27 (sell or consume liquor)
Restrictive covenants on the title?	Nil
Current use and development:	Restaurant

Proposal

The 'Dart & Marlin' is a niche restaurant currently operating on the land. The existing operations include serving food and drinks via footpath trading, the main serving area within the building, as well as part of the outside courtyard towards the rear of the building.

The current approved licence type, as a restaurant/ café limit the activities within the site to a restaurant only, and require alcohol is to be served in association with food and that 75% of the patrons can be seated at any time.

The proposal is to vary the existing licence to a 'general licence' in addition to the following:

- Increasing the licenced area to include all the rear courtyard and upper level of the building,
- Extend trading hours to 1am Monday to Saturday, and
- Include off-premises liquor sales (packaged liquor).

The proposal also seeks for the display of signage.

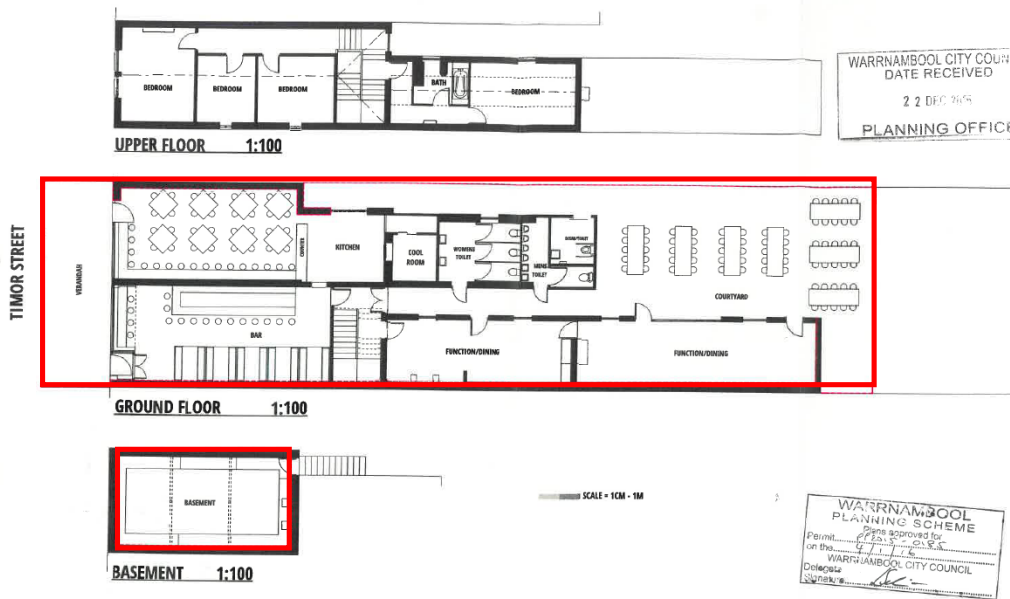
Submitted with the application is a revised Patron Management Plan and Acoustic Report.

Liquor Licence

Revised red line area

The original red line area consisted of the basement, Timor Street footpath, ground floor and part of the outdoor courtyard as shown below:

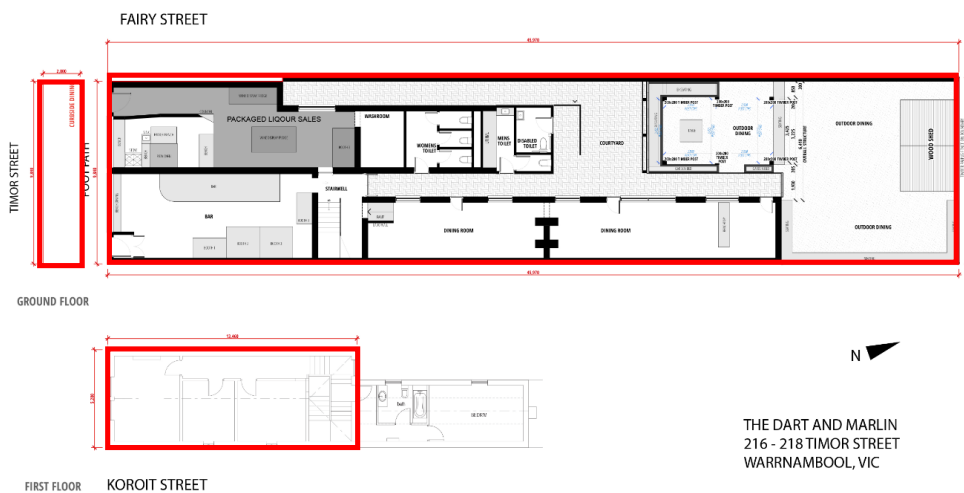
Below: Currently Endorsed Redline plan (Source: WCC 2016)



216 - 218 TIMOR STREET

The proposed amended redline area will remove the basement level, include part of the upper floor and extend to include all the rear courtyard, as shown below:

Below: Proposed Redline Plan (Source: Applicant's submission Mar 2021)



Extending trading hours

The permit currently allows for the following operating hours:

- 11am to 11pm – Monday to Sunday
- 12pm to 11pm – ANZAC Day and Good Friday

The general liquor licence is proposed to operate between the following hours:

- 11am to 1am the following day – Monday to Saturday, and public holidays (except ANZAC Day and Good Friday)
- 11am to 11pm – Sunday
- 12pm to 11pm – ANZAC Day and Good Friday

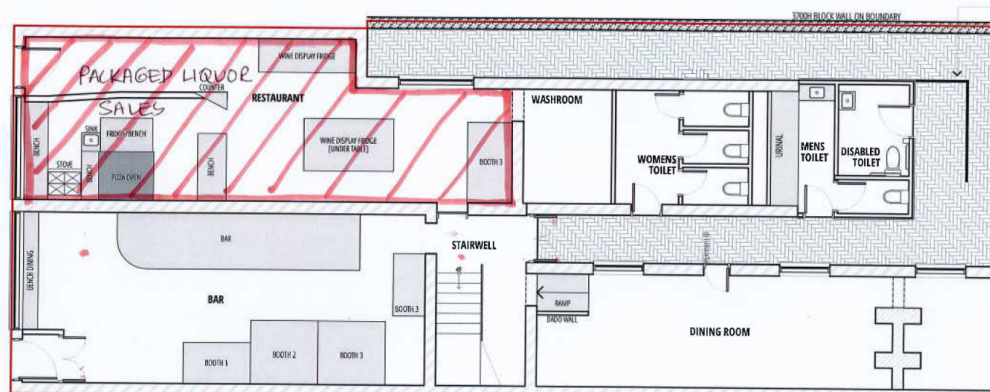
Off-premises liquor sales (packaged liquor) proposed to operate between the hours of:

- 11am to 9pm – all days

Selling packaged liquor

The area selling packed liquor will be confined to part of the ground floor. The sale of packaged liquor will operate separately to other areas proposed for consumption on the premises.

***Below: Proposed area to sell packaged liquor
(Source: Applicant's submission Mar 2021)***



Signage

The proposed sign is simply the corporate logo. The logo features the text: 'The Dart & Marlin Bottle Shop & Bar' and the emblem: a cigarette (dart) and swordfish (marlin).

The sign would be located on the eastern side wall of the building. The size of the sign is 3000mm by 4000mm. The colour of the sign is to complement the existing colour of the building with a cream colour allocated to the text and emblem.



Above: proposed signage

Patron Management Plan

The Patron Management Plan (PMP) is a comprehensive document outlining how the use will be managed:

- Hours of operation;
- Staffing and training;
- Patronage management, including:
 - Restricting numbers;
 - Marshalling;
 - Queuing;
- Noise;
- Waste management;
- Complaints management and community engagement forum; and
- Operational signage.

Specifically, the PMP seeks to minimise the use's impact on the community through several strategies. These include: restricting the number of patrons on the curbside to 25 people and closing curbside trading at 10pm, maxing the outdoor courtyard to 100 patrons, closing the uncovered area from 11pm and capping the patronage numbers in the covered courtyard area to 25 patrons. It is expected patronage will be able to leave the premises via predominantly ride-sharing transport, especially during the late hours of the night. The PMP outlines that patronage will be managed to wait indoors or outside quietly to reduce any associated adverse amenity impacts.

The above information has been drawn from the application documents lodged to Council between 18 March and 7 July 2021.

Subject site & locality

An inspection of the site and the surrounding area has been undertaken.

The site has a total area of 183.5 square metres and currently contains the *Dart & Marlin*, which is operating as a food and drinks premises for dine in and takeaway. The building hosting the Dart & Marlin is concentrated towards the south of the lot, whilst the north of the lot features a large storage building. The storage building is not considered associated with the Dart & Marlin. The rear of the building features a courtyard with assorted shelters and pergolas (built and recently proposed). The rear of the site also backs onto a car parking plaza. The main public access to the site is from Timor Street along the frontage of the lot. The operators are benefitted by a permit issued in 2005 for a total business identification signage display of 6.3sqm.

The subject lot is also undertaking a subdivision which will excise the lot into two (2), the new boundary is located approximately 12.8m from the rear fence. The rear of the site can also be accessed via a laneway off Kepler Street for services and deliveries. The 12.8m distance between the new boundary and existing rear fence, provides sufficient room for external deliveries and utilities to service the subject site from the laneway.

The closest residential area is 181m to the northwest. The closest bus stops in terms of walking distance is approximately 391m to the southeast, 423m to the southwest, and 458m to the northeast. According to the VCGLR interactive map, the site is near four (4) licenced premises within a 100m radius, and 39 licenced premises within a 500m radius.

Below: Aerial photograph of subject site (Source: Exponare 2021)



Below: Aerial photograph of local context (Source: Exponare 2021)



The City Centre Revitalisation – Structure Plan 2012

The *City Centre Revitalisation – Structure Plan 2012* was prepared to make the Warrnambool City Centre “alive, thriving and culturally rich: our city heart”.

Land uses and activities are encouraged to assist the development of business and youth employment, ensure new development interacts with the public realm, and commercial uses are located at the ground level. Specifically, the vision and key objectives include:

- *Create a City Centre that is... lively and diverse and has the potential to accommodate future commercial land use needs and encourage new business investment.*
- *Reinforce the role of Warrnambool as a key entertainment and tourism destination within the region.*
- *Residents of all life stages can live comfortably and conveniently.*
- *Amenity of established residential precincts is enhanced while new and more diverse housing opportunities are provided.*

As shown in *Figure 6*, Timor Street is identified as being an ‘urban / pedestrian street’. The site sits east of a ‘Key Laneway / Arcade link’. Both the laneway/link and crossing work to connect the site to the nearby car parking plaza and earmarked urban infill, north of the site.

Below: Structure Plan (Source: CCR – Structure Plan 2012)



Below: Precinct Plan (Source: CCR – Structure Plan 2012)

The Warrnambool SP was divided into a number of Precinct areas (see Figure 11). The boundaries of these precincts have been defined through undertaking an analysis of each area's strategic planning opportunities. It is not proposed that each precinct is developed in isolation; collectively they form the wider Activity Centre and should be viewed in that context.

- A - Central Retail Precinct
- B - North Central Mixed Use Precinct
- C - Civic / Education Precinct
- D - Medical / Residential Precinct

The SP simplifies the precincts for ease of reference. In many cases, similar uses are shared amongst precincts, for instance retail across A, B and C, and Residential elements exist across the entire study area. The Key Directions outlined in Chapter 5 outline how the vision for the SP can be applied across these precincts via various strategies. Precinct descriptions and an area close up accompany Figures 12-15.

- Precinct A - Central Retail
- Precinct B - North-Central Mixed Use
- Precinct C - Civic and Education
- Precinct D - Medical and Residential Precincts

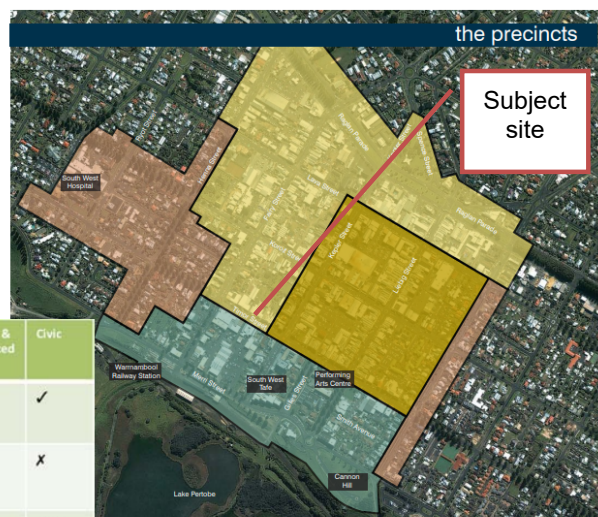


Figure 11 - the precincts

	Precinct	Medium Density	Medical	Education	Office	Retail	Hotel & Serviced	Civic
A	Central Retail	✓✓	✓	✓✓	✓✓	✓✓	✓✓	✓
B	North Central Mixed Use	✓✓	✓	✓	✓	✓	✓	X
C	Civic & Education	✓	X	✓✓	✓✓	✓	✓✓	✓✓
D	Medical / Residential	✓	✓✓	✓	✓✓	X	✓✓	✓✓

The site is also located within 'Precinct B – North-Central Mixed Use' (*Figure 7*). This area is characterised by the boulevards of Raglan Parade and Fairy Street. The uses in this area are expected to remain mixed from service stations and mechanical repairs, to retail and dining. The precinct remains street-based, and continues fostering a cluster of diverse activities. The clusters are patterned into complementary uses such as workshops and offices along northern Fairy Street, retail on southern Fairy Street. And in relation to Timor Street, the prevailing uses are retail, bulky-goods, café/restaurants and a motel. That is, there are certain areas within the study area that are identified as 'Housing', whilst the proposal is located within a key 'Commercial / Mixed Use' area.

As outlined in Figure 8, the site is identified as adjoining an 'Urban / Shopping Street' which:

Provide finer grain vehicle access to parking areas as well as accommodating on street parking for short stay shoppers and other visitors.

To the rear of the site is an existing major car parking area which provides for short and long term stays, as well as several on-street car parking spaces.

Below: Cars and parking (Source: CCR – Structure Plan 2012)



Permit/Site History

Planning Permit PP2005-229 was issued on 30 September 2005 for the erection and display of Business Identification Signage. The overall signage constituted a display area of approximately 6.3 square metres.

A permit (PP2015-0185) for a restaurant and café liquor licence was issued on 18 December 2015. The permit sought to control the operations via conditions relating to patronage numbers, operating hours, use amenity, a patron management plan, and a clear

demarcation of the red line area. Amended plans relating to the demarcation of the red line area and patron management plan were sought. On 4 January 2016, a redline plan was endorsed (as shown in Figure 1). And on 31 January 2016, the PMP was endorsed. This is the liquor licence permit the operator is currently relying upon.

Between 2016 to early 2021, the applicant has incrementally sought sheltered extension within the rear courtyard. The construction of a pergola and fence were permitted with PP2016-0213. The pergola was proposed to the rear of the existing toilets, whilst the fence extended along the rear fence. A planning permit (PP2018-0131) for the construction of a wood shed in the rear open courtyard was issued on 7 August 2018. Finally, Planning permit PP2020-0272 was issued for a pergola on 2 March 2021; the pergola adjoins the existing buildings and is the latest proposal in sheltering the rear courtyard.

In addition to the planning matters set out above, there have also been several complaints from nearby landowners and the police since Dec 2018.

Aboriginal Cultural Heritage

- Is the site in an area of significance? Yes
- Is the proposed development exempt? Yes, a liquor licence and erection of signage are not deemed a high impact activity as per Reg 46 (1) (b) of the AHR 2018. So, as per Reg 7 (b) of the AHR 2018, a CHMP is not required.
- Has the site been significantly disturbed in the past? N/A
- Is a cultural Heritage Management Plan required? No
- Has the applicant provided an approved Cultural Heritage Management Plan? N/A

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land;
- A sign on site; and
- Council's website.

The notification has been carried out correctly.

Council has received five (5) objections to date and have outlined several concerns which have been categorised into the following areas of concern:

- Hours of operation,
- Crowding,
- Noise,
- Amenity based concerns,
- Cumulative impact, and
- Characterisation of the use.

Applicant's Response

The applicant considers the changes, including live music, has strategic justification, encouraging commercial activity and pedestrianisation along Timor Street.

The applicant outlines that the Acoustic Report and proposed Patron Management Plan will be adhered to and, in doing so, will effectively protect the amenity of the area. The Applicant

states patrons will be directed to leave the venue quietly and that all music sources will be kept to a minimum. To achieve this, the applicant is seeking amendments to the original Patron Management Plan to align with the transition from a Restaurant to Bar operations. Specifically, the music levels and associated management being reduced to background levels outside trading hours (until 1am). Outdoor noise is to be mitigated through:

- Reducing the noise level for outdoor speakers,
- No music playing in the uncovered area from 10pm and 9pm on Sundays,
- Closing the uncovered area at the rear of the premises from 11pm, and
- Restricting the number of patrons allowed in the courtyard area to 25 past 11pm.

In relation to unruly behaviour, the applicant seeks to increase signage and designated staff members to manage existing patrons during closing time. These expectations are also outlined within the Acoustic Report and PMP.

Officer's Response

The proposal is evolving from a 'Restaurant' into a 'Bar' use, which is acknowledged in the application documents. Specifically the applicant is seeking to remove the requirement for the 75% seating capacity, extend operating hours past 11pm, and allow the selling of packed liquor. These operations have the potential to adversely impact the amenity of the area. Conversely, the proposal will also activate the area and advance a purpose of the Commercial 1 Zone and objectives of the Municipal Planning Strategy as it relates to the CBD. It follows that an acceptable planning outcome is to regulate the operations of a Bar to an extent that balances commercial activity with the protection the amenity of the area.

Effective statutory controls in commercial areas achieve a net community benefit despite competing commercial interests. As discussed in several VCAT decisions (*Domus Design Pty Ltd v Glen Eira*, *Rozen v Macedon Ranges SC*, and *Knox CC v Tulcan Pty Ltd*), although many planning proposals are expected to cause some amenity detriment, a net community benefit is favoured over an 'ideal' outcome. In transitioning to becoming a Bar, the proposal will contribute to a mix of entertainment and other commercial uses to be adequately serviced by nearby infrastructure. These benefits, along with adhering to the PMP, Acoustic Report and planning permit controls, are expected to deliver a net community benefit.

Net community benefit is clearly influenced by many factors, a significant one being the proposal's cumulative impact. Cumulative impact is proportional to amenity expectations in any given area. The City Centre Structure Plan characterises amenity expectations through 'Precincts'. These Precincts assist in characterising the nexus between commercial activity and reasonable amenity expectations from residents. For instance, there is a general strategic expectation Precinct A (the main entertainment precinct) will feature very different amenity expectations than Precinct D (residential areas). As for the proposal in Precinct B, the Structure Plan encourages mixed uses, such as bars. Although the proposal is unlikely to be appropriate in Precinct D, Precinct B is not necessarily more or less appropriate than Precinct A. This is because a proliferation of general liquor licences within Precinct A may cause an unacceptable cumulative impact within the 100m and 500m radius (as outlined within Planning Practice Note 61).

Cumulative impact can be mitigated through appropriate planning controls. According to the red dot decision *Swancom Pty Ltd v Yarra CC* [2009], a proposal to extend trading hours and increase patronage was refused on the grounds the impact was 'too much'. The applicant in that case, placed little consideration on restricting patronage behaviour, despite extending the late-night hours and increasing patronage from 750 to 1300. Despite the under-regulation, the Member still stated the following:

Should [the applicant] be prepared to undertake a proper planning assessment, that takes into account the emerging state and local planning policy framework for licensed premises, and that provides support for a more limited change to hours and patron numbers for the [subject site], a compromise outcome may be capable of being approved in the future.

Following, the patronage controls and projected impact was not, but had the potential to be, compatible. Stated in the same VCAT decision, the Members view is that the onus is on the Responsible Authority to formulate appropriate and reasonable parameters, so that the applicant can address any concerns inhibiting an acceptable outcome.

Given the strategic in-principle policy support for the proposal, an acceptable planning outcome hinges on reasonable controls. According to the red dot decision *Prizac Investments Pty Ltd & Ors v Maribyrnong CC & Ors* [2009], a liquor licence was granted to a venue subject to strict conditions. The Member favoured the proposal, placing particular emphasis on balancing the purpose of the zone, overarching planning policy framework, along with the PMP and Acoustic Reports clearly responding to the site context to bring about an acceptable planning outcome. The proposal is generally in accordance and in many cases furthers the strategic policy encouraging commercial activity. In addition, the Acoustic Report and PMP has been prepared to make further recommendations and justification about how the proposal will meet amenity expectations, including NIRV and SEPP N-2.

Specifically, the Acoustic Report and Patron Management Plan outline the reasonable controls on operations to meet acceptable amenity impacts. The numbers of patrons are directly proportionate to louder noise, as guided by NIRV. So, reducing the numbers will reasonably reduce the likelihood of adverse amenity impacts. The outdoor areas (the courtyard and curbside dining) will have no more than 25 patrons each, past 11pm. Further, the plans also outline that amplified music indoors will be no louder than 85dB before 10pm (9pm on Sundays) and 100dB all other times. Outdoor music is controlled at 70dB. An appropriate device will be applied to all speakers to ensure the noise of the speakers will not exceed those levels, and if so, the device will immediately cut out the noise. At these levels, it is expected the live music (and other noises) will not exceed 65dB at dwellings throughout the year. These levels are consistent with both NIRV and SEPP N-2 requirements and recommendations. In addition, the PMP outlines several strategies to reduce alcohol-related harm and amenity disruption, including the marshalling of patronage, signs signalling patronage to be quiet when exiting the premises, and a staged reduction of patronage in certain areas of the site post-11pm. Also, the applicant intending to adhere to the Local Law prohibiting alcohol in the city centre post-10pm means that there is a lower chance for amenity disruption from footpath trading.

For these reasons, provided the Acoustic Report, PMP and permit conditions are adhered to, the proposal is considered to respond appropriately to the concerns raised.

Consultation

Extensive consultation was required with the application.

Firstly, the initial application was submitted to Council on 7 Dec 2020. The application failed to present adequate application requirements, including an appropriate Certificate of Title and consistency between the PMP and Acoustic Report.

The application was placed on notice between 14 December 2020 and 4 January 2021.

In light of the initial submission and subsequent objections (following the first round of notification), the applicant sought to resubmit their application.

The second application was submitted on 18 March 2021. This application sought to include the initial changes and signage.

The application was placed on notice as per s57A of the Act, between 31 March and 14 April 2021.

The objections were reaffirmed. Although the applicant sought to respond to the objectors on 4 June 2021, only one objection was revised to include another concern.

An on-site meeting between Councillors, the applicant and the objectors was held on 21 July 2021.

Referrals

Section 55 Referrals:

VCGLR

A response was received 18 December 2020 with no objections.

Section 52 Referrals:

Victoria Police

Victoria Police was consulted in relation to the application during a teleconference meeting held on 6 July 2021. The Acting Staff Sergeant, did not appear to support the proposal however, no written objection has been received.

Internal Referrals:

Local Laws

Local Laws do not object to the application subject to conditions which have been satisfied though permit conditions.

Assessment

ZONING

Commercial 1 Zone

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.*
- *To provide for residential uses at densities complementary to the role and scale of the commercial centre.*

Use of land

The proposal is seeking to transition the existing Restaurant operations to a Bar. A bar is defined as follows:

Land used to sell liquor for consumption on the premises. It may include accommodation, food for consumption on the premises, entertainment, dancing, amusement machines, and gambling.

Specifically, the definition of a Bar neither precludes the selling of packaged liquor nor requires 75% seating to be set aside for patrons at any time. As such, a bar is the most appropriate characterisation of the proposal.

The use of land for a bar is nested under 'food and drinks premises' and 'retail'. Such uses fall under Section 1 (no permit required) in the Commercial 1 Zone.

The amenity clause listed at Clause 34.01-2 is recommended to be included on the permit.

Signage

Signage requirements are set out in the particular provisions section of this report. This zone is in Category 1.

Heritage Overlay – Schedule 324

Purpose

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

Permit requirement

Under Clause 43.01-1 a permit is required to display a sign.

Decision guidelines

An assessment against Clause 43.01-8 follows:

Decision Guidelines	Officer Comment
<i>The Municipal Planning Strategy and the Planning Policy Framework</i>	The proposed signage meets the relevant provisions of the PPF and LPPF.
<i>The significance of the heritage place and whether the proposal will adversely affect the natural or cultural significance of the place.</i>	The heritage place is of individual significance. It is of importance to ensure all alterations and signage do not compromise the historical and architectural significance of the place. The signage is proposed to be small (3m x 4m) and located within the cartilage of the building. The sign is to be painted on, that is, no additional structures are proposed to prop up the sign.
<i>Any applicable statement of significance, heritage study and any applicable conservation policy.</i>	The statement of significance is outlined below as cited from <i>WCC Heritage Guidelines 2012</i> . The statement outlines how the built form is of historical and architectural significance. As such, the proposed signage must complement and not

	detract from this precedent. Further, the proposal is amenable to the signage guidelines set out below, particularly those bolded.
...	...
<i>Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place.</i>	<p>Following on from the statement of significance, the built form is generally very square and the façade faces the street. Historically side elevations were either concealed by adjoining buildings or not largely accessible to the public (the rear). However, in the case of the proposal, the sign is to be located on the eastern side wall to signal on-coming traffic running along Timor Street. There are no other buildings, structures, chimneys etc. that will inhibit the display of the sign.</p> <p>The sign and its intended sightlines are not expected to compromise a heritage-appropriate redevelopment of 53 Kepler Street.</p>
...	...
<i>Whether the proposed sign will adversely affect the significance character or appearance of the heritage place.</i>	<p>Signage in the area is generally smaller and within the cartilage of the existing building.</p> <p>Like the predominant character of the area, the proposed sign sits within the cartilage of the building and consists of colours complementary to the existing façade. The size of 3m by 4m is considered appropriate for the character of the area and supported by Council's Heritage Adviser.</p> <p>The sign's location will potentially inhibit the quality of heritage development of 53 Kepler Street, but not to the point of an unacceptable outcome. The sign will present sightlines which will inhibit a contiguous façade which is characteristic of most of the street. However the neighbourhood is also characterised by voids and gaps between buildings especially as the precinct has transitioned over the years.</p>
...	...

WARRNAMBOOL CITY COUNCIL HERITAGE GUIDELINES 2012

What is significant?

The Commercial Precinct is at the centre of Warrnambool's town plan grid. It includes parts of Kepler, Timor and Liebig Streets, some of the original streets laid out in the 1847 township survey of Warrnambool. It had some of the earliest buildings, dating from 1847.

Most of those early buildings have been demolished to make way for later nineteenth and twentieth century buildings, although these have since been altered and modernised. The precinct now contains a wide mixture of building types, forms and dates of construction representing all the periods of development in Warrnambool. Most of the shops are in Liebig Street and Timor Street and the business, professional and institutional buildings are in Kepler Street. The former range from simple shopfronts through to very elaborate 'Boom' style façades, perhaps the best surviving being the hairdresser and tobacconist's shop at 97 Liebig Street with its notable gilded signage. The latter include the various former banks and

insurance offices, the solicitors and accountants offices, medical and dental surgeries, the Oddfellows Hall, the Warrnambool Club, the Masonic Lodge and the CWA Rooms.

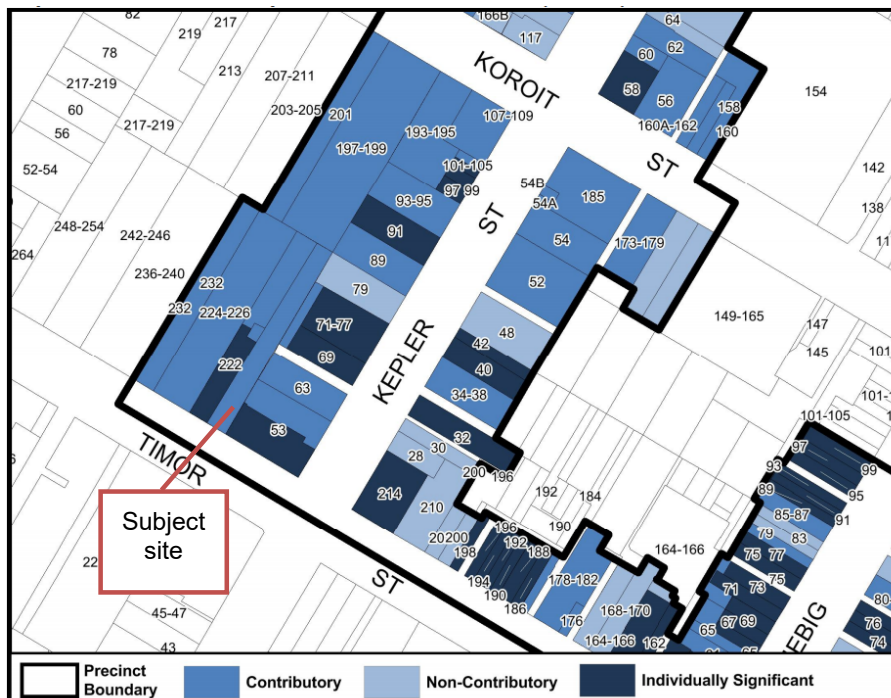
Several important new buildings appeared in the Interwar period representing both old and new functions. The former Union Bank designed by Walter Butler was built in 1920 on land formerly owned by the Presbyterian Church. The Warrnambool Hotel and the Capitol Cinema replaced the Ozone Hotel and Coffee Palace which burnt down in 1929. A car showroom was built on former Temperance Hall land. The Criterion Hotel was rebuilt and much extended in the streamlined Art Deco style. Further changes occurred after World War 2, especially in the section of Liebig Street between Timor and Koroit Streets which has become the City's restaurant 'strip'.

Much street infrastructure remains, mostly as bluestone curbs and channels, cast iron hitching posts and street trees in Kepler Street. Many original timber and cast iron verandahs also survive and some have been reconstructed. Generally the precinct retains a good degree of integrity and is in good to excellent condition.

How is it significant?

The Commercial Precinct is of historical and architectural significance to the City of Warrnambool.

Below – Commercial Precinct (Map B) (Source: WCC Heritage Guidelines 2012)



Why is it significant?

The Commercial Precinct is of historical significance as some of the earliest laid out streets within the original survey of Warrnambool. It has always represented the business and retail core, the focus of professional services, the centre of entertainment, much of the best accommodation and dining, and some key institutions.

It is of further historical interest as the allotments were some of the first in the town to be sold, and consequently had some of Warrnambool's earliest buildings, with the present subdivision still reflecting many important original sites and also the much closer subdivision of small shops.

It is of architectural significance for its very wide range of building types, including several notable examples from each period represented in the precinct's development, such as the simple but functional Crammond and Dickson Building, the neo-Classical Masonic Lodge, the contrasting Criterion and Warrnambool Hotels, and a rich variety of shops including some important post World War 2 alterations.

Signs

Objectives

- *To ensure that signage does not have a detrimental effect on the cultural heritage significance of a place.*
- *To ensure the retention and conservation of historic signs.*

Guidelines

- *Generally, signs on individual buildings or within areas of heritage significance should be discreet and should complement the building or area. They should not cover or obscure significant fabric.*
- *...*
- *Advertising should be placed in locations on the building that would traditionally have been used as advertising areas.*
- *If the building has no such locations, advertising signage should be discouraged as it would be inappropriate. Instead, a small sign fixed on the fence or a where there is sufficient space, a small free standing sign should be used.*
- *...*
- ***The location of a sign on side-walls should be carefully considered. The sign should not dominate the wall or detract from the historic significance of the place.***
- ***The architectural characteristics of a place should always dominate. For example, signs should not be placed on first floor verandahs, balustrades, in front of windows or in front of cast iron verandah frieze work.***
- *Signage does not necessarily have to be attached to a building, and where there is sufficient space, owners or tenants should explore free standing signage options.*
- *It is not usually necessary to attempt to create or recreate an 'historic' character in advertising, however modern standardised 'trademark' advertising may not always be appropriate. Some modification may be necessary to the size, materials and illumination of 'trademark' advertising where affixed to heritage buildings or in heritage areas.*
- *As the external colours applied in different historic periods varied and were more limited in range than today, it is wise to research appropriate colour ranges for places in heritage areas.*
- *No new signs should be painted on **unpainted masonry walls**.*
- *Fluorescent and iridescent paints should be avoided.*

- **Corporate image requirements such as specific colours, should be adapted to suit the individual location and building.**
- *The importance of the heritage area should be emphasised through the adaptation of any corporate image.*
- **Corporate signs should not detract from the detail or decoration on an established building.**
- *Non-standard designs of signage can reinforce the cultural and visual qualities of the heritage building or area. While the non-standard sign may be more expensive for the corporation, it can also be marketed as a commitment to retaining the cultural significance of the place and respect for the local area.*
- *Large corporate bodies, including banks, fast food outlets and service stations often have standard requirements for large signs in excessive locations. Negotiations should always be entered into with these bodies to minimise their impact on the heritage area.*
- ...
- *In the case of country towns, it is important to pay particular attention to the view from the road as one enters the builtup area. Careful consideration should be given to the placement of any advertisements, so as not to detract from the visual qualities of historic townscapes.*
- *Contemporary signage may be suitable in some heritage areas where the character of the area necessitates modern interpretations.*
- ...

THE PLANNING POLICY FRAMEWORK (PPF)

Key clauses include:

- **Clause 13.05-1S Noise abatement**
 - Objective

To assist the control of noise effects on sensitive land uses.
 - Strategy

Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.
- **Clause 13.07-1S Land use compatibility**
 - Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

➤ Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

▪ **Clause 13.07-3S Live music**

➤ Objective

To encourage, create and protect opportunities for the enjoyment of live music.

➤ Strategies

- *Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.*
- *Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.*

▪ **Clause 17.01-1S Diversified economy**

➤ Objective

To strengthen and diversify the economy.

➤ Strategies (select)

- ...
- *Support rural economies to grow and diversify.*

▪ **Clause 17.01-1R Diversified economy – Great South Coast**

▪ **Clause 17.02-1S Business**

▪ **Clause 17.02-1R Business – Great South Coast**

▪ **Clause 17.04-1S Facilitating tourism**

▪ **Clause 17.04-1R Tourism – Great South Coast**

THE LOCAL PLANNING POLICY FRAMEWORK

Municipal Strategic Statement

- Clause 21.01 Municipal Profile, Council Vision and Strategic Directions
- Clause 21.08 Economic Development
- Clause 21.11 Local Areas
 - Clause 21.11-1 City Centre

RELEVANT PARTICULAR PROVISIONS

Clause 52.05 – Signage

Purpose

- *To regulate the development of land for signs and associated structures.*
- *To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.*
- *To ensure signs do not contribute to excessive visual clutter or visual disorder.*
- *To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.*

Requirements

As specified within C1Z, the signage is assigned Category 1. As the total display area of all signs to the premises is 18.3sqm (including the proposal's 12sqm) which is greater than the 8sqm minimum. As such, a permit is required.

Decision guidelines

An assessment against Clause 52.05-8 follows:

Decision Guidelines	Officer Comment
<p><i>The character of the area including:</i></p> <ul style="list-style-type: none"> - <i>The sensitivity of the area in terms of the natural environment, heritage values, waterways and open space, rural landscape or residential character.</i> - <i>The compatibility of the proposed sign with the existing or desired future character of the area in which it is proposed to be located.</i> - <i>The cumulative impact of signs on the character of an area or route, including the need to avoid visual disorder or clutter of signs.</i> - <i>The consistency with any identifiable outdoor advertising theme in the area.</i> 	<p>The existing signage of the area is minimalistic and reflective of the existing heritage character. The design of the existing signage are not large or visually obtrusive. The signs are proportioned to the building(s) they are affixed. Only business identification signs, with no illumination, are located in the area.</p> <p>The proposed sign will continue the existing urban character as described above. The colouring of the sign will match the building ensuring a visually integrated product. The sign is well-proportioned within the cartilage of the building.</p>
<p><i>Impacts on views and vistas:</i></p> <ul style="list-style-type: none"> - <i>The potential to obscure or compromise important</i> 	<p>The sign is a far more effective outcome relative to the existing signage truncating</p>

<p>views from the public realm.</p> <ul style="list-style-type: none"> - The potential to dominate the skyline. - The potential to impact on the quality of significant public views. - The potential to impede views to existing signs. 	<p>from the façade, such as Swintons over the road. In accordance with the WCC Signage Policy 2021, the sign will not be visually intrusive and will not impact the views of other signs in the area. Further, the sign is intended for drivers and will not be easily visible from nearby pedestrians.</p>
<p><i>The relationship to the streetscape, setting or landscape:</i></p> <ul style="list-style-type: none"> - The proportion, scale and form of the proposed sign relative to the streetscape, setting or landscape. - The position of the sign, including the extent to which it protrudes above existing buildings or landscape and natural elements. - The ability to screen unsightly built or other elements. - The ability to reduce the number of signs by rationalising or simplifying signs. - The ability to include landscaping to reduce the visual impact of parts of the sign structure. 	<p>As mentioned before, the sign relates to the streetscape by integrating with the building both in terms of proportioning and colour. In 2008, a sign was located in the same position as the proposal and demonstrated no adverse visual impacts.</p>
<p><i>The relationship to the site and building:</i></p> <ul style="list-style-type: none"> - The scale and form of the sign relative to the scale, proportion and any other significant characteristics of the host site and host building. - The extent to which the sign displays innovation relative to the host site and host building. - The extent to which the sign requires the removal of vegetation or includes new landscaping. 	<p>The sign guides the eye towards the front of the building when travelling northwest along Timor Street. This design also encourages pedestrians to access the building along Timor Street.</p> <p>No vegetation is required to be removed or screen the sign. Street trees already exist along the street which will not inhibit the view-lines of the sign.</p>
<p><i>The impact of structures associated with the sign:</i></p> <ul style="list-style-type: none"> - The extent to which associated structures integrate with the sign. - The potential of associated structures to impact any important or significant features of the building, site, streetscape, setting or landscape, views and vistas or area. 	<p>No structures are proposed, the sign is to be painted on the wall.</p>
<p><i>The impact of any illumination:</i></p> <ul style="list-style-type: none"> - The impact of glare and illumination on the safety of pedestrians and vehicles. - The impact of illumination on the amenity of nearby residents and the amenity of the area. - The potential to control illumination temporally or in terms of intensity 	<p>No illumination proposed.</p>
<p><i>The impact of any logo box associated with the sign:</i></p> <ul style="list-style-type: none"> - The extent to which the logo box forms an integral part of the sign through its position, lighting and any structures used to attach the logo box to the sign. - The suitability of the size of the logo box in relation to its identification purpose and the size 	<p>The logo box includes a cigarette (dart) and swordfish (marlin) which forms the name of the establishment. Like the sign, the logo is not illuminated and complements the existing façade.</p>

<i>of the sign.</i>	
<i>The need for identification and the opportunities for adequate identification on the site or locality.</i>	There is certainly commercial benefit from placing the sign on the side of the building to utilise views from oncoming traffic along Timor St. The overall sign coverage is 18.3sqm, however only 6.3sqm is assigned to the facade. As such, there is adequate and acceptable signage distribution on the two elevations of the building.
<p><i>The impact on road safety. A sign is a safety hazard if the sign:</i></p> <ul style="list-style-type: none"> - <i>Obstructs a driver's line of sight at an intersection, curve or point of egress from an adjacent property.</i> - <i>Obstructs a driver's view of a traffic control device, or is likely to create a confusing or dominating background that may reduce the clarity or effectiveness of a traffic control device.</i> - <i>Could dazzle or distract drivers due to its size, design or colouring, or it being illuminated, reflective, animated or flashing.</i> - <i>Is at a location where particular concentration is required, such as a high pedestrian volume intersection.</i> - <i>Is likely to be mistaken for a traffic control device, because it contains red, green or yellow lighting, or has red circles, octagons, crosses, triangles or arrows.</i> - <i>Requires close study from a moving or stationary vehicle in a location where the vehicle would be unprotected from passing traffic.</i> - <i>Invites drivers to turn where there is fast moving traffic or the sign is so close to the turning point that there is no time to signal and turn safely.</i> - <i>Is within 100 metres of a rural railway crossing.</i> - <i>Has insufficient clearance from vehicles on the carriageway.</i> - <i>Could mislead drivers or be mistaken as an instruction to drivers.</i> 	The sign is not illuminated or of colours that are likely to impact the driver's lines of sight. The signage is located within the existing cartilage of the heritage building and is therefore not create a confusing or dominating background. The sign is not to be located within 100m of a rural railway crossing. The sign is not misleading to be instructions to drivers or a traffic light.

Clause 52.06 – Car Parking

The car parking clause applies to a new use. As the use is transforming from a Restaurant to a Bar, the clause must be considered before the new use commences.

A permit is required to reduce the number of car parking spaces required under Clause 52.06-5. However, a permit is not required for a new use if:

- The number of car parking spaces required under Clause 52.06-5 for the new use is less than or equal to the number of car parking spaces required under Clause 52.06-5.

- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

Both a Restaurant and a Bar have the same car parking requirements as per Clause 52.06-5. As no additional car parks are required, and no car parks are sought to be reduced, a permit for the waiver of car parking is not required.

Clause 52.18 – State of Emergency and Recovery Exemptions

The applicant has not sought to rely on any of the temporary exemptions under this Clause.

Clause 52.27 – Licensed Premises

Purpose

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

Permit required

A permit is required when:

- The hours of trading allowed under a licence are to be extended.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.
- A different licence or category of licence is required from that which is in force.

The guidelines set out in Planning Practice Note 61 are recommended to be applied for a proposal seeking to be licenced after 11pm and/or located within an established cluster of licenced premises.

Decision guidelines

Decision Guidelines	Officer Comment
<i>The Municipal Planning Strategy and the Planning Policy Framework.</i>	Assessed above.
<i>The impact of the sale or consumption of liquor permitted by the liquor licences on the amenity of the surrounding area.</i>	<p>The proposal is seeking to change the existing café/restaurant to a general and packaged liquor licence. Following, the characterisation of the use is essentially shifting from a Restaurant to a Bar.</p> <p>Higher risks, such as alcohol-fuelled problematic behaviour, is likely to occur in the absence of effective strategies to manage such behaviours.</p> <p>Through the PMP and Acoustic Report, the applicant has noted numerous measures to reduce this impact, including reducing the hours packaged liquor can be sold, regulating the numbers of patrons outside, and attenuating music indoors and outdoors in line with SEPP N-2. The control over patronage is expected to stage the numbers of patronage spilling onto the street past 11pm. Following, it is expected crowds will not be any larger than the existing operations, but outdoor operations will be controlled to 25 persons in the footpath dining and outdoor courtyard areas.</p>

<p><i>The impact of the hours of operation on the amenity of the surrounding area.</i></p>	<p>The operating hours are proposed to run until 1am. It is expected the changes will potentially impact on the amenity of the surrounding area.</p> <p>As a precaution, the impact of the hours of operation are mitigated through the controls set by the patron management plan and acoustic assessment. It is expected that, despite the hours of operation exceeding, compliance with both documents will ensure the operations abide by both SEPP N-2 and recommendations of NIRV. Additional conditions have also been included on this permit to regulate the live and amplified music through attenuation devices and prohibition of any outdoor music higher than background noise levels.</p>
<p><i>The impact of the number of patrons on the amenity of the surrounding area.</i></p>	<p>Although the patronage numbers are not proposed to increase overall, according to Planning Practice Note 61, the same numbers of patrons may pose a risk past 11pm.</p> <p>In response, the PMP and Acoustic Report controls noise and the number of patrons spilling onto the street at closing time. It is planned through the PMP that patronage will be staged out of the venue from 11pm. That is, the operations and general characterisation of the use will be less intense between 11pm and 1am without the written consent of the Responsible Authority. Specifically, no more than 25 patrons will be allowed in the outside courtyard and curbside areas post 10pm. Existing Local Law policy prohibits alcohol being served past 10pm in the curbside area which the proposal is to comply with.</p> <p>The applicant has also outlined that overcrowding or queuing is unlikely, as although the operations will change to a Bar, the amount of patrons using the venue will not largely change.</p>
<p><i>The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.</i></p>	<p>The proposal will not increase traffic flows within the existing operating hours as an increase to the patronage is not proposed. The overall traffic flow in the precinct will also reduce between the proposed extension of hours.</p> <p>Approximately four venues are located within a 100m radius of the subject site. And 39 venues are located within a 500m radius, both activating clusters according to Planning Practice Note 61.</p> <p>PPN61 outlines possible means of mitigating alcohol related harm. Of these strategies, the proposal:</p> <ul style="list-style-type: none"> - Provides meals - Has prepared an updated PMP - Will stage the attenuation of noise impacts past 11pm. Live music is proposed, but only acoustic performances with no amplified music above background sound levels. Indoor music is proposed, but to abide by SEPP N-2 regulations. - The patronage numbers are not proposed to be increased. A reduction of patronage to 25 during the hours of 11pm and 1am is proposed for each outdoor area (curbside dining and the outdoor courtyard). - The site is located near a car parking plaza to the rear of the site. There is on-street parking, and room for taxi pickups, along Timor St. <p>The proposal, contributing to clustering, is expected to be an acceptable or positive contribution to the purpose of the C1Z, provisions of the City Centre Structure Plan, VCAT precedents and</p>

	<p>relevant provisions of the PPF and LPPF. The proposal seeks to cater to existing patronage numbers and will not increase traffic near a proliferation of sensitive uses. There are a mix of licences in the area, most-commonly café/restaurant licences. General licences and packaged liquor are infrequently featured. As such, there are few venues open past 11pm which means the cumulative impact reduces as a result of fewer venues operating or a spread of closing hours. There are higher numbers of patronage spilling into the streets from 10pm, but concentrated along Liebig Street. Timor Street, especially the block holding the subject site, does not feature other late-night venues.</p> <p>The effective road infrastructure (including on-street parking) can facilitate large traffic flows during peak periods. The proposal is sought to manage patronage numbers in a staged fashion and therefore the numbers of people leaving the venue is not expected to be any larger than what is occurring currently. Following, the existing infrastructure is more than capable of facilitating the dispersion of patrons.</p>
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Clause 53.06 Live Music Entertainment Venues

Purpose

- *To recognise that live music is an important part of the State's culture and economy.*
- *To encourage the retention of existing and the development of new live music entertainment venues.*
- *To protect live music entertainment venues from the encroachment of noise sensitive residential uses.*
- *To ensure that noise sensitive residential uses are satisfactorily protected from unreasonable levels of live music and entertainment noise.*
- *To ensure that the primary responsibility for noise attenuation rests with the agent of change*

Clause 53.06-2 Meaning of terms

In this clause: live music entertainment venue means: – a food and drink premises, nightclub, function centre or residential hotel that includes live music entertainment

GENERAL PROVISIONS

Clause 65 – Approval of an Application or Plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in section 60 of the Act.*
- *Any significant effects the environment, including the contamination of land, may have on the use or development.*
- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of the zone, overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*

- *The effect on the environment, human health and amenity of the area.*
- *The proximity of the land to any public land.*
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Further discussion

According to the red dot decision *Prizac Investments Pty Ltd & Ors v Maribyrnong CC & Ors* [2009], a liquor licence was granted to a venue subject to strict conditions. In favouring the proposal, the Member placed particular weight upon the purpose of the zone, overarching planning policy framework, and whether the relevant conditions and plans bring about an acceptable outcome. Similar to the red dot decision, the proposal is amenable to the overarching strategic intent of the commercial and city centre area which encourages employment opportunities and a mix of entertainment and other commercial uses, such as bars. Further, the site is adequately serviced and accessible via Timor Street which is a Road Zone – Category 2.

In considering relevant conditions on the permit the following general principles have been applied (as referred to in 'Guide to Writing Planning Permits' and generally accepted by the Tribunal). Conditions must be:

- *Relevant*
- *Reasonable*
- *Certainty*

The submitted Acoustic Report prepared by Renzo Tonin & Associates dated 26 November 2020 and amended 24 March 2021, details a number of 'caveats' including but not limited to:

- Different frequencies within an overall decibel limit can impact on how noise is perceived by the receiver,
- Simple sound meters will not pick up on the entire range of frequencies,
- A site visit was not able to be carried out to inform the report given COVID restrictions at the time,
- That hypothetically noise limits might actually be higher for a variety of reasons,

The Report also acknowledges the specifics of the proposed use as a bar with live/ amplified music and recommends a number of measures that would achieve the relevant noise limits set by the Environment Protection Authority (EPA).

A direct extract from the Report follows:

Music noise
Indoor music
<ul style="list-style-type: none"> During amplified music, doors from the Bar to the Courtyard, Timor Street, and Restaurant shall be kept closed except to provide access and egress. Only one door of the Bar airlock shall be open at any time. No loudspeakers shall be placed near the Timor Street façade or courtyard walkway. Internal noise levels shall be managed using the Venue sound meter near the locations of exits and glazing, following the instructions in this report. <ul style="list-style-type: none"> L_{Ceq} 85 dB(C) during the night (after 9pm Sundays, or 10pm other days) L_{Ceq} 100 dB(C) at other times
Background indoor music
<ul style="list-style-type: none"> Music noise levels shall be maintained at <i>background music</i> levels. Per Clause S.9A(5) of the Liquor Control Reform Act 1998, background music levels constitute "...a level that enables patrons to conduct a conversation at a distance of 600 millimetres without having to raise their voices to a substantial degree." External doors and windows should be kept closed during provision of background music, in particular after 10pm. As a general guide, reverberant internal noise levels should be maintained at or below L_{Ceq} 75 dB(C) near windows, doors and openings, following the instructions in this report.
Background outdoor music
<ul style="list-style-type: none"> Music noise levels shall be maintained at <u>low</u> <i>background music</i> levels. Noise levels 1 metre from any speaker shall be managed not to exceed L_{Ceq} 70 dB(C) at a distance of 1 metre from any speaker, following the instructions in this report. Speakers shall be placed such that they located and aimed away from overlooking windows of 222 Timor Street. An array of many small low capacity/low volume speakers located near the heads of patrons should be used (rather than a few high-power speakers for example) Speakers shall be selected and controlled so as not to emphasise bass content in the music beyond typical equalisation. No subwoofers. No music shall be provided after 9pm Sunday or 10pm other days
Temporary outdoor live music
<u>Possible separate temporary licence for outdoor music a couple of times a year</u>
<ul style="list-style-type: none"> Noise levels at 222 Timor Street overlooking windows shall be managed not to exceed L_{Aeq} 65 dB(A) at dwellings, following instructions in this report. Operational hours and duration shall be negotiated with the Responsible Authority as part of the temporary licence. For consideration of neighbours, 10pm is considered a courteous time to cease music. An event management plan shall be prepared, which includes items set out in this report
<u>Once a week: Two sets, roughly 45 minutes each, between 1-8pm, solo/duo/small acts</u>
<ul style="list-style-type: none"> Noise levels at 222 Timor Street overlooking windows shall be managed not to exceed L_{Aeq} 50 dB(A) at dwellings, following instructions in this report.

- The live music provision shall be limited to two 45-minute sets between 1-8pm, solo/duo/small acts.
- Contemporary rock drumkits are expected to be problematic and shall not be used.
- A management plan shall be prepared, which includes items set out in this report.

Outdoor patron noise

- Combined Outdoor Dining and Courtyard patron capacity of 100 up to 11pm. After 11pm Courtyard patron capacity of 25.
Curbside patron capacity of 25 up to 11pm. From 10pm those patrons may be located in front of the Bar only (not restaurant).
- Proposed pergola (covering part of the Outdoor Dining area) roof and west wall to have a surface density no less than 3 kg/m²
- For outdoor areas, the Subject Venue shall provide food on site, and management measures consistent with that required of a restaurant, with adequate seating for restaurant patrons.
- The following typical Venue Management Plan control measures should be implemented:
 - Demonstrate incorporation of safe design principles as detailed in the 'Design Guidelines for Licensed Venues (Victorian Commission of Gambling and Liquor Regulation 2017)'.
 - Install appropriate signage throughout the venue and in common areas instructing patrons on expected behaviour, including to minimise levels of noise whilst leaving the premises.
 - The maintenance of a register for any complaints.
 - Provide a telephone number to contact the premises, provided on the internet and a notice put on the door and linked to the complaints register.
 - Set out procedures to be undertaken by staff in the event of a complaint by a member of the public, the Victoria Police, an 'authorised officer' of Council, or an officer of the Victorian Commission for Gambling and Liquor Regulation.
 - Details of training provide for bar staff in the responsible serving of alcohol.
 - Plans for measures to be taken by management and staff to ensure patrons do not cause nuisance or annoyance beyond the land.
- Generally, patrons outside the Subject Venue shall be welcomed and encouraged to enter the premises, rather than congregate outside, and shall be managed by security so as to not generate excessive noise.

Scheduled activities

- Waste collection shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 8pm, and before 7am weekdays or 9am all other days.
- Deliveries shall be conducted in accordance with EPA Publication 1254 'Noise Control Guidelines' and shall not occur after 10pm, and before 7am weekdays or 9am all other days.
- Emptying bottles into bins and glass crushing shall not occur after 10pm, and before 7am weekdays or 9am all other days. Noise enclosures are required for any bottle crushers that are to be used.

The above comments provided by the Acoustic consultants are considered reasonable and valid in allowing the use to operate as proposed. However, the enforcement of such conditions is likely to prove problematic for Council and for the applicant.

Considering the abovementioned principles for including conditions of a permit, the comments of Member Graeme David In *Vaughan v Warrnambool CC [2015] VCAT 1039* (14 July 2015) emphasis added.

40. I have reviewed the draft permit conditions provided as required by the Council. As far as practicable, permit conditions need to stand alone without ongoing attention to inspection and regulation. I find that a number of the conditions would require ongoing, daily attention. Examples include the timing of operations particularly at the

start of the day, the daily manure pick-up for once or twice per week removal off the site, the loading and unloading of all horses onto and off transports on the review land. Further to this, regardless of whether daily pick-up is to be systematically achieved, I cannot be satisfied that daily pick-up and containment will provide satisfactory odour control in this confined environment potentially in part because odour may be as much associated with urine as faeces.

- 41. Humans fail in behaviour and attention to regulatory requirements and I believe that the proposed 'human action' conditions that would require routine ongoing implementation for the duration of the use on the site, would remain a source of friction between parties. This should not be necessary if a use is appropriately located.*

As a compromise and to simplify the regulation of noise emanating from the premises, it is considered appropriate to include a condition as follows:

- *No amplified music is permitted outside the building, other than at 'background' noise levels up to 10pm on any day.*
- *Six (6) months after the commencement of the use a suitably qualified acoustic consultant must provide Council with a report confirming that the venue complies with State Environment Protection Policy (SEPP) No. N-2. The report must acknowledge the recommendations of the Acoustic Report provided with the application (Renzo Tonin 24 March 2021) and any measures put in place by the operator to ensure on-going compliance.*
- *Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.*

Events on the land which may generate louder noise can be regulated separately through an application for a 'limited licence' through the VCGLR. Further, the applicant has the opportunity to demonstrate to Council and others within the first 6 months that the conditions can be met, before seeking further amendments.

The application of simplified conditions on the permit is expected to bring about a more orderly planning outcome to the evolution of the site from a restaurant to a bar.

On balance, subject to conditions being placed on the amended permit the proposal is considered an acceptable outcome having regard to the PPF and relevant controls in the Warrnambool Planning Scheme and the decision guidelines at Clause 65.

Recommendation

That Council having caused notice of Planning Application No. PP2015-0185.01 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* recommends that a Notice of Decision to Grant a permit be issued for the application PP2015-0185.01 under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 TP 24140M, 216-218 Timor St WARRNAMBOOL VIC 3280, to vary a liquor licence to general and packaged liquor,

increase the red line area, extend trading hours, and display signage in accordance with the endorsed plans, subject to the following conditions:

1. Amended plans

Before the use commences plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- i. A 2m pedestrian clearway along the Timor Street façade of the building.

2. Patron Management Plan

Before the use commences or unless otherwise approved by the Responsible Authority in writing, all measures, recommendations and guidelines contained in the approved Patron Management Plan must be implemented to the satisfaction of the Responsible Authority, and thereafter maintained at all times to the satisfaction of the Responsible Authority.

3. Operating hours of general liquor licence

The use of the general liquor licence may operate only between the hours of:

- i. 11am to 1am the following day – Monday to Saturday.
- ii. 11am to 11pm – Sunday.
- iii. 12pm to 11pm the following day – ANZAC Day and Good Friday.

Maximum patronage

- 4. No more than 200 patrons are permitted on the premises at any one time without the written consent of the Responsible Authority.

Layout Not Altered

- 5. The location of the red line for the licenced premises endorsed to form part of the permit must not be altered or modified without the prior written consent of the responsible authority.

6. General amenity

The use must not detrimentally affect the amenity of the neighbourhood, including through the:

- i. Transport of materials, goods or commodities to or from the land.
- ii. Appearance of any building, works or materials.
- iii. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

- iv. loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land.

7. Operating hours of off-premises liquor sales

Off-premises liquor sales (packaged liquor) is limited to between the hours of 11am to 9pm every day.

8. Local Laws

No liquor is to be consumed outside the premises after 10pm on any given night unless with the prior written consent of the Responsible Authority.

Noise amenity

- 9. No amplified music is permitted outside the building, other than at 'background' noise levels up to 10pm on any day.
- 10. Six (6) months after the commencement of the use a suitably qualified acoustic consultant must provide Council with a report confirming that the venue complies with State Environment Protection Policy (SEPP) No. N-2. The report must acknowledge the recommendations of the Acoustic Report provided with the application (Renzo Tonin & Associates dated 24 March 2021) and any measures put in place by the operator to ensure on-going compliance.
- 11. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2.

General operations

- 12. Signage must be displayed near all entrances/exits requesting patrons to leave the Premises in a quiet and orderly manner so as not to disrupt nearby residents to the satisfaction of the Responsible Authority.
- 13. At all times when guests are accommodated on the land, there must be present on the land a person aged 18 years or over who is responsible for ensuring that the activities on the premises and the conduct of persons attending the land do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority.
- 14. The permit operator must maintain a register of complaints to the satisfaction of the Responsible Authority. The complaint register must include the date, time and nature of the complaint, and any action taken to ameliorate the complaint raised. The register must be made available for inspection by the Responsible Authority upon a written request being made.
- 15. The expiry date for signage is 15 years from the date of issue of the permit.

16. On expiry of the permit the sign and structures built specifically to support and illuminate it must be removed

NOTES

Expiry

- i. In accordance with Section 68 of the Planning and Environment Act 1987, this permit will expire if:
 - a) The use is not started within two years of the date of this permit.In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the period referred to above if a request is made in writing.
- ii. The licensed premises must comply with the relevant provisions of the Building Regulations.
- iii. Approval is required from the Victorian Commission for Gambling and Liquor Regulation for the sale and consumption of liquor on-site.
- iv. Accommodation, amusement machines and gambling are not approved as part of this permit.

7.5. 61 GRIEVE STREET TWO (2) LOT SUBDIVISION**DIRECTORATE : City Growth**

PURPOSE:

This report presents the draft recommendation for planning application PP2021-0054 which recommends that a Notice of Decision to Grant a permit be issued for a two (2) lot subdivision at 61 Grieve Street, Warrnambool.

EXECUTIVE SUMMARY

- The permit application was received 5 March 2021.
 - The proposal is for a two (2) lot subdivision.
 - The application was subject to public notice from 12 April 2021 for a period of two (2) weeks.
 - Seven (7) objections have been received. The objections were contained in a single submission that had seven (7) signatories.
 - The proposal is able to be supported and it is proposed to issue a Notice of Decision to grant a permit.
-

MOVED: CR DEBBIE ARNOTT**SECONDED: CR MAX TAYLOR**

That a Notice of Decision to Grant a permit be issued for a two (2) lot subdivision at 61 Grieve Street, Warrnambool.

CARRIED - 6:1**Crs. Arnott, Jellie, Paspaliaris, Taylor, Blain and Akoch voting for the motion****Cr. Ziegeler voting against the motion**

BACKGROUND

The application site is located 1km north east of the Warrnambool CBD in an established residential area and comprises a large residential lot with an area of 2763m² that has frontage to Grieve Street to the north and Dixon Street to the south. The site is zoned General Residential – Schedule 1 (GRZ1) and is not impacted by any Overlays. The site is generally surrounded by General Residential 1 zoned land which is used for residential purposes and is also located in close proximity to Albert Park (zoned Public Park and Recreation) and the Wannon Water treatment plant (zoned Public Use 1) which are located on the northern side of Grieve Street.

The planning application proposes to create two (2) lots. Lot 1 would have an area of 2354m and would contain the exiting dwelling at 61 Grieve Street and existing outbuildings. The existing frontage to Grieve Street will be maintained (length 32.39 metres) and the width of the rear boundary fronting Dixon Street will be reduced by 16.9 metres and measure 33.78 metres.

Lot 2 will be located in the south western corner of the existing lot having a frontage of 16.9 metres to Dixon Street and a total lot size of 409m². A small outbuilding is located in the north-west corner of this lot.

A key purpose of the General Residential Zone is *“to encourage a diversity of housing types and housing growth, particularly in locations offering good access to services and transport”*. The Municipal Planning Strategy (MPS) details *“large sites within established areas have the potential to accommodate further residential development”* and Council’s strategic directions for housing diversity includes *“providing infill opportunities to accommodate residential development”*. The Planning Policy Framework (PPF) details that *“planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas”*. The proposal is for subdivision only and any future development of the lots would be subject to building and planning controls. The proposed subdivision must be considered on its merits, having regard to the purpose and decision guidelines of the zone and the relevant provisions of the MPS and the PPF.

A key indicator as to whether a proposal responds appropriately to the zone is compliance with Clause 56 (Rescode), which provides relevant residential subdivision objectives and standards that must be considered in Council’s assessment. The proposed subdivision complies with all of the requirements of Clause 56.

ISSUES

Following public notice of the application (refer **Attachment 1**) to neighbouring landowners and occupiers and signs being placed on the site, a total of seven (7) objections were received (in one submission) – refer **Attachment 2**. The objections primarily relate to:

1. Congestion in Dixon Street with cars parked on the nature strip;
2. No turning circle at the end of Dixon Street – hinders access to emergency vehicles and requires garbage trucks to reverse out;
3. The grassed nature strip in Dixon Street is a no parking or stopping area;
4. The nature strip in Dixon Street has never been mown by the owners of the site;
5. Dixon Street has no footpaths, lighting, trees and parking areas for visitors; and
6. A previous townhouse that was constructed at the end of Dixon Street (20 Dixon Street) caused amenity issues with building materials being contained outside of the site and on Dixon Street for an extended period of time.

The applicant has provided a response to the objections on 8 July 2021 – refer **Attachment 3**.

A response to the objections is provided in the delegated officer report (refer **Attachment 4**) but in summary reach the following conclusions:

1. Congestion in Dixon Street – The size of the new lot (Lot 2) being 409m² and fronting Dixon Street is an appropriate size to be able to accommodate any future car parking required to be provided in association with a dwelling or dwellings on the site in the future. The car parking requirement will be assessed as part of any future building or planning permit for the development of Lot 2;
2. No turning circle at the end of Dixon Street – The existing width and layout of Dixon Street does present some issues in terms of accessibility but it is considered that this would not result in emergency vehicles being prevented from accessing dwellings which front Dixon Street. Waste collection would not be altered as result of the proposed subdivision;
3. The grassed nature strip in Dixon Street is meant to be no parking or stopping – The width of Dixon Street dictates that there is little space for car parking to be provided adjoining the subject site on Dixon Street. The proposed subdivision will not impact the way in which vehicles park in Dixon Street;
4. The nature strip in Dixon Street of the subject site has never been mown by the owners of the site – This is not a relevant planning matter;
5. Dixon Street has no footpaths, lighting, trees and parking areas for visitors – The configuration of Dixon Street is consistent with the way in which narrower rear access streets have been developed to result in the formed width of the road being maximized and it is considered that a

two lot subdivision will not require the provision of additional footpaths, lighting or trees and the parking areas for visitors will remain unaltered; and

6. Amenity concerns from the previous development – The proposal relates to a subdivision of the land and as such it is not anticipated that there will be any disturbance to the surrounding area from the required surveying works. Amenity issues will be addressed as part of any required

FINANCIAL IMPACT

The costs associated with assessing the application have been accommodated within the 2021-2022 budget. This includes if the matter progresses to VCAT.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

4 A connected, inclusive place

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.

TIMING

Statutory timeframes are imposed under the *Planning and Environment Act 1987*.

COMMUNITY IMPACT / CONSULTATION

The application has been subject to public notice in accordance with the *Planning and Environment Act 1987*. The applicant has responded to objections. Councillor's, Council officers, the applicant and objectors will meet on site on 14 December 2021.

LEGAL RISK / IMPACT

The application has been considered in accordance with the relevant legislation.

OFFICERS' DECLARATION OF INTEREST

None.

CONCLUSION

There is policy support for the proposed subdivision having regard to the relevant provisions of the Warrnambool Planning Scheme and the Planning Policy Framework.

ATTACHMENTS

1. PP2021-0054- Advertised Application Documents [7.5.1 - 16 pages]
2. PP2021-0054- Objection Received re 61 Grieve St [7.5.2 - 2 pages]
3. PP2021-0054 - Applicants Response to Objections [7.5.3 - 1 page]
4. PP2021-0054 Planning Delegate Planning Assessment Report [7.5.4 - 23 pages]

ADVERTISEDFORM 2
SECTION 52 (1)WARRNAMBOOL
CITY COUNCIL**NOTICE OF AN APPLICATION FOR A PLANNING PERMIT**

The land affected by the application is located at:	61 Grieve St WARRNAMBOOL VIC 3280
The application is for a permit to:	Two (2) lot subdivision
The applicant for the permit is:	Mr Neville Gordon Harris C/o Joseph Land Surveying Pty Ltd
The application reference number is:	PP2021-0054
You may look at the application and any documents that support the application at the office of the responsible authority:	Warrnambool Civic Centre- 25 Liebig Street WARRNAMBOOL 3280 Or online at: www.warrnambool.vic.gov.au/advertised-planningapplications
For further reference please contact:	Planning Support Telephone: 03 5559 4800 Email: planning@warrnambool.vic.gov.au

This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the Responsible Authority (Warrnambool City Council).

An objection must * **be made to the Responsible Authority in writing**
* **include the reasons for the objection, and**
* **state how the objector would be affected.**

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

If you object, the Responsible Authority will tell you its decision.

Objections/Submissions are accepted by:

- post to Town Planning Office, Warrnambool City Council, PO Box 198 Warrnambool 3280
- in person at the Warrnambool Civic Centre, 25 Liebig Street, Warrnambool
- submitting an 'Objection to grant a Planning Permit' form available from www.warrnambool.vic.gov.au Click on *Property – Planning Permits - Objection to grant a Planning Permit form*
- email to planning@warrnambool.vic.gov.au

The Responsible Authority will not decide on the application before:	27 April 2021
--	----------------------

ADVERTISED

Our Ref: PP2021-0054
SPEAR Ref: S171662V

12/04/2021



To the Occupier
3 Dixon St
WARRNAMBOOL VIC 3280

Dear Sir/Madam,

Planning Application Number PP2021-0054
SPEAR Application Number S171662V
Two (2) lot subdivision
61 Grieve St WARRNAMBOOL VIC 3280

Council has received a Planning Permit Application for the above property. In accordance with Section 52 of the Planning and Environment Act 1987, notice of the Application is required to be given to any person who may be affected by the granting of a permit.

Details of the Application are outlined in the enclosed 'Notice of an Application for Planning Permit'.

You may object to the application, or make other written submissions in respect of the proposal. All objections/submissions must be made in writing and must be lodged with Council.

Please note that submissions are public documents and may be viewed by others.

Council will not decide on the Application before the date specified on the enclosed 'Notice of an Application for Planning Permit'.

Advertised material can be viewed at <http://www.spear.land.vic.gov.au> using the above-mentioned SPEAR reference number. Or online on Council's website at www.warrnambool.vic.gov.au/advertised-planningapplications

Any queries regarding this matter should be directed to Planning Support on 03 5559 4800.

Yours faithfully,

per 

Cathy Sextus
Town Planner
CITY DEVELOPMENT
Encl.

PLANNING PROPERTY REPORT

ADVERTISEDEnvironment,
Land, Water
and PlanningFrom www.planning.vic.gov.au at 05 March 2021 09:54 AM**PROPERTY DETAILS**

Lot and Plan Number: **Plan PC363261**

Address: **61 GRIEVE STREET WARRNAMBOOL 3280**

Standard Parcel Identifier (SPI): **PC363261**

Local Government Area (Council): **WARRNAMBOOL**

Council Property Number: **134791**

Planning Scheme: **Warrnambool**

Directory Reference: **Vicroads 515 N8**

www.warrnambool.vic.gov.au[Planning Scheme - Warrnambool](#)**UTILITIES**

Rural Water Corporation: **Southern Rural Water**

Urban Water Corporation: **Wannon Water**

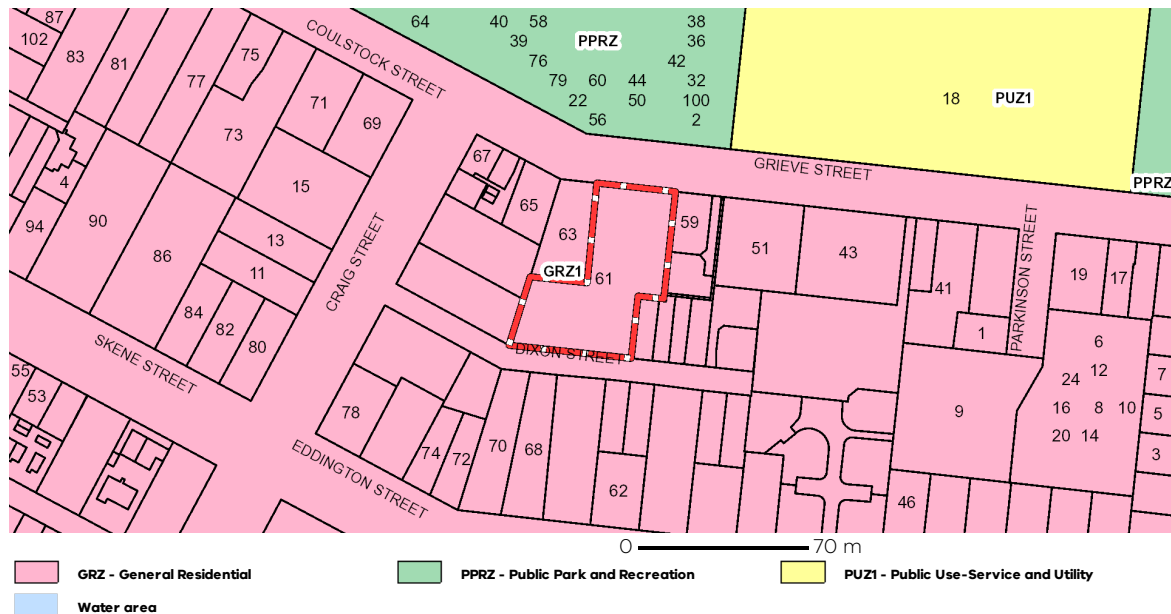
Melbourne Water: **Outside drainage boundary**

Power Distributor: **POWERCOR**

[View location in VicPlan](#)**STATE ELECTORATES**

Legislative Council: **WESTERN VICTORIA**

Legislative Assembly: **SOUTH-WEST COAST**

Planning Zones[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)

Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

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PLANNING PROPERTY REPORT: Plan PC363261

Page 1 of 5

PLANNING PROPERTY REPORT

ADVERTISEDEnvironment,
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and Planning

Planning Overlay

None affecting this land - there are overlays in the vicinity

HERITAGE OVERLAY (HO)

HO - Heritage

Water area

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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PLANNING PROPERTY REPORT: Plan PC363261

Page 2 of 5

PLANNING PROPERTY REPORT

ADVERTISEDEnvironment,
Land, Water
and Planning**Areas of Aboriginal Cultural Heritage Sensitivity**

All or part of this parcel is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.gav.nrms.net.au/gavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



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PLANNING PROPERTY REPORT: Plan PC363261

Page 3 of 5

PLANNING PROPERTY REPORT

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Environment,
Land, Water
and Planning

Further Planning Information

Planning scheme data last updated on 24 February 2021.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

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PLANNING PROPERTY REPORT: Plan PC363261

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PLANNING PROPERTY REPORT

ADVERTISEDEnvironment,
Land, Water
and Planning**Designated Bushfire Prone Areas****This parcel is not in a designated bushfire prone area.****No special bushfire construction requirements apply. Planning provisions may apply.**

Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

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PLANNING PROPERTY REPORT: Plan PC363261

Page 5 of 5



ADVERTISED

Application for Planning Permit and Certification

Supplied by Clint Joseph
Submitted Date 05/03/2021

Application Details

Application Type Planning Permit and Certification under the Subdivision Act
Version 1
Applicant Reference Number 1160
Responsible Authority Name Warrnambool City Council
Responsible Authority Reference Number(s) (Not Supplied)
SPEAR Reference Number S171662V

The Land

Primary Parcel 61 GRIEVE STREET, WARRNAMBOOL VIC
3280
SPI PC363261
CPN 134791
Zone: 32.08 General Residential Zone

The Proposal

Subdivision Act (1988) Dealing Type Section 22 (Subdivision)
Plan Number PS847155V
Number of lots 2
Proposal Description 2 lot subdivision
Estimated cost of the development for which a permit is required \$ 0

Existing Conditions

Existing Conditions Description single dwelling and vacant land
Title Information - Does the proposal breach an encumbrance on Title? The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact Mr Clint Joseph
Joseph Land Surveying
PO Box 5113 PO Box 5113 Street,
Warrnambool, VIC, 3280
Business Phone: 55622066
Mobile Phone: 0438 616 243
Email: admin@jlsurveying.com.au

Applicant

Applicant Neville Harris
c/. Joseph Land Surveying Pty Ltd
PO Box 5113 Street, Warrnambool, VIC,
Business Phone: 0438616243

Owner
Owner

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(Owner details as per Applicant)

Declaration

I, Clint Joseph, declare that the owner (if not myself) has been notified about this application.

I, Clint Joseph, declare that all the information supplied is true.

I, Clint Joseph, apply to have the attached plan of subdivision / consolidation certified under the Subdivision Act 1988 and to have advice of street numbers allocated.

Authorised by
Organisation

Clint Joseph
Joseph Land Surveying

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

VOLUME 10618 FOLIO 478

Security no : 124087218153N

Produced 18/12/2020 09:10 AM

LAND DESCRIPTION

Land in Plan of Consolidation 363261H.

PARENT TITLES :

Volume 09505 Folio 980 Volume 10589 Folio 701

Created by instrument PC363261H 04/12/2001

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

NEVILLE GORDON HARRIS of 61 GRIEVE STREET WARRNAMBOOL 3280

PC363261H 04/12/2001

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AE501278D 25/07/2006

NATIONAL AUSTRALIA BANK LTD

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

DIAGRAM LOCATION

SEE PC363261H 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: 61 GRIEVE STREET WARRNAMBOOL VIC 3280

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED

Effective from 23/10/2016

DOCUMENT END

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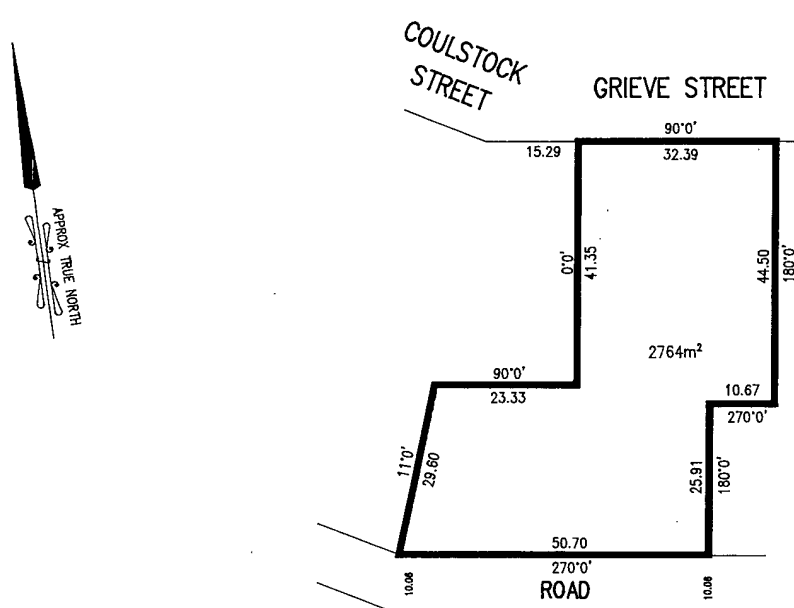

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PLAN OF CONSOLIDATION		LTO use only EDITION 1.	Plan Number PC 363261 H
Location of Land Parish: Wangoom City: Warrnambool Section: ----- Crown Allotment: 124(part) Crown Portion: ----- LTO Base Record: D.M.B. Title Reference: Lot 2 on PS 446647 J Vol. 10589 Fol. 701. and Vol 9505 Fol 980 Last Plan Reference: PS 446647 J Postal Address: 61 Grieve Street (at time of consolidation) Warrnambool AMG Co-ordinates E 630,852 (of approx. centre of land N 5,750,330 in plan) ZONE 54		Council Certification and Endorsement Council Name: Warrnambool City Council Ref: 26/01 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 Council Delegate Council Seal Date 16/ 5 / 2001 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /	
		LTO use only Statement of Compliance/ Exemption Statement Received <input type="checkbox"/> Date / / LTO use only PLAN REGISTERED TIME 5:00pm DATE 4 / 12 / 01  Assistant Registrar of Titles	
		Notations Depth Limitation: Does not apply.	
		Survey This plan is not based on survey This survey has been connected to permanent marks no(s) ----- in Proclaimed Survey Area No. -----	
Easement Information			
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)			
Easement Reference	Purpose	Width (Metres)	Origin Land Benefited/In Favour Of
---	---	---	---
			
 ADSHEAD & McQUIE PTY. LTD. LAND & ENGINEERING SURVEYING CONSULTANTS, PLANNERS 34 KEPLER STREET, WARRNAMBOOL, 3280. TEL (03)55623752 FAX (03)55 611659 A.C.N. 005064960 EMAIL ADDRESS adsmcq@w160.aone.net.au			
ORIGINAL SCALE 1:750	SHEET SIZE A3	SCALE 7.50 0 15 30 LENGTHS ARE IN METRES	
		LICENSED SURVEYOR (PRINT) JOHN SZWAJ SIGNATURE _____ DATE 17 / 4 / 2001 REF: 1482 VERSION: 01	
		Sheet 1 of 1 Sheet DATE 16 / 5 / 2001 COUNCIL DELEGATE SIGNATURE Original sheet size A3	



Surveyors Ref: 1160

**PLANNING REPORT TO ACCOMPANY PLANNING PERMIT FOR
TWO (2) LOT SUBDIVISION (CLAUSE 56)
61 GRIEVE STREET WARRNAMBOOL**

INTRODUCTION

The subject site is 61 Grieve Street consisting of a single title located on the southern side of Grieve Street approximately 60m east of the Craig Street intersection. The site also has frontage to the constructed Dixon Street. The site is formally known as part Crown Allotment 124, on PC363261H Volume 10618 Folio 478 consisting of a single dwelling upon approximately 2764m². All services are available to the site.

The proposal seeks subdivide the site into two (2) lots in accordance with the plans for endorsement.



Subject site highlighted within the surrounding neighbourhood of varying lot sizes and infill development.

PLANNING SCHEME REQUIREMENTS

The site is zone GRZ1. The land is within an area of Aboriginal cultural heritage significance against which assessment is not undertaken due to the two (2) lot subdivision.

Clause 16: Housing

The proposed subdivision is located within an old, established residential area with varying land sizes, with both ongoing and recent 'infill' developments within the immediate area. The site is located along the constructed Grieve and Dixon Streets

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with all services available. The site is within close proximity to public open space and is easily accessible to public community facilities and public transport.

CLAUSE 56 SUBDIVISION SITE AND CONTEXT DESCRIPTION

RESPONSE 56.01 SUBDIVISION SITE AND CONTEXT DESIGN RESPONSE

56.01-1: Subdivision Site and Context Description

The site consists of a single dwelling and associated shedding to the north and remaining vacant land to the south.

The site is partially fenced on the east and west boundaries, the site slopes from north to south.

Please refer to site photograph below and plans for endorsement for further site details.

56.01-2: Subdivision Design Response

The proposal seeks to create two independent lots consistent with the surrounding neighbourhood character of varying lot sizes, frontages and infill development.

56.03 LIVABLE AND SUSTAINABLE COMMUNITIES

56.03-5: Neighbourhood Character Objective

The neighbourhood character is one of mixed old and recent infill development.

The proposal shall have no real impact upon a neighbourhood of such varying character other than introducing lots with wide frontages with better opportunities for improved solar orientation of future dwellings.

The proposed development sits comfortably within the surrounding neighbourhood character of lot of varying size and infill development.

56.04 LOT DESIGN

56.04-1: Lot Diversity and Distribution Objectives

The proposal seeks to create a vacant lot that provides excellent solar orientation of the existing topography of the site.

The site is within easy walking distance to public open space(s) and public transport and if further developed shall provide highly sought after house sites supporting infill development.

56.04-2: Lot Area and Building Envelopes Objective

The new boundaries for the lots have been proposed to allow for retention of sound solar access, providing for physical access, providing for areas of private open living space, as well as providing for on-site vehicle parking and visitor parking within each lot.

Please refer to site plans for further details.

56.04-3: Solar Orientation of Lots Objective

Appropriate solar orientation of the lots is obtained.

56.04-5: Common Area Objectives

No common property is proposed.

56.06 ACCESS AND MOBILITY

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56.06-8: Lot Access Objectives

Any new vehicle access points when constructed upon development upon the new lots shall be undertaken to the satisfaction of the responsible authority.

56.07 INTEGRATED WATER MANAGEMENT

56.07-1: Drinking Water Supply Objectives

Upon construction of any new dwelling it is anticipated that self collecting water storage tanks for personal use may be required. Reticulated water is available to the sites and will be provided to the satisfaction of the Water Authority and Responsible Authority.

56.07-2: Reused and Recycled Water Objective

The size of the proposed lots are capable of the collection and storage of rain water. Any proposal to reuse and recycle water shall be designed, constructed and managed in accordance with the local responsible authorities

56.07-3: Waste Water Management Objective

Each lot will be connected to the existing reticulated system to the satisfaction of the Water Authority and Responsible Authority.

56.07-4: Urban Run-off Management Objectives

The proposed lots are capable of retaining rain water via tanks and permeable areas to reduce the effect of storm water runoff.
The significant size of the lots shall allow for the onsite retention of additional storm water.

56.08 SITE MANAGEMENT

56.08-1: Site Management Objectives

Minimal site works are required to affect the proposed subdivision. Site management shall be undertaken to the satisfaction of the responsible authority to limit the loss of amenity to adjoining areas.

56.09 UTILITIES

56.09-1: Shared Trenching Objectives

To be undertaken upon the advice and satisfaction of service providers and local responsible authority requirements.

56.09-2: Electricity, Telecommunications and Gas Objectives

Services shall be provided as per service providers and local responsible authority requirements.

CONCLUSION

This proposal seeks to create a vacant lot through infill development taking into account the topography of the site.

The proposed vacant lot when developed with a dwelling lots will present a high quality living environment for future residents and property owners.

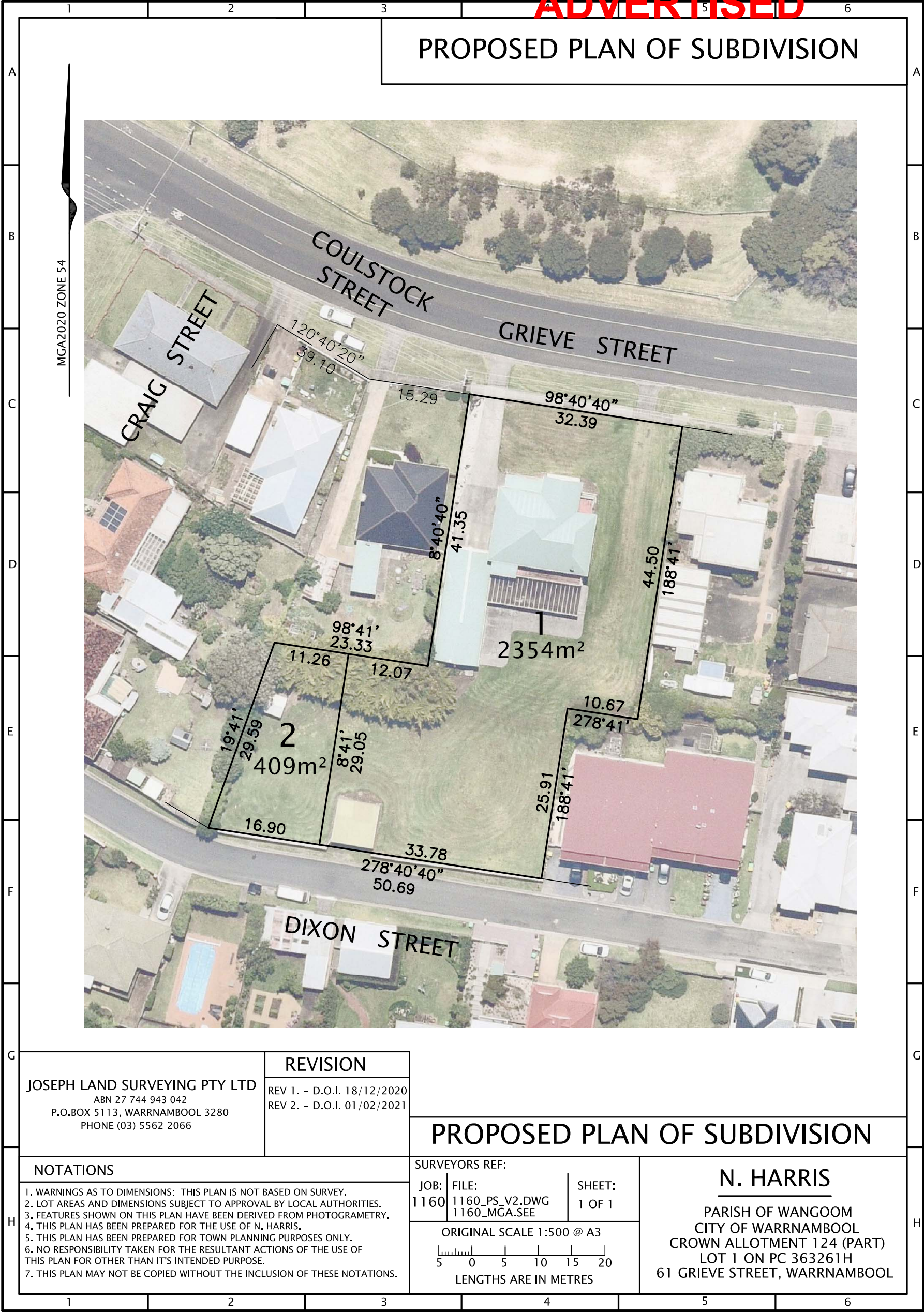
It is considered that the subdivision proposal is justified and satisfies the intent of the planning scheme.

Yours faithfully,



Clint Joseph
Licensed Surveyor

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28/4/2021

To the planning department, Warrnambool City council.

I am writing to you on behalf of myself and the signed residents (listed Below) of Dixon Street, to place an objection to a proposed two (2) lot subdivision at 61 Grieve street Warrnambool.

I/We are outlining the reasons as stated below:

- I/We see subdividing 61 Grieve Street as an opportunity for the potential owners of the two blocks to possibly use Dixon Street to access to these properties as well as Grieve Street.
- Dixon street is very congested with residents parking as it is predominately homes with multiple residents, which in turn means multiple cars, which have to be parked on what could be called the nature strips outside homes.
- The end of Dixon street does not have a turning circle at the end (dead end). So for access to emergency services could be hindered. Garbage trucks have to reverse up street.
- The grassed nature strip that backs on to the rear of 61 Grieve street is meant to be no parking or stopping.
- The owners of the above said property have never mowed the nature strip in the two years I have lived in the street. A resident in my street mows it on our behalf as we have pride in our surroundings and street.
- Dixon Street has no footpaths, lighting, trees and no parking area for visitors.
- in 2020 a townhouse was constructed at the end of the street. Various complaints were made to the owners, the construction company as well to council in regard to the amount of building material that was allowed to creep onto the road for an extended period. Responses from all parties above was not satisfactory.

I/ We would appreciate a response to this letter.

Kind regards James Mugavin

14 Dixon street Warrnambool

0437255325

The names below are also objecting to the proposed subdivision of 61 Grieve street for the above reasons.

JUDY HANSEN 3 DIXON ST W/BOUL J. Hansen
 MADELEINE MARTIN 5 DIXON STREET
 JANICE GAULKE 11 DIXON ST N'BOUL
 Katrina Riley, 9 Dixon St, Redding.
 CARL RINGHOF 9 DIXON ST CRJ

28/4/2021

To the planning department, Warrnambool City council.

I am writing to you on behalf of myself and the signed residents (listed Below) of Dixon Street, to place an objection to a proposed two (2) lot subdivision at 61 Grieve street Warrnambool.

I/We are outlining the reasons as stated below:

-I/We see subdividing 61 Grieve Street as an opportunity for the potential owners of the two blocks to possibly use Dixon Street to access to these properties as well as Grieve Street.

- Dixon street is very congested with residents parking as it is predominately homes with multiple residents, which in turn means multiple cars, which have to be parked on what could be called the nature strips outside homes.

- The end of Dixon street does not have a turning circle at the end (dead end). So for access to emergency services could be hindered. Garbage trucks have to reverse up street.

- The grassed nature strip that backs on to the rear of 61 Grieve street is meant to be no parking or stopping.

- The owners of the above said property have never mowed the nature strip in the two years I have lived in the street. A resident in my street mows it on our behalf as we have pride in our surroundings and street.

- Dixon Street has no footpaths, lighting, trees and no parking area for visitors.

- in 2020 a townhouse was constructed at the end of the street. Various complaints were made to the owners, the construction company as well to council in regard to the amount of building material that was allowed to creep onto the road for an extended period. Responses from all parties above was not satisfactory.

I/ We would appreciate a response to this letter.

Kind regards James Mugavin

14 Dixon street Warrnambool

0437255325

The names below are also objecting to the proposed subdivision of 61 Grieve street for the above reasons.

Aaron Nea
61 EDINGTON ST

ADQ

Difficult access to rear garage.

Other Document Type

SPEAR Ref #:	S171662V	Property:	61 GRIEVE STREET, WARRNAMBOOL VIC 3280
Plan Number:	PS847155V	Document Supplied:	08/07/2021
Responsible Authority Ref #:	PP2021-0054, Sub2021-014	Responsible Authority:	Warrnambool City Council
Applicant Ref #:	1160	Applicant Contact:	Joseph Land Surveying

In response to the objections received we provide the following response:

- the current site has dual frontage and the right of access to both Grieve and Dixon Street as demonstrated by the existing shed front Dixon Street. Both streets are fully constructed council roads with public highway status;
- the proposed lots are of sufficient size to easily accommodate on site car parking as per clause 55.03-10&1, any future dwelling shall be required to comply;

No further response is provided.



Planning Assessment

Application Details

Application is for:	Two (2) lot subdivision	
Applicant's/Owner's Name:	Mr Neville G Harris C/- Joseph Land Surveying Pty Ltd PO Box 5113 WARRNAMBOOL VIC 3280	
Date Received:	25 March 2021	Further Info Rec: n/a
Statutory Days:		Notice Period: 12 April 2021 - 2021 Statutory Declaration Received
Application Number:	PP2021-0054	
Land/Address:	PC 363261H 61 Grieve St WARRNAMBOOL VIC 3280	
Zoning:	General Residential 1 Zone (GRZ1)	
Overlays:	None apply	
Under what clause(s) is a permit required?	Clause 32.08-3 Subdivision (GRZ1)	
Restrictive covenants on the title?	None apply	
Current use and development:	Dwelling and associated outbuildings including a large garage with access from Grieve Street	

Subject site & locality

The subject site is located within an established residential area of Warrnambool at the western end of Grieve Street approximately one kilometre to the north-east of the Warrnambool Central Business District. The site is located approximately 60 metres to the east of Craig Street and approximately 420 metres to the west of Derby Street.

The subject site fronts Grieve Street with the rear of the lot adjoining Dixon Street. Both Grieve Street and Dixon Streets are local roads. Grieve Street provides a connection between Cramer Street to the west and Derby Street to the east. Dixon Street is a no through road which is a cul-de-sac design which does not have a turning circle at the termination of the street at the eastern end where the street adjoins 50 Eddington Street. Dixon Street is narrow in formation and serves as primary access to lots at the eastern end of the Dixon Street and as a rear access to the subject site and to lots which front Eddington Street to the south. Dixon Street

The subject lot is an irregular shape with the land having wide frontages to both Grieve Street and Dixon Street. The subject site has a total area of 2764m² and fronts Grieve Street and is adjoined by Dixon Street along the rear lot boundary.

Figure 1: Aerial photograph of the subject site and surrounds (Source: Exponare)



Adjoining land directly to the west and east of the subject site and adjacent land to the south of the subject site is zoned General Residential 1 and is occupied by residential dwellings of varying densities. Adjacent land to the north of the subject site on the northern side of Grieve Street is zoned Public Park and Recreation and forms part of the wider Albert Park Public Recreation Reserve. This reserve land is occupied by a number of outdoor recreational uses including the Warrnambool Pony Club and the South Rovers Football Netball Club which uses the Walter Oval. The Wannon Water treatment plant adjoins the reserve land to the east and is located adjacent to the subject site to the north east.

The existing surrounding residential uses comprise a mix of residential dwellings of varying densities and includes single dwellings on conventional sized residential lots. A number of surrounding lots which are large in size have been further subdivided or developed with more intensive residential developments.

An existing two storey residential dwelling and a large garage are located on the front part of the subject site. Vehicle access is provided to the site via an existing vehicle crossover and accessway directly from Grieve Street sited at the north western corner of the site. The accessway runs along the western side of the dwelling and services the existing garage.

A small outbuilding fronts Dixon Street at the mid-section of the southern lot boundary and an additional small outbuilding is located on the westernmost most part of the lot in the north-

west corner of the site. The remainder of the site is currently vacant, undeveloped residential land.

Figure 2: Enlarged aerial photograph of the subject site (Source: Exponare)



Figure 3: Street view of the subject site from Grieve Street (Source: Google Maps)



Figure 4: Street view from Dixon Street depicting the south east portion of the subject site (Source: Google Maps)



Figure 5: Street view from Dixon Street depicting the south west portion of the subject site (Source: Google Maps)



Figure 6: Street view of existing outbuilding on the subject site fronting Dixon Street (Source: Google Maps)



Figure 7: Dixon Street (western end) looking towards the west to Craig Street (Source: Google Maps)



Figure 8: Dixon Street (western end) looking towards the west to Craig Street (Source: Google Maps)



Figure 9: Dixon Street (eastern end) looking towards the west with existing unit development in the foreground (Source: Google Maps)



Figure 10: Dixon Street at the intersection with Craig Street (Source: Google Maps)



Proposal

The proposal is for a two (2) lot subdivision and will create the following:

- Lot 1 - Contains the existing dwelling and garage which is located on the site, a small outbuilding fronting Dixon Street in the south west corner of the site and a large area of undeveloped residential land. This lot will comprise a total area of 2354m²; and
- Lot 2 – Located to the rear of Lot 1, Lot 2 will measure 409m² in area and currently contains a small outbuilding with the remainder of the site being undeveloped residential land.

Figure 11: Proposed subdivision and existing conditions (Source: Plan submitted by the applicant)



Permit/Site History

Planning Permit History

The planning permit history associated with the subject site includes:

- Permit No. 3417/97 – for alterations and extensions to the existing dwelling was issued on 1 August 1997;
- Re-subdivision – related to a proposed two (2) lot subdivision of 63 Grieve Street and consolidation of the rear lot (referred to as Lot 2) with the land at 61 Grieve Street. The applicant was advised that a planning permit was not required in correspondence dated 30 March 2001. The re-subdivision and consolidation created the subject site at 61 Grieve Street with the legal description being PC 363261H and an area of 2764m² and Lot 1 PS446647 (63 Grieve Street) measuring 799m²; and
- Planning Permit PP2012-0118 – construction of five (5) double storey dwellings with double garages fronting Dixon Street and subdivision into six (6) lots was issued on 17 May 2013. A total of five (5) objections were received to the application, four objections were received after the first notification period and an additional objection was received following re-advertisement of the application. A Notice of Decision was issued on 16 April 2013 and as no appeals were lodged at VCAT the planning permit was issued on 17 May 2013. The permit contained 31 conditions and included Condition 1 which required the submission of amended plans prior to the development commencing. An extension of time was issued to the permit on 5 May 2014 requiring the development to commence by 17 May 2017 and be completed by 17 May 2019. The permit was never acted upon and has subsequently lapsed.

Aboriginal Cultural Heritage

- Is the site in an area of significance? Yes
- Is the proposed development exempt? No. The subdivision is not classified as a small subdivision in accordance with Clause 11 of the *Aboriginal Heritage Regulations 2018*.
- Is the proposed activity classified as a high impact activity? No. Clause 49(1) of the *Aboriginal Heritage Regulations, 2018* details that only the subdivision of land into three or more lots (except in certain circumstances) are high impact activities and therefore two lot subdivisions within residential zones are not classified as high impact activities.
- Has the site been significantly disturbed in the past? N/A
- Is a Cultural Heritage Management Plan required? No. The proposed two lot subdivision is not classified as a high impact activity.

Covenants/Restrictions

There are no covenants or restrictions registered on the Certificate of Title for the land.

Statutory controls

The following permit triggers are relevant to the application:

Clause	Permit Trigger
Clause 32.08 General Residential 1 Zone (GRZ1)	Pursuant to Clause 32.08-3 a permit is required to subdivide land

Public Notification

The application was advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining and adjacent land on 12 April 2021. The notification was sent directly to the owners and occupiers of 63 Grieve Street, 10 and 12 Craig Street and 3 Dixon Street;
- Placing two (2) signs on the subject site. One (1) sign was placed on the Dixon Street frontage and one (1) sign was placed on the Grieve Street frontage; and on
- Council's website.

A statutory declaration was received from the owner of the site on 23 June 2021 detailing that the required signs had been displayed on the subject site for a period of fourteen (14) days advertising the application for the two lot subdivision. The statutory declaration was completed incorrectly as the date that notice was not detailed on the form. The applicant was advised that a correctly completed statutory declaration was required. A statutory declaration was provided.

The notification process has been carried out correctly and Council has received seven (7) objections to the proposed subdivision. The objections were contained within a single written submission and had seven signatories. The objections raised the following matters:

1. Congestion in Dixon Street with cars parked on the nature strip;
2. No turning circle at the end of Dixon Street – hinders access to emergency vehicles and requires garbage trucks to reverse out;
3. The grassed nature strip in Dixon Street is a no parking or stopping area;
4. The nature strip in Dixon Street has never been mown by the owners of the site;
5. Dixon Street has no footpaths, lighting, trees and parking areas for visitors; and
6. A previous townhouse that was constructed at the end of Dixon Street in 2020 caused issues with building materials being contained outside of the site and on Dixon Street for an extended period of time.

Joseph Land Surveying Pty Ltd is the applicant for the subdivision and provided a response to the objections on 8 July 2021.

Assessment of Objections

1. Congestion in Dixon Street – The size of the new lot (Lot 2) being 409m² and fronting Dixon Street is an appropriate size to be able to accommodate any car parking required to be provided in association with a dwelling or dwellings on the site in the future. The car parking requirement will be assessed under the ResCode standards as part of any future building or planning permit for the development of Lot 2;
2. No turning circle at the end of Dixon Street – The existing width and layout of Dixon Street being narrower than a standard local road does present some issues in terms of accessibility but it is considered that the proposed subdivision would not result in emergency vehicles being prevented from accessing dwellings which front Dixon Street. Waste collection would also not be altered as result of the proposed subdivision with the current method of access for waste collection vehicles being the same as the current collection methods;
3. The grassed nature strip in Dixon Street is meant to be no parking or stopping – The width of Dixon Street dictates that there is little space for car parking to be provided

adjoining the subject site on Dixon Street. The proposed subdivision will not impact the way in which vehicles park in Dixon Street as the new lot which is being created (Lot 2) is of an adequate size to accommodate any required car parking associated with future residential development of the lot;

4. The nature strip in Dixon Street of the subject site has never been mown by the owners of the site – This is not a relevant planning matter;
5. Dixon Street has no footpaths, lighting, trees and parking areas for visitors – The configuration of Dixon Street is consistent with the way in which narrower local roads which provide predominantly rear access to lots have been developed. In order to maximize the width of the sealed surface of the road additional services have not previously been provided within the road reserve. It is considered that a two lot subdivision will not require the provision of additional footpaths, lighting or trees and the parking areas for visitors will remain unaltered; and
6. Amenity concerns from the previous development – The proposal relates to a subdivision of the land and as such it is not anticipated that there will be any disturbance to the surrounding area from the required surveying works. Amenity issues will be addressed as part of any required building or planning approval for the future development of Lot 2.

Consultation

Consultation was undertaken with the applicant in relation to the objections that were received to the proposed subdivision. The applicant was forwarded a copy of the objections and provided a response to the objections on 8 July 2021 as follows:

In response to the objections received we provide the following response:

- the current site has dual frontage and the right of access to both Grieve and Dixon Street as demonstrated by the existing shed front Dixon Street. Both streets are fully constructed council roads with public highway status;
- the proposed lots are of sufficient size to easily accommodate on site car parking as per clause 55.03-10&1, any future dwelling shall be required to comply;

No further response is provided.

Referrals

Section 55 Referrals

None required.

Section 52 Referrals

None required.

Internal Referrals

▪ Infrastructure

The referral response received from Council's Infrastructure Department on 18 June 2021 recommended the inclusion of conditions on the planning permit including a Stormwater Management Plan, stormwater and the provision of street trees. Advisory notes were also

recommended in relation to applications being made for a Road Reserves Work Permit and an Asset Protection Permit.

Comment:

It is considered appropriate to include the recommended conditions on the permit which relate to the Stormwater Management Plan and stormwater works and the recommended advisory notes.

It is not considered necessary to include the recommended condition in relation to the provision of street trees. This condition is not deemed to be necessary due to the location of proposed Lot 2 fronting Dixon Street which has a narrow formed width and any street tree planting may impact the way in which the street is used and limit the accessibility for large vehicles including waste collection and emergency service vehicles.

Assessment

Municipal Planning Strategy (MPS)

The below clauses are the most relevant to the planning application:

Clause 02.01 Context

Warrnambool is Victoria's largest coastal regional city and is the fastest growing economy and population in South West Victoria.

Clause 02.02 Vision

The Council Plan (2017-2021) sets out the vision for Warrnambool as '*a cosmopolitan city by the sea*'.

Clause 02.03 Strategic Directions

Clause 02.03-1 – Settlement

Clause 02.03-6 – Housing

Housing diversity

Large sites within established urban areas have the potential to accommodate further residential development.

There is also capacity for more intensive forms of residential development within proximity to open space, activity centres and along public transport routes.

Warrnambool has a range of dwelling sizes. Every 5 in 10 dwellings contain three bedrooms. Two bedroom and four bedroom dwellings represent one in six of all dwellings. Over the next two decades, Warrnambool's population is projected to age and household sizes are expected to continue to get smaller. Dwelling sizes, however, are anticipated to increase. By 2031, one quarter of the City's dwellings could consist of four or more bedrooms. More diversity in dwelling sizes is needed.

Council's strategic directions for housing diversity are:

- *Providing infill opportunities to accommodate residential development.*
- *Ensuring future populations have access to a diverse range of housing options including increasing the supply of housing for smaller households.*

Housing affordability

The affordability of housing has significant impacts on the liveability and economic prosperity of the community. A lack of affordable housing is a barrier to attracting key workers and tertiary students to the City. It also has detrimental impacts on sole parents, single people, young people, older people (65+ years) and children of sole parents.

Council's strategic directions for housing affordability are:

- *Facilitating smaller lot sizes and housing for the ageing and student populations close to community services.*
- *Providing social housing in future growth area planning.*

Clause 02.03-8 – Transport and Infrastructure

Development infrastructure

Water and sewerage services are provided by Wannon Water.

The design, management and delivery of infrastructure are key issues for Council. The Infrastructure Design Manual (LGIDA, 2020) includes guidelines for the design and construction of infrastructure within the municipality including (among other things) roads, drainage, stormwater, car parking, landscaping, access, earthworks and intersection infrastructure.

Council's strategic directions for development infrastructure are:

- *Minimising stormwater runoff into catchments by the use of water sensitive urban design and utilising open spaces to act as floodways.*
- *Providing for the sustainable planning, design and construction of infrastructure.*

Assessment

The proposed subdivision finds support within the above Municipal Planning Strategy clauses as described within the Warrnambool Planning Scheme. The proposed subdivision will facilitate future development of the rear part of the site in accordance with the intention of land that is zoned for residential purposes. The subdivision will allow for the consolidation of an existing urban residential area which will encourage the location of additional residential development within close proximity to the existing city centre. The subdivision also has the

potential to increase housing diversity within the City depending on the size and design of any future dwelling or dwellings which are constructed on proposed Lot 2.

The proposed subdivision will continue the established layout of the land that is consistent with surrounding lots with the existing dwelling fronting Grieve Street and a vacant lot to the rear of the site fronting Dixon Street. The subdivision is suitable for the topography of the land. It will respect the surrounding neighbourhood character of the area and form a continuation of the residential subdivision layout of the area. It will integrate well with the surrounding environment and the associated site features. The subdivision generally satisfies the housing and development infrastructure objectives and strategies identified within the MPS without causing an undue impact upon the environment.

Planning Policy Framework (PPF)

The below clauses found within the PPF are the most relevant to the planning application:

Clause 11 – Settlement

Clause 11.01 Victoria

Clause 11.01-1S – Settlement

Clause 11.01-1R – Settlement – Great South Coast

Clause 11.02 – Managing Growth

Clause 11.02-1S – Supply of Urban land

Objective

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

The relevant strategies are:

- *Ensure that sufficient land is available to meet forecast demand.*
- *Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.*
- *Planning for urban growth should consider:*
 - *Opportunities for the consolidation, redevelopment and intensification of existing urban areas.*
 - *Neighbourhood character and landscape considerations.*
 - *The limits of land capability and natural hazards and environmental quality.*
 - *Service limitations and the costs of providing infrastructure.*
- *Monitor development trends and land supply and demand for housing and industry.*

Clause 15 – Built Environment and Heritage

Clause 15.01 Built Environment

Clause 15.01-3S – Subdivision design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.*

Clause 15.03-2S – Aboriginal cultural heritage

Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

Strategies

Provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places.

Clause 16 – Housing

Clause 16.01 Residential development

Clause 16.01-1S – Housing supply

Objective

To facilitate well-located, integrated and diverse housing that meets community needs.

Strategies

Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.

Identify opportunities for increased residential densities to help consolidate urban areas.

Clause 16.01-1L Housing supply

Strategies

Support increased residential densities in growth areas and established urban areas within proximity to existing or planned transport corridors, activity centres and open space.

Support residential infill development within established urban areas that complements the area's neighbourhood character.

Clause 16.01-2S Housing affordability

Objective

To deliver more affordable housing closer to jobs, transport and services.

Strategies

Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.

Clause 19 – Infrastructure

Clause 19.03 Development infrastructure

Clause 19.03-2S Infrastructure design and provision

Objective

To provide timely, efficient and cost-effective development infrastructure that meets the needs of the community.

Strategies

Provide an integrated approach to the planning and engineering design of new subdivision and development.

Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns.

Clause 19.03-2L Infrastructure design and planning

Strategies

Encourage a consistent approach to the design and construction of infrastructure across the municipality.

Clause 19.03-3S Integrated water management

Objective

To sustainably manage water supply, water resources, wastewater, drainage and stormwater through an integrated water management approach.

Strategies

Plan and co-ordinate integrated water management, bringing together stormwater, wastewater, drainage, water supply, water treatment and reuse.

Ensure that development protects and improves the health of water bodies including creeks, rivers, wetlands, estuaries and bays.

Provide for sewerage at the time of subdivision or ensure lots created by the subdivision are capable of adequately treating and retaining all domestic wastewater within the boundaries of each lot.

Clause 19.03-3L Integrated water management

Objective

To reduce environmental degradation associated with stormwater run-off and effluent disposal.

Strategies

Control urban run-off to protect and enhance waterways.

Clause 19.03-4S Telecommunications

Objective

To facilitate the orderly development, extension and maintenance of telecommunications infrastructure.

Strategies

Facilitate the upgrading and maintenance of telecommunication facilities.

Assessment

The proposed subdivision provides an appropriate response to the objectives and strategies of the Planning Policy Framework, namely the abovementioned clauses. The proposed subdivision maintains the appropriate settlement patterns through the provision of lots which are of an appropriate residential size and dimension.

The location of the new vacant lot is supported within the PPF as the site will have good access to services, infrastructure and amenity. Additionally, planning permit conditions will ensure that the infrastructure is delivered to achieve the objectives.

It is considered that approving the proposed subdivision has the potential to increase the number of suitable lots for available for housing thereby consolidating a well-established residential area of Warrnambool. The subject site is well located within a designated residential area with related infrastructure facilities available to service both of the lots contained within the subdivision.

The subdivision has the potential to consolidate an existing urban area and facilitate diverse housing with the future development of Lot 2 for residential purposes making use of urban land which is currently considered to be under-utilised.

Zoning

General Residential Zone – Schedule 1 (GRZ1)

Purpose

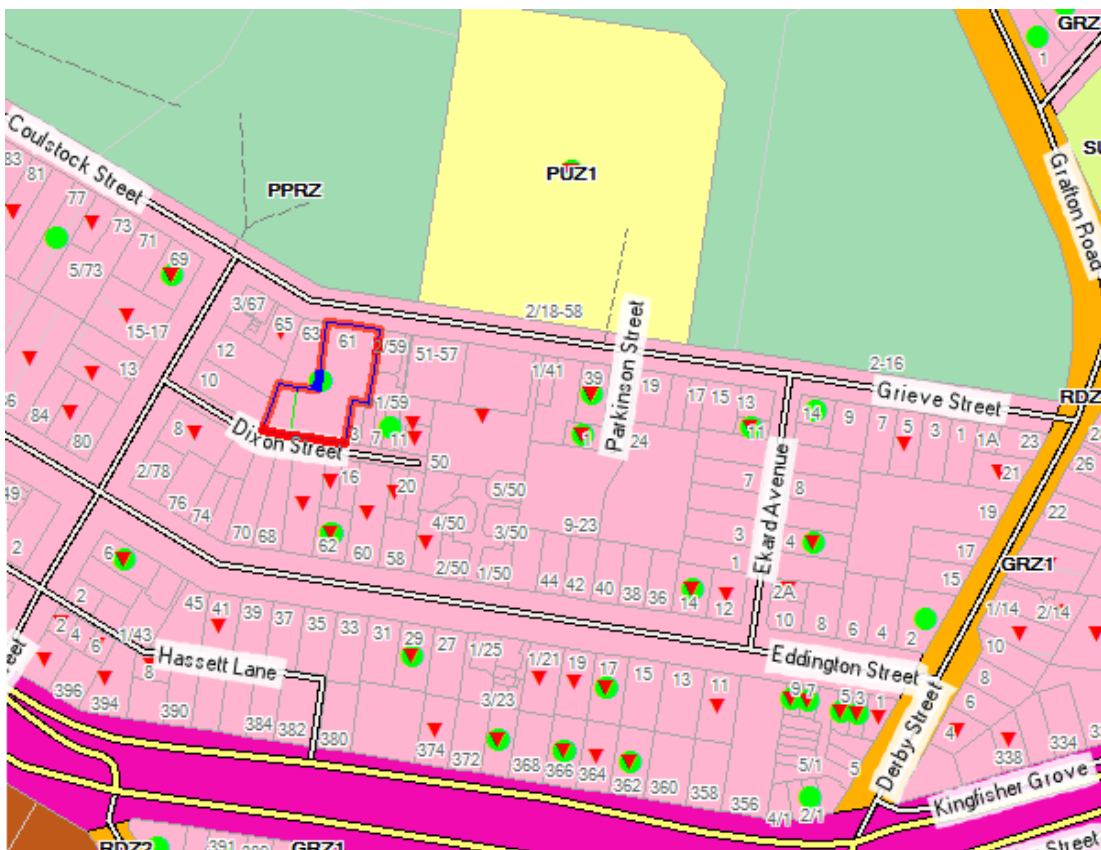
- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*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

Permit Requirement

Pursuant to Clause 32.08-3 a planning permit is required to subdivide land. An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of the Clause 56 as specified under the table to Clause 32.08-3 and include Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2. An assessment against the provisions of Clause 56 has been completed and is attached to this file. The subdivision is in accordance with all of the relevant standards of Clause 56.

Note: An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. As the vacant lot that will be created as part of this subdivision (Lot 2) exceeds 400m² in area a garden area is not required to be detailed on the plan of subdivision.

Figure 12: Zoning map of the subject site (Source: Exponare)



Decision Guidelines

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*

Subdivision

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

Assessment

The proposal is generally compliant with the above decision guidelines and is in accordance with the above decision guidelines for the following reasons:

- The site is well located within an emerging residential area with access to appropriate infrastructure and transport;
- The proposed subdivision is complementary to the orderly planned urban consolidation of the area; and
- The proposal complies with the relevant provisions of Clause 56 of the Warrnambool Planning Scheme (a separate assessment is attached).

Overlays

None apply.

Relevant Particular Provisions

Clause 53.01 Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential purposes or a percentage of the site value of such land, or a combination of both).

Exemption from public open space requirement specified in the scheme

- Subdivision of land into two lots and the council considers it unlikely that each lot will be further subdivided.

Assessment

The proposed subdivision relates to the creation of two lots and as such the exemption to provide public open space applies. An advisory not will be placed on the permit detailing that a contribution to public open space may be required if either lot is further subdivided in the future.

Clause 53.18 Stormwater Management in Urban Development

Purpose

To ensure that stormwater in urban development, including retention and reuse, is managed to mitigate the impacts of stormwater on the environment, property and public safety, and to provide cooling, local habitat and amenity benefits.

Assessment

The application has been reviewed by Council's Design Engineers and a condition relating to stormwater management will be included on the permit.

Clause 56 Residential subdivision

The purpose of the above clause is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately responds to the site and its context for:*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns.*

- *To ensure residential subdivision design appropriately provides for:*

- *Policy implementation.*
- *Liveable and sustainable communities.*
- *Residential lot design.*
- *Urban landscape.*
- *Access and mobility management.*
- *Integrated water management.*
- *Site management.*
- *Utilities.*

These provisions apply to an application to subdivide land in General Residential 1 Zone.

Assessment

An assessment of the application against Clause 56 has been carried out and the proposed subdivision complies with all of the relevant RescCode requirements. A copy of the Clause 56 Assessment is attached.

General Provisions

Clause 65.02 Approval of an application to subdivide land

Following decision guidelines are relevant:

- The suitability of the land for subdivision;
- The possible future development of the land;
- Subdivision pattern having regard to the physical characteristics of the land; and
- The area and dimension of each lot in the subdivision.

Comment:

It is considered that the subdivision satisfies the decision guidelines of Clause 65.02 as the land is zoned General Residential 1 and is suitable for subdivision to consolidate an existing urban residential area. Lot 2 will be able to be further developed for residential purposes in the future and the subdivision pattern is acceptable in relation to the physical characteristics of the land. The area and dimensions of both of the proposed lots is also considered to be acceptable.

Consideration of Objections

It is considered that the matters raised in the objections are not satisfactory grounds to refuse the proposed two lot subdivision. All of the matters raised in the objection are either inconsequential, irrelevant or able to be appropriately addressed as conditions of a planning permit. The use of Dixon Street for vehicular access to Lot 2 is considered to be appropriate and car parking will be able to be provided on site in association with any future residential development on this lot. The way in which large vehicles such as emergency appliances and waste trucks use Dixon Street will not change as a result of the subdivision. The proposed future development on Lot 2 of the subdivision cannot be assessed at this time and this does not form part of the application. Any future residential development on Lot 2 will be required to meet the relevant ResCode standards in association with the required planning or building permit application.

Conclusion

The application is for a two (2) lot subdivision. The subject site has a total area of 2764m² and contains an existing dwelling and associated outbuildings.

The proposed subdivision will result in the creation of Lot 1 measuring 2354m² and Lot 2 which measures 409m². Lot 1 has an existing residential dwelling and associated outbuildings located on site including a garage used in conjunction with the existing dwelling and a smaller outbuilding fronting Dixon Street. Lot 2 is currently predominantly undeveloped land which fronts Dixon Street with the exception of a small outbuilding located in the north- west corner of the lot. Vehicle and pedestrian access to Lot 1 will be retained based on the existing the use of the site via the existing vehicle crossing and accessway from Grieve Street. Lot 1 will still front Dixon Street for a length of 33.78 metres and secondary access will remain available from Dixon Street allowing for continued use of the existing outbuilding in the south west corner of this lot. Lot 2 will be provided with vehicle and pedestrian access directly from Dixon Street.

Seven (7) objections contained within one written submission were received in relation to the subdivision. The objections related to traffic congestion in Dixon Street with cars parked on the nature strip, no turning circle at the end of Dixon Street hindering access to the dwellings in Dixon Street for emergency vehicles and the need for garbage trucks to reverse out of Dixon Street, the grassed nature strip in Dixon Street is a no parking or stopping area, the nature strip in Dixon Street has never been mown by the owners of the site, Dixon Street has no footpaths, lighting, trees and parking areas for visitors; and a previous townhouse that was constructed at the end of Dixon Street (20 Dixon Street) caused amenity issues with building materials being contained outside of the site and on Dixon Street for an extended period of time.

It is considered that all of the matters raised in the objection are not of a nature that should prevent a permit from issuing and are in the most part able to be adequately addressed via conditions and advisory notes on the planning permit. The creation of an additional lot fronting Dixon Street will not adversely impact the area and whilst the subdivision will result in the land being able to be further developed for residential purposes the existing street network and services within the area will be able to accommodate this expansion in a well-planned and appropriate manner. Dixon Street will continue to be used as it currently is in terms of being available for vehicular access to lots which have primary access from this street and for use by larger emergency and waste collection vehicles.

The application meets all of the objectives and standards specified in Clause 56, will appropriately accommodate existing or proposed easements on the lots and the provision of utility services to each lot. It is considered that the proposed subdivision is consistent with the Municipal Planning Strategy and the Planning Policy Framework. Therefore, the application is for a two (2) lot subdivision should be supported and a planning permit should be issued.

Recommendation

That Council having determined not to give notice of Planning Application No. PP2021-0054 under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* recommends that a Notice of Decision be issued under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as PC 363261H, 61 Grieve St WARRNAMBOOL VIC 3280, for a two (2) lot subdivision in accordance with the endorsed plans, subject to the following conditions:

1. Removal of Outbuilding

Prior to the issue of Statement of Compliance for the subdivision the outbuilding which is located on proposed Lot 2 is required to be removed.

2. Stormwater Management Plan

Before the certification of a plan of subdivision a detailed Stormwater Management Plan is to be submitted to and endorsed by the responsible authority. The stormwater works must be designed in accordance with the current responsible authority's Design Guidelines, the endorsed application plans and must include:

- a) Identification of any existing drainage on the site;
- b) Details of how the works on the land are to be drained and/or retarded;
- c) Computations in support of the proposed drainage;
- d) A proposed Legal Point of Discharge for each lot;
- e) An underground drainage system to convey minor flows (as defined by the IDM) to the Legal Point of Discharge or retention system for the development;
- f) Details of how the storm water discharge from the development will be limited such that post development flows up to the 20% AEP do not exceed pre-development flows;
- g) Evidence that storm water runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within lots without causing damage or nuisance to adjoining property; and
- h) Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways in accordance with Clause 56.07-4 of the Planning Scheme.

3. Stormwater Works

The endorsed Stormwater Management Plan is to be implemented to the satisfaction of the responsible authority prior to the issue of Statement of Compliance for the subdivision.

4. Vehicle Access

Prior to the issue of the Statement of Compliance, the applicant must provide vehicle access to all lots to the satisfaction of the responsible authority. This includes the removal

of existing substandard or redundant vehicle crossings and reinstatement of affected kerb, nature strip and footpath. Satisfactory clearance is to be provided to any stormwater pit, power or telecommunications pole, manhole cover, marker, or street tree. Any relocation, alteration or replacement required shall be at the applicant's expense.

5. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
6. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
9. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

NOTES

- a) Permit Expiry

In accordance with section 68 of the *Planning and Environment Act 1987*, this permit will expire if any of the following circumstances applies:

- i. The subdivision is not certified within two (2) years of the date of this permit; or
- ii. The registration of the subdivision is not completed within five (5) years of the date that the plan of subdivision is certified.

In accordance with section 69 of the *Planning and Environment Act 1987*, the responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

b) Road Reserve Works Permit

Before the commencement of any works within the road reserve, a Road Reserve Works Permit must be obtained from Council. All conditions on the Permit must be complied with.

c) Asset Protection Permit

Before the commencement of any physical works to the site, an Asset Protection Permit must be obtained from Council. This purpose of this permit is to protect Council assets from damage which can result from the works and from the movement of heavy equipment and materials on and off the site. All conditions on the Permit must be complied with.

d) Public Open Space Requirement

A public open space contribution has not been made in association with the subdivision. A public open space contribution may be required in the future if proposed Lot 2 is developed with more than one (1) dwelling or if Lot 1 is further developed or subdivided.

7.6. MIDDLE ISLAND PROJECT COMMITTEE APPOINTMENT OF COMMUNITY REPRESENTATIVE***DIRECTORATE : City Growth*****PURPOSE:*****The purpose of this report is to appoint the Community Representative to the Middle Island Project Committee.*****EXECUTIVE SUMMARY**

- The Middle Island Project Committee was endorsed by Council in October 2021.
- The Committee includes a position for a Community Representative.
- Expressions of Interest for the Community Representative were sought in December 2021.
- Submissions have been assessed and it is recommended that Zoe Brittain is appointed to the Committee.

MOVED: CR MAX TAYLOR
SECONDED: CR ANGIE PASPALIARIS

That Council appoint Zoe Brittain to the Community Representative on the Middle Island Project Committee.**CARRIED - 7:0****BACKGROUND**

The Middle Island Little Penguin Project (the Project) is a wildlife conservation project to help protect a colony of Little Penguins (*Eudyptula minor*) living on Middle Island.

The Project commenced in 2006 after reports that the penguin numbers in the colony had dropped considerably, to less than 10 from an estimate of around 800 in 2000. The cause of the decline was attributed principally to fox predation and human impact of trampling burrows.

The project is based on the use of Maremma dogs to guard and protect the penguins known as the 'Warrnambool method'. The Maremma dogs were trained and placed on the Island to deter predators, such as foxes, from coming to the Island and killing the penguins.

A review of The Middle Island Project was undertaken and in September 2020 Council endorsed continuation of the project under the conservation management model – being the use of conventional conservation techniques (vegetation controls and predator controls) to protect biodiversity values supplemented with the use of Maremma dogs to specifically protect the penguin colony.

With revised operating arrangements including:

- Governance Structure
- Operating Model
- Roles and Responsibilities

The revised governance structure included establishment of a Middle Island Project Committee, endorsed by Council in October 2021, which consists of representatives with relevant expertise to advise and support Council through reviewing and recommending appropriate conservation techniques that reduce threats faced by the Little Penguin and to support the ongoing conservation of the population on Middle Island.

The role of the Committee is to:

1. Provide advice on any issue that has major implications for the project
2. Create a strong link between Warrnambool City Council, agencies relevant to the project, and the community
3. Provide advice, support and assistance in the implementation of the program
4. Provide constructive and technical advice and feedback on management actions
5. Provide those directly involved in the project with guidance and make recommendations on project related issues
6. Provide valuable community/local knowledge to help inform management decisions
7. Represent community and stakeholder views in relation to the management of the Middle Island Project.
8. Receive updates on the Project's financial position and make recommendations on seeking deploying project funds.

The Committee will include representatives from key stakeholders together with Warrnambool City Council representatives, a Project Officer and a Penguin Monitoring Officer (WCLN). The term of membership for each member shall be two (2) years.

The Committee will be comprised of a representative from the following organisations, groups & agencies:

1. Deakin University
2. Warrnambool Field Naturalists Club
3. Warrnambool Coastcare Landcare Network
4. The Department of Environment, Land, Water & Planning
5. Parks Victoria
6. Community Representative
7. Warrnambool City Council – Officer
8. Warrnambool City Council - Councillor

ISSUES

Expressions of Interest (EOI) were sought for the community member position in December 2021.

Based on the assessment of skills, experience and the ability to represent community views, it is recommended that Zoe Brittain is appointed to the role of Community Representative for the term of two years.

FINANCIAL IMPACT

The costs associated with implementation and coordination of the Middle Island Project Committee are accommodated within the City Sustainability budget.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

2 A Sustainable environment

2.1 Natural environment: Council will enhance open spaces and infrastructure that support a healthy community, wildlife, flora, fauna and biodiversity.

2.2 Water and coastal management: Council will protect and enhance the health of Warrnambool's coastline and inland waterways to protect and improve biodiversity

2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

2.6 Awareness and celebration: Council will foster community awareness and recognition of the benefits of positive outcomes for Warrnambool's environment

5 An effective Council

5.2 Engaged and informed community: Council will ensure ongoing community engagement to identify changing needs and priorities when developing and delivering services and programs.

TIMING

Routine.

COMMUNITY IMPACT / CONSULTATION

Expressions of Interest were sought from the community and advertising was undertaken in December 2021.

LEGAL RISK / IMPACT

There are reputational, environmental and financial risks associated with the Middle Island Project and the future implementation.

The changes to the governance arrangements reduces the risks, improves delegation and clarifies roles and responsibilities.

OFFICERS' DECLARATION OF INTEREST

None

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

The Middle Island Project Committee will strengthen the governance and advice provided to Council to ensure the project continues to be successful and sustainable into the future. The appointment of a Community Representative will provide an opportunity to share community views and contribute to the advice and guidance in relation to the Middle Island Project.

ATTACHMENTS

Nil

7.7. DEAKIN LINK FEASIBILITY STUDY

DIRECTORATE : City Infrastructure

PURPOSE:

This report provides information on the feasibility of a safe pedestrian/cycling priority connection between Deakin (East Warrnambool) through to Central Warrnambool and the rail trail.

EXECUTIVE SUMMARY

- Council has undertaken a feasibility study to assess the potential of connecting Deakin and CBD via priority footpath and cycle path.
- The study stated that constructing a rail trail and also an on-road path connecting Deakin and the CBD is achievable and has widespread benefits.
- A concrete shared pathway is proposed from Deakin's Sherwood Station through to Lake Pertobe and the CBD, most of the length would be within the rail corridor and separated from the rail tracks with a park fence.
- Well used informal tracks already exist within the proposed route, it's highly recommended to formalise and complete the route with adequate infrastructure and safety improvements.
- In addition, an on-road shared path is proposed through Deakin- Raglan Parade- Simpson St- Verdon St – Rail corridor - Bostock Rd - Nicholson St – Timor St.
- While the improvements to the on-road route could be achieved in the short term, there is a section of the proposed rail path that is common to both routes (Simpson St to Bostock St), hence this section has also been recommended for Phase One.
- Beneficiaries of the project are extensive and Deakin itself is just one of many destinations identified. The most significant benefit is the connection of East Warrnambool (and one day Allansford) with the CBD.

MOVED: CR BEN BLAIN

SECONDED: CR DEBBIE ARNOTT

That Council:

- 1. Acknowledges this feasibility study;**
- 2. Considers funding the various stages of the project's design in future budgets.**

CARRIED - 7:0

BACKGROUND

For many years ideas have been discussed that would serve to connect Deakin University's Sherwood Park Campus in East Warrnambool to Warrnambool City centre.

According to Bernard Salt "University is critical to a prosperous regional city". The Deakin University in Warrnambool consists of nearly 850 students. The Deakin Campus is well located at the gateway to the city and on the Hopkins River, the campus has excellent services available to the whole community including a Café, Function Center, Bookshop, Gym, Library and numerous sporting facilities, there is also Accommodation, Child Care, Tafe Facilities, Government Offices and soon a state-of-the-art Hydrogen fuel cell research facility.

The transport connections to Deakin are mixed, it's location on the highway makes vehicle access relatively easy and there are plenty of car parks, a bus service operates from the campus to the CBD via Gateway Plaza between 7:30am and 6:30pm which runs every half hour during peak times. The Campus also has its own train station with four services a day.

The way the land around the campus has developed over time has left no strong interconnection between Deakin's Campus and the surrounding area, consequently there is very poor pedestrian and walking connections through the residential area and the CBD leaving the campus isolated from the City itself.

An example of this isolation exists at the Sherwood Park Railway Station, this public railway station on VicTrack land is almost inaccessible to the surrounding residents and shopping areas as there are no footpaths or cycling lanes to allow access.

There is potential for a Deakin to City connection via a cycling / pedestrian path as a strategic connection that would not only help Deakin integrate with the city but also provide a recreational and transport link between the CBD and the residents and businesses of East Warrnambool.

In 2019 Council engaged a contractor to investigate the options and establish the feasibility of this new Deakin connection. - **Refer Attachment 1**

The contractor was asked to consider all options but to specifically address the feasibility of 3 options namely, 1. Deakin Rail Trail, 2. On-road connection from Deakin to CBD and 3. Princes Highway route.

The report identified that both rail trail and on-road connections are achievable and recognised the rail trail as the fastest and most appropriate pedestrian connection. This pathway would be mostly located on VicTrack land so support from VicTrack would be critical.



Figure 1: View of Deakin Link (route)

PROJECT RELEVENCE AND IMPACT ON EXISTING NETWORK

This project is not just beneficial to the Deakin users. Figure 2 and 3 shows extent of beneficiaries of Deakin link. The primary buffer area of 10 min walkable distance consists of 2 primary schools, 4 Kindergartens, many commercial and recreational centres. Nearly 5600 residential properties are there within 800m of the Deakin off road rail trail. There are few other pathway projects that benefit people on this scale – almost 1/3 of the population, even more if in the long term the path was extended on to Allansford.

Deakin Link also has the potential to link to various other strategic projects like Eastern Activity Precinct, EJ King-Scoborio Precinct Plan, Lake Pertobe Master Plan, City Centre Revitalisation Project, Play Space Improvements, Long term growth area planning and the upcoming Allansford Framework Plan.



Figure 2 Activity centres along Deakin Link



Figure 3. Properties being serviced by Deakin Link (800m proximity, source: City Strategy, WCC)

SUMMARY OF FEASIBILITY STUDY

The study has examined the potential routes to establish a pedestrian / cycle link between Deakin University and the City Centre, the routes include;

- A potential route along the rail corridor
- Establishment of cycling and pedestrian paths along the Princes Highway
- Princes Highway Center Median Option

Rail Trail option - The Rail Trail option will provide the safest and most efficient pathway option and is the preferred route at this time. There will be minimal contact with vehicles and minimal road crossing points. Starting from Aitken Drive (east end of the Sherwood Park rail station) and ending at either Flagstaff Hill on Merri St or the rear of Lake Pertobe, the whole rail trail only requires four road crossings being Mahoneys Road, Simpson Street, Bostock Street and Flaxman Street / Otway Road. From the start at Aitken Drive, the total length of the pathway to the Gilles St crossing at the rear of Lake Pertobe is 5,860m, to Flagstaff Hill is 5,130 and to Timor Street is 4,800m.

Princes Highway Pathways - The walking and cycling facilities along the Princes Highway are patchy and will require infill works to complete a continuous path. It is recommended that these missing pathway link should be completed over time to address local connectivity issues with both walking and cycling, it would be much more difficult to upgrade this route to provide a designated shared path route and this option would be reliant on cyclists using the on-road cycling paths for considerable sections of the route.

Overall it is considered that some of the missing local path and bike lane section should be addressed over time, this route does not deliver on the objective of Deakin link, which is to provide a safe (including the perception of safety) and convenient (suitable for regular replacement of car travel) shared path connection.

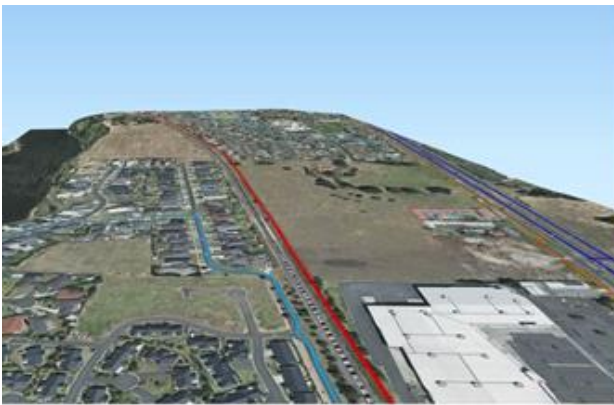
Princes Highway Median Option - Providing a shared pathway along the Princes Highway within the central median was examined, this option is considered not feasible due to the difficulty in providing safe crossing points without large infrastructure costs and the sub optimal outcomes.

There are a number of factors influencing this decision including:

1. There are too many interruptions to free flow, such as median breaks and intersections, where path users would be required to give way. There will be a tendency for potential users to ignore the central median option due to the many give way points;
2. The central median contains a significant number of lighting poles and trees that would obstruct the optimum placement of a shared path;
3. The central median is too narrow in some places to contain a 2.5m shared path, particularly in locations adjacent to right turn lanes at intersections or median breaks. These narrow medians also contain lighting poles and trees that would be difficult to relocate successfully. The median would have to be widened at significant cost;
4. It will be difficult to provide safe crossing facilities on the many median breaks. Wombat crossings may work however there is a significant safety risk posed by insufficient sight distance for right turn vehicles. Storage space in the median breaks may be reduced as a result of the pathway crossing facilities. Crossing the median breaks at signalised intersections would require incorporation into the signal phasing, which has the potential to introduce delay and queuing to the normal operation of the intersection, and once again reduce vehicle storage space;
5. Some sections of the central median are subject to significant cross fall where the provision of a pathway will be difficult to achieve. Enhancement of the existing cycle and pedestrian facilities along the south side of the Princes Highway would be better for safety and efficiency, and the rail trail would still be the preferred option.

After having considered these options the report finds that subject to funding and VicTrack approval it would be both feasible and widely beneficial to construct a new rail trail shared path from Deakin University (Sherwood Park Railway Station) to Warrnambool's CBD within the rail and foreshore reserve.

DETAILED SECTIONS- DEAKIN LINK RAIL TRAIL



View from Deakin to Simpson's St



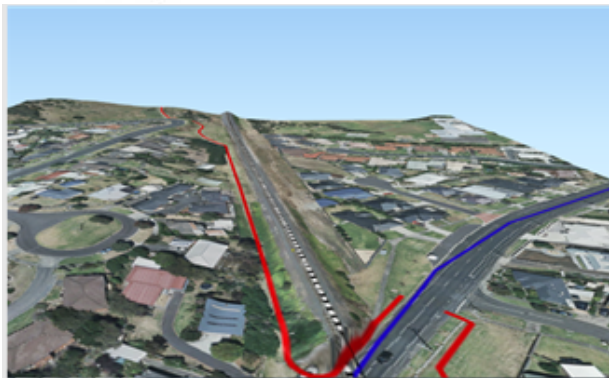
View from Simpson's St to Bostock



View from Otway Rd



View from Bostock St to Otway Rd



View from Otway Rd to Foreshore trail



View from Foreshore trail to Flume car park



View from Flume Car park and Merri St



View from Foreshore trail to Flume Car park and Merri St

STRATEGIC ALIGNMENT OF PROJECT

Council Plan Objective	Strategy	Alignment with this project
A healthy community	Council will take action to improve health, wellbeing and safety outcomes for Warrnambool's community.	The Deakin Link encourages social connection and promotes active living in public spaces.
	Council will improve physical and social accessibility to community services, facilities, places and precincts.	The project aims to provide a safety, inclusive accessible connection between Deakin and CBD.
	Council will support opportunities to participate in a wide range of recreational, arts and cultural programs that promote activity, wellbeing, diversity heritage and which increase community connectedness	Deakin Link connects South east Warrnambool with various recreational hubs like, Foreshore trail, Lake Pertobe
	Council will support and encourage lifelong learning that helps build community resilience and preparedness for change	The project encourages ride to school/education and work
A sustainable environment	Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.	Deakin link encourages the use of sustainable transport.
A strong economy	Council will facilitate Warrnambool's visitor growth and year-round visitation through industry development, effective destination management and promotion of attractions, experiences and by leveraging key events	Deakin Link builds on the value of Warrnambool's natural environment and a tourist draw card
	Council will foster the development of a workforce capable of supporting the needs of the local and regional economy.	Deakin link provide a viable and convenient connection between South- East Warrnambool to CBD, hence creates more movements in and around city centre.
	Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.	The project aims to improve transport connections, particularly between Deakin and CBD, without putting more vehicles on roads
A connected, inclusive place	Council will enhance Warrnambool's connectivity through the delivery of, or advocacy for, improvement to roads, public transport, footpaths, trails and digital infrastructure.	The project aims to improve transport connection.
	Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.	This linkage will service many residential properties along the rail corridor (Figure 3)
	Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.	Deakin Link provides a safer off-road alternative to cyclists of lower confidence, removing barriers for taking up this mode of transportation.
	Council will ensure ongoing community engagement to identify changing needs and priorities when developing and delivering services and programs.	This project is repeatedly raised during
An effective Council	Council will continue to develop a program of Council services that are delivered to the community's satisfaction	Customer request for a good connection between Deakin and CBD was raised by various community members as well as Deakin staffs and students.
	Council will pursue effective advocacy by providing compelling materials for desired support and funding for community priorities through establishing strong relationships with	A Partnership with VicTrack and VicRoads will be required to fully implement the vision of Deakin Link.

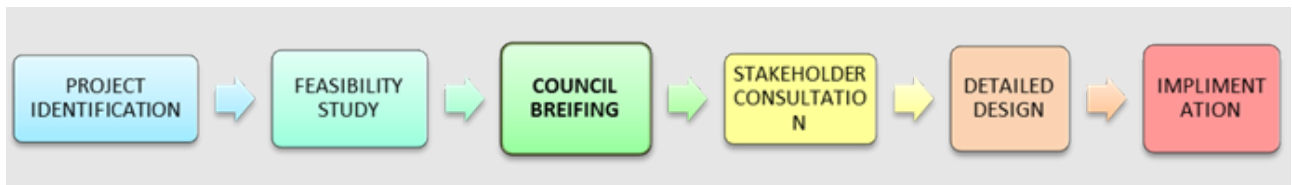
	other levels of government, strategic partners and key stakeholders.	
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Other strategic documents supporting the projects are as follows,

- Victorian Bicycle Strategy
- W2040
- Active Warrnambool
- Green Warrnambool
- Principal Pedestrian Network (PPN) is a strategic network of pedestrian routes that supports Council's vision to provide high quality, safe and accessible pedestrian facilities across the municipality by identifying missing gaps in paths and pedestrian infrastructure.
- Principal Bicycle Network (PBN) is a strategic network of cycling routes to promote cycling for transport where cyclists are supported in the traffic environment and have access to smooth and comfortable routes.

The Victoria's new bicycle strategy advocates for the corridors with less traffic interruption and high levels of safety to the users. Hence the Deakin Rail trail is a perfect fit as a Strategic Bicycle Corridor. The Principal Pedestrian Network has identified Deakin on-road link as a Principle Pedestrian Route and rail trail as future trail.

PROJECT METHODOLOGY



GOVERNANCE

Key Stakeholders (Possible Project Partners)	Accountability	Role
Warrnambool City Council	Responsible for establishing strategic objectives for the municipality, establishing and guiding policies, setting service standards and for monitoring the organization's performance.	Project manager
Deakin University, Warrnambool	Deakin university provides a wide range of courses, which helps to enhance the future of Warrnambool by enabling globally connected education for the jobs and research that makes a difference to the communities.	Land owner
VicTrack	VicTrack owns Victoria's transport land, assets and infrastructure	Land owner
Dept. of Environment, Land, Water, Planning - DELWP	Legislation, policy and regulation. Supporting liveable, inclusive and sustainable communities, and thriving natural environments. Land use Planning & Development Approvals (State level)	Land owner
Other Stakeholders		
Cycling Reference Group		
Moyne-Warrnambool Road Share		
Victoria Police		
Warrnambool East Primary School		
Our Lady Primary School		
South West TAFE		
Community		

ISSUES

The land along the Deakin rail trail is owned by VicTrack and DELWP. Of this 80% of land is owned by VicTrack. The major difficulty with the rail trail is to get approvals from VicTrack. Also, the cost estimates provided below for the Deakin rail trail section is preliminary estimate from the feasibility study. The detailed costings of the project would be obtained after the completion of detailed design and cost estimates of the project.

In principal approval from VicTrack

Our application to VicTrack dated 18/04/2019 has been assessed and VicTrack are positive about the project. However, they have kept the conditions from V/Line, Department of transport and Regional Roads Victoria (RRV) to be incorporated for the project which are as follows.

Conditions from V/Line

Shared users paths must be located a safe distance from operational rail corridors and must be fenced at no cost to V/Line. Consideration should be given to how V/Line operations will interact with the new development and vice-versa, including but not limited to:

Railway land availability

- It is important that railway land is wide enough to accommodate current and future operations. Further work is needed to determine if the rail corridor could sustainably be reduced to accommodate the proposed path. We note that the length of the path is such that Council funding would be needed to support this effort.
- Increased visitation through these areas may increase the risk of wildfire, illegal rubbish dumping and weed spread - these matters shall need to be addressed by Council once the land has been removed from the V/Line RIL.
- The alignment of the proposed pathway needs to be acceptable to V/Line and feasible without compromising required safety zones etc.
- It is our requirement that Council would need to commit to funding maintenance / upkeep of the proposed assets on a long-term basis and would need to consider whether a provision for removal of the pathway in the event of vacation of a lease may be needed, or some other equivalent provision.

Road and rail interface safety

- With a view to achieving separation of trail traffic and rail operations, Council would need to install and maintain compliant corridor safety fencing (with rail maintenance access points) to mitigate the risk of trespassing in the rail corridor.
- Council would also need to fund the design and installation of compliant corridor safety fencing (with rail maintenance access points) and pedestrian/cyclist crossings of the railway line to mitigate the risk of trespassing in the rail corridor. Subject to formal investigation, this includes controls such as ongoing monitoring and maintenance of safety controls. The specification for fencing would be as per V/Line trespasser fencing specification.

Vegetation management

- Including removing or controlling vegetation that contributes to a fire hazard, is subject to statutory removal and is a safety hazard to rolling stock, rail infrastructure and drivers. Council would also be required by statute to remove/control noxious weeds or are identified as a safety hazard to rolling stock, rail infrastructure and persons using or on the railway reserve and/or impacts on the integrity of the rail infrastructure.

- Works that Council propose within the railway corridor cannot affect sight lines for drivers to signals, signs or level crossings. Works also cannot inhibit maintenance activities/access or emergency services access.
- The corridor operates passenger and freight services, and track maintenance activities occur throughout the day and night. It is important that noise restrictions and other constraints not be applied in so far as it could limit rail operations.

Landscaping design

Landscaping design for new works must consider:

- the maintainability of the works, including allowance for access by V/Line to the rail corridor
- Environmental factors; avoid creation of bio-sites, fire fuel loads, vermin havens etc.
- line of sight for train drivers and vegetation free clearance zones
- existing and proposed use of adjoining land and community expectations
- preparation and plantings

Ecological assessments and targeted surveys will be required with permits obtained and vegetation offsets calculated and secured accordingly. Furthermore, where new paths are being created or realigned the already fragmented biodiversity values may become even more susceptible to edge effects i.e., weed incursion, trampling.

Finance – For programs such as this, which have a significant reliance on integration with rail operations, a **Rail Interface Advisor** is helpful. Their role is to act as a liaison between Council and V/Line, particularly areas where the impact may require further considerations, for example maintenance and operations. Subject to confirmation of the project phases and timeline, it is envisaged this would require roughly 3 months full time effort with some follow-up activities required. If Council supports this proposal, V/Line can prepare a cost estimate for consideration.

Design – For other general design considerations Council should consider the recently released VicTrack Development Interface Guidelines: <https://www.victrack.com.au/i-want-to/build-next-to-the-rail-corridor>.

Impact of major projects - The development must not detract from Regional Rail Revival efforts down the line. The Regional Network Development Plan to deliver a modern commuter-style service for key centres and service improvements to outer regional areas, including:

- a minimum 20-minute train frequency in the peak and 40 minutes in the off-peak for services to Geelong
- Five services, every weekday to the outer regional train lines of Warrnambool.

Conditions from Regional Roads Victoria (RRV)

- RRV similarly has a focus on ensuring safety of road users as a priority.
- RRV also recognises the potential for native vegetation removal and that a flora and fauna assessment will be required at more detailed investigation stages.
- RRV will also need to be involved in the functional design assessment of any crossing points and any path or infrastructure that is within the road reserve. There is no charge for the assessment and advice provided on functional plans. Fees and charges will apply for any works in the road reserve for detailed design assessments and works surveillance.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

1.3 Health and wellbeing : Council will take action to improve health, wellbeing and safety outcomes for Warrnambool's community.

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.

1.5 Recreation, arts, culture and heritage: Council will support opportunities to participate in a wide range of recreational, arts and cultural programs that promote activity, wellbeing, diversity heritage and which increase community connectedness.

Community learning pathways: Council will support and encourage lifelong learning that helps build community resilience and preparedness for change.

2 A Sustainable environment

2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

3 A strong economy

3.3 Visitor growth: Council will facilitate Warrnambool's visitor growth and year-round visitation through industry development, effective destination management and promotion of attractions, experiences and by leveraging key events.

3.4 Workforce capability: Council will foster the development of a workforce capable of supporting the needs of the local and regional economy

4 A connected, inclusive place

4.1 Effective planning: Council will ensure its planning acknowledges the unique character and attributes of local places and that that supports social connection, equitable access, appropriate housing and sustainable population growth.

4.2 A connected community: Council will enhance Warrnambool's connectivity through the delivery of, or advocacy for, improvement to roads, public transport, footpaths, trails and digital infrastructure.

4.3 Stronger neighbourhoods: Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.

5 An effective Council

5.2 Engaged and informed community: Council will ensure ongoing community engagement to identify changing needs and priorities when developing and delivering services and programs.

5.3 Customer-focused services: Council will continue to develop a program of Council services that are delivered to the community's satisfaction.

5.7 Effective advocacy: Council will pursue effective advocacy by providing compelling materials for desired support and funding for community priorities through establishing strong relationships with other levels of government, strategic partners and key stakeholders

TIMING

For Council to be ready to take advantage of suitable funding opportunities it is suggested that the design and approvals for the project could be undertaken as soon as possible. Even this component of the project will likely take two years to complete due to the time taken for approvals by external agencies.

COMMUNITY IMPACT / CONSULTATION

The project is in the preliminary stage and hasn't gone through the complete consultation process. As a part of the project, a consultation plan will be developed to involve the community and other agencies in the projects namely, Deakin, VicTrack and DELWP. This would further refine the community aspirations and support towards the project.

Deakin University has already provided a formal letter of support for this project.

VicTrack require further detailed designs for their consideration before they will provide a letter of support.

LEGAL RISK / IMPACT

- Safety risks due of the proximity to railway line will be addressed by constructing fences in required areas separating railway line and rail trail.
- Intersection improvements are recommended to reduce risks.
- The steepest section along the corridor especially at Simpson St will be designed to achieve an appropriate grade for comfortable pedestrian and cycling movement considering 'all abilities' design principles.

FINANCIAL IMPACT

The total cost of the overall project has been estimated to be \$3.6M with most of this cost being the construction of the pathway and fencing, the feasibility study identified that the pathway could be constructed in three stages. The stages are distinct sections of the path and would provide some flexibility to align with external funding availability. - **Refer Attachment 2.**

The cost estimates were undertaken on the basic concept plans and will require a significant review, following the preparation of detailed designs.

The following preliminary costs are provided for each phase of the project based on concept plans.

- Phase 1 \$713,125
- Phase 2 \$1,492,700
- Phase 3 \$1,482,930.

Other financial benefits for the project are provided by the following points.

- Connects residents of East Warrnambool safely to CBD and foreshore and Deakin.
- Bring people from east into the City Centre (particularly students), or to Gateway/ EAP precinct – and research shows that the slower people travel, the more they spend
- Helps to 'sell' Warrnambool to people who like to be active
- Potential for run/cycle events
- Could support students living in city, then cycling to University
- Increased 'walk score' (walkability to multiple destinations) can increase house prices
- Makes Flagstaff Hill a potential destination at the end of the trail, as somewhere to stop for coffee & breakfast
- Pathway connection will service the Hycel facility within the Deakin Precinct.

ENVIRONMENTAL IMPACT

Deakin link and the connection of East Warrnambool to a designated 'sustainable transport connection' will increase sustainable transport options, reduce car dependence in that area and is another major step forward towards green, healthy and sustainable Warrnambool.

OFFICERS' DECLARATION OF INTEREST

No interests to declare in relation to this report.

CONCLUSION

A cycling and pedestrian link between the City's CBD and Deakin in the West is regularly requested from the community. This feasibility study outlines how this network could potential be achieved, what it is likely to cost, and which agencies need to be involved.

This project has a strong alignment to the Council Plan objectives and should be regarded as a significant project which can be delivered in stages over the coming years. Continued development of this project will require budget allocations for design work, permits, advocacy with VicTrack, and other stakeholder engagement events.

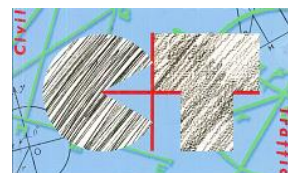
ATTACHMENTS

1. Attachment 1 Feasibility Study Deakin Link Path [7.7.1 - 29 pages]
2. Attachment 2 Preliminary Project & Phase costings [7.7.2 - 2 pages]



Feasibility Study
Deakin Link Path
Deakin Campus to Warrnambool City

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Feasibility Study – Deakin Link Path - Warrnambool



Feasibility Study

Deakin Link Path

Deakin University Campus to Warrnambool City

Project: 25-2018

Nov 2021

Revision	Date	Amendments
A	31-07-2018	Draft Issue
B	30-11-2021	Updated construction estimates, included rear of Lake Pertobe section, removed gala gravel option
C	18-02-2022	Updated construction estimates to current market value

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Appendices

Appendix A – Concept Path Layout Plans

1 Summary

The study has examined a number of potential routes to establish a pedestrian / cycle link between the Deakin University Campus at East Warrnambool and the Warrnambool City Activity Centre.

The potential routes include:

- Establishment of cycling and pedestrian paths along the Princes Highway;
- A potential route along the rail corridor; and
- Alternate link paths to Warrnambool City Centre.

It is considered that the Rail Trail option will provide the safest and most efficient pathway option for pedestrian and cyclists and is the preferred route at this time. There will be minimal contact with vehicles and minimal road crossing points. The Rail Trail option will also provide an opportunity for local users to move about their community in a safer manner.

Refer to Figure 1 below for Locality Plan.

Refer to Appendix A for Concept Path Layout Plans.

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2 Introduction

The Deakin Pathway Link aims to provide a safe and efficient link between the Deakin University Campus at Aitken Drive and the Warrnambool City Centre. The pathway will have the potential to open up other opportunities for the community particularly for commuting cyclists / pedestrians from the east sectors of the City. Safety and convenience are key factors in planning for the facility, in particular with the safe design of road crossing points and other areas where interaction with vehicles may occur.

There should be a strong desire to provide a facility that will be accepted and used by students and the general public. Some bold decisions will have to be made to ensure the optimum safe facility is provided in order to attract users of all age groups and all levels of confidence. There are several obstacles along the pathway route options that will require special engineering considerations.

The Deakin Pathway Link has the potential to provide significant benefits to the community by reducing the reliance on the motor car while increasing community health and well-being. This will be a significant project for the Warrnambool City Council and will require the cooperation of a number of stake-holders.

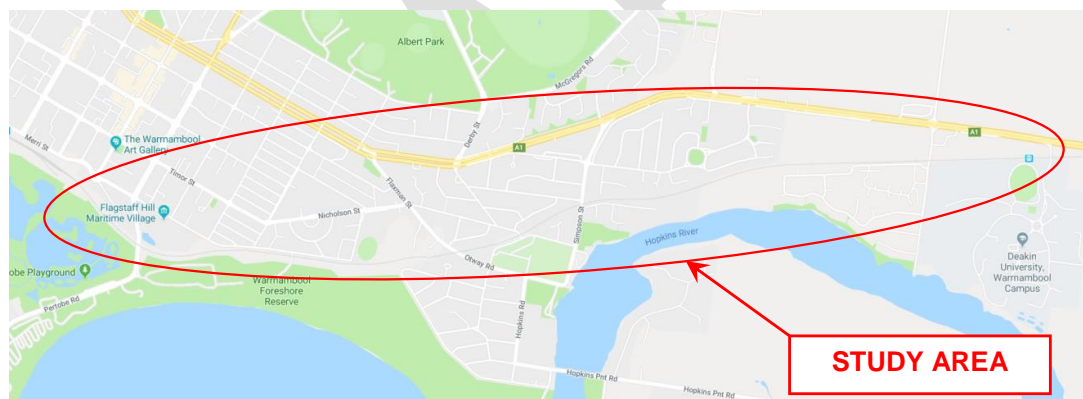


Figure 1 – Locality Plan.

3 Deakin Pathway Link Options.

Options under initial consideration include a pathway (Rail Trail) along the rail corridor, establishing a continuous pathway along the Princes Highway or along the central median of the Princes Highway. All options will utilise existing street infrastructure and infill gaps to provide connections and safe crossing points. On many sections of the Princes Highway option, on-road cycle lanes (or service roads) are provided without any footpath options for pedestrians, or vice versa. It will be vital to provide for both cyclists and pedestrians on the development of the preferred pathway options.

3.1 Rail Trail

The Rail Trail option will provide the safest and most efficient pathway option and is the preferred route at this time. There will be minimal contact with vehicles and minimal road crossing points. Starting from Aitken Drive (east end of the Sherwood Park rail station) and ending at either the rear of Lake Pertobe or Flagstaff Hill, the trail only requires to cross four roads being Mahoneys Road, Simpson Street, Bostock Street and Flaxman Street / Otway Street. From the start at Aitken Drive, the total length of the pathway to the Gilles St crossing at the rear of Lake Pertobe is 5,860m, to Flagstaff Hill is 5,130 and to Timor Street is 4,800m.

It is understood that in order to establish the pathway on the rail reserve, Council will have to lease or buy the necessary land from V-Line.

For discussion on Rail Trail Option, refer to Section 5 below.

3.2 Princes Highway Pathways

The walking and cycling facilities along the Princes Highway are patchy and will require infill works to complete a continuous run. It is considered that the Princes Highway Option would have to provide a continuous connection between Deakin University and Verdon Street. This can be achieved by completing a few missing sections, mainly on the service roads, however it will be difficult to provide a continuous pedestrian link along the Princes Highway. There is no footpath west of the extension of George Avenue and it will be difficult to provide a footpath here due to the steep embankments on the south side of the service road. On-road cycle lanes are present from the above point to the Verdon Street intersection along the Simpson Street service road.

Pedestrians and cyclists using the Princes Highway option may choose to use the footpaths on Selby Road and Tower Square to access Verdon Street or alternatively access the rail trail option by using the private driveway to property south of the rail line. These are low volume streets and there will be no need to provide new facilities as footpaths and sealed roads are in place. Crossing points may be enhanced as use increases. May have to establish shared use status for private driveway to rail line. It is considered that a pedestrian link should be established along the south side of the Princes Highway from the Motels to Selby Road.

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After Verdon Street the pathway would join existing on-road cycle lanes and footpaths or join potential links along the rail reserve. The works for the missing link pathways are costed at approximately \$449,000 and are detailed in the sub-sections below. The costings have assumed a rate of \$164 per m for 1.5m wide and \$274 per m for 2.5m wide concrete paths and general construction works of \$42,750. Intersections include all kerbs, traffic islands and lighting upgrades.

3.2.1 Concrete Shared Path from Sherwood Park Rail Station (Aitken Drive) to BP Service Station.

This 2.5m wide concrete shared path will provide a link between the Deakin University entry at Sherwood Park rail station to the existing shared path terminal at the BP Service Station on the Princes Highway Service Road. The distance is 530m and approximate cost estimate is \$145,220.

Refer to Plots of Princes Highway Option.

3.2.2 Footpath from Motels to Selby Road

From the Motels to the west along the Princes Highway, the cycling aspect of the shared path shifts to a cycle lane on the service road. There will be a need to provide a footpath link from the Motels to Selby Road along the southern property line a distance of approximately 510m. The footpath will have to integrate with existing driveways. Cost estimate is approximately \$83,640 including link between existing shared path and on-road cycle lane at Motels.

Refer to Plots of Princes Highway Option.

3.2.3 Selby Road / Princes Highway Intersection Rearrangement for Path Crossings

The existing shared path crossing at Selby Road is confusing and does not meet current standards for intersections of shared paths with roads. The crossing point needs to be realigned as shown in the sketch plan below.

Cost estimate of works at the intersection for pathways and crossings is approximately \$51,000, including paths, splitter-island, new kerbing, signage and delineation.

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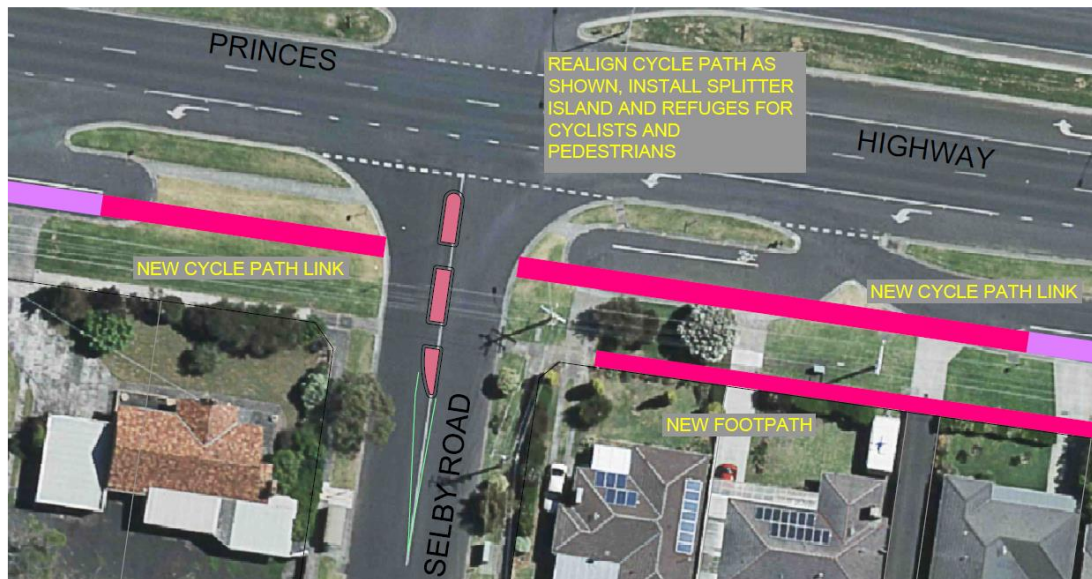
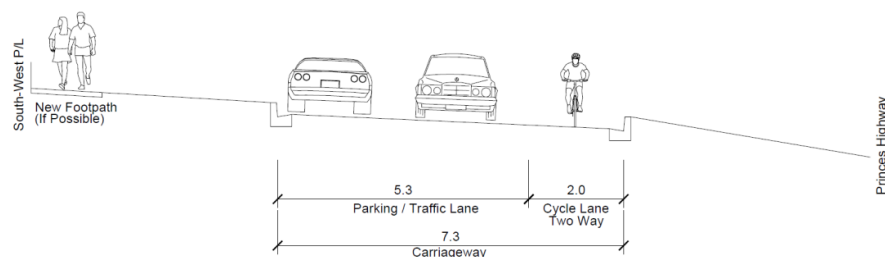


Figure 1: Proposed realignment of cycle path and footpath at Selby Road.

3.2.4 Cycle Lanes along Simpson Street (Service Road) to Verdon Street

Providing a continuous cycle link along Simpson Street to Verdon Street can be achieved by formalising a two-way cycle lane on the existing road pavement. It will be difficult to provide a continuous pedestrian link as there is no footpath west of the extension of George Avenue and it will be difficult to provide a footpath at this location due to the steep embankments on the south side of the service road. Pedestrians and cyclists using the Princes Highway option may choose to use the footpaths on Selby Road and Tower Square to access Verdon Street or alternatively access the rail trail option by using the private driveway to property south of the rail line.

The cycle path can be established on the existing road pavement (approximately 510m), similar to the cross section sketch shown below. The operation of the service road could be changed to one-way to allow improved safety for cyclists and pedestrians, at Councils discretion. The cost estimate of the cycle lane establishment is confined to linemarking and signage at approximately \$1,530. The cost estimate of the 510m of footpath is approximately \$83,640.



Simpson Street - Proposed Footpath & Cycle Lane

Figure 2: Proposed establishment of cycle path and footpath on Simpson Street

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3.3 Princes Highway Median Option

Providing a shared pathway along the Princes Highway central median was examined and considered not worthwhile and would be very difficult to provide safely without huge infrastructure costs. There are a number of factors influencing opinion including:

1. There are too many interruptions to free flow, such as median breaks and intersections, where path users would be required to give way. There will be a tendency for potential users to ignore the central median option due to the many interruptions;
2. The central median contains a significant number of lighting poles and trees that would obstruct the optimum placement of a shared path;
3. The central median is too narrow in some places to contain a 2.5m shared path, particularly in locations adjacent to right turn lanes at intersections or median breaks. These narrow medians also contain lighting poles and trees that would be difficult to relocate successfully. The median would have to be widened at significant cost;
4. It will be difficult to provide safe crossing facilities on the many median breaks. Wombat crossings may work however there is a significant safety risk posed by insufficient sight distance for right turn vehicles. Storage space in the median breaks may be reduced as a result of the pathway crossing facilities. Crossing the median breaks at signalised intersections would require incorporation into the signal phasing, which has the potential to introduce delay and queuing to the normal operation of the intersection, and once again reduce vehicle storage space;
5. Some sections of the central median are subject to significant cross fall where the provision of a pathway will be difficult to achieve.

Enhancement of the existing cycle and pedestrian facilities along the south side of the Princes Highway would be better for safety and efficiency, and the rail trail would still be the preference option.

4 Deakin Terminus - Aitken Drive

There are three route options at the Deakin terminus at Aitken Drive that includes:

4.1 Rail Trail

The Rail Trail option would start around the existing pedestrian/cycle crossing for the Aitken Drive rail crossing. Pedestrians and or cyclists can use the existing rail crossing to access Deakin and road cyclists on Aitken Drive could join the rail trail via a kerb ramp connection north of the rail line. The trail could continue south to the Deakin Facilities along the existing internal pathways which will be upgraded to meet the standard required of a shared path.

4.2 Princes Highway

The Princes Highway option would start from the north side of the existing pedestrian/cycle crossing for the Aitken Drive rail crossing, and continue to the north-west to meet existing pathway facilities along the south side of the Princes Highway.

4.3 Lodge Drive

This link option would start from the internal Deakin pathway connection between Mahoneys Road and Lodge Drive. A crossing point on Mahoneys Road will be required to access the existing pathway along the north side of Mahoneys Road. The existing pathway will have to be upgraded to meet the standard required for a shared path. The path would extend through the Mahoneys Road rail crossing to either join the Rail Trail option or the Princes Highway Option.

Refer to photographs below.

Feasibility Study – Deakin Link Path - Warrnambool



Photo 1: Looking south along the existing Deakin pathway from the pedestrian rail crossing at Aitken Drive.



Photo 2: Looking north along the existing Deakin pathway towards the pedestrian rail crossing at Aitken Drive. Sherwood Park Rail Station is at left.



Photo 3: Looking west along the north side of the rail reserve from the Aitken Drive crossing point. Sherwood Park Rail Station is at left of picture.



Photo 4: Looking south along the pedestrian rail crossing point for Aitken Drive.



Photo 5: Looking south along the west side of Aitken Drive, showing the rail crossing point.



Photo 6: Looking north-west towards the Princes Highway from the Aitken Drive rail crossing point.

5 Rail Trail Option

The Rail Trail option will provide the safest and most efficient pathway option and is the preferred route at this time. There will be minimal contact with vehicles and minimal crossing points. Starting from Aitken Drive (east end of the Sherwood Park rail station) and ending at either Pertobe Road or Flagstaff Hill, the trail only requires to cross four roads being Mahoneys Road, Simpson Street, Bostock Street and Flaxman Street / Otway Street.

The Rail Trail option shall commence at the Aitken Drive rail crossing and extend westwards along the north side of the rail reserve to Otway Street. From Otway Street the pathway will revert to the south side of the rail reserve to a point near the intersection of Bellmore Road and Hickford Parade. From this point the pathway will follow existing trails through the foreshore reserve and extend westward to meet the Flume Beach access car park entry road, south of the rail line and south of Merri Street. From this point the pathway will extend along the west side of the Flume Beach access road then head west to travel along the north side of the Caravan Park to eventually link with the existing pedestrian underpass on Pertobe Road.

It is considered that the proposed pathway described above, west of Otway Street, may only attract recreational users who wish to access the beaches and waterfront and may not be used by users wishing to access other destinations around the City Centre. Other links off the main pathway will be necessary to provide access for commuters and users who wish to access the City Centre which will be one of the main attractors.

Approximate costings for the Rail Trail option is itemised in Section 6 of this report.

5.1 City Centre Access Options

Options to access the Warrnambool City Centre from the Rail Trail option include:

5.1.1 Cycle Lanes on Bostock Street / Nicholson Street / Timor Street

The development of on-road cycle / parking lanes along Bostock Street from the proposed rail trail crossing at the rail bridge and extend to the Flaxman Street intersection. It is understood that the Flaxman Street / Nicholson Street / Bostock Street intersection will be signalised sometime in the future and the on-road bike lanes would be incorporated into the signal design for safe crossing of Flaxman Street. The proposed on-road cycle lanes would then extend along Nicholson Street to the Foster Street / Timor Street intersection roundabout where the sharrow pavement markings will be utilised. On-road cycle lanes would then be installed on Timor Street for access to the city centre (Banyan Street).

The width of the Bostock Street carriageway is approximately 11.3m between kerbs which will allow for the development of two 3m wide traffic lanes and a 2.65m wide cycle / parking lane either side. Currently only the centreline is linemarked.

The general carriageway widths of Nicholson Street and Timor Street is approximately 10m between kerbs. Kerbside parking shall be omitted for the entire length of Nicholson Street and Timor Street to allow for on-road cycle lanes. It is noticed that parking on the

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verge is normal in these sections of road. Sharrow markings shall be used at the Japan Street / Timor Street intersection. Concrete footpaths are provided both sides of Bostock Street, Nicholson Street and Timor Street for pedestrian access to the city.

Refer to typical cross sections below, of cycle lane treatment for Bostock Street, Nicholson Street & Timor Street.

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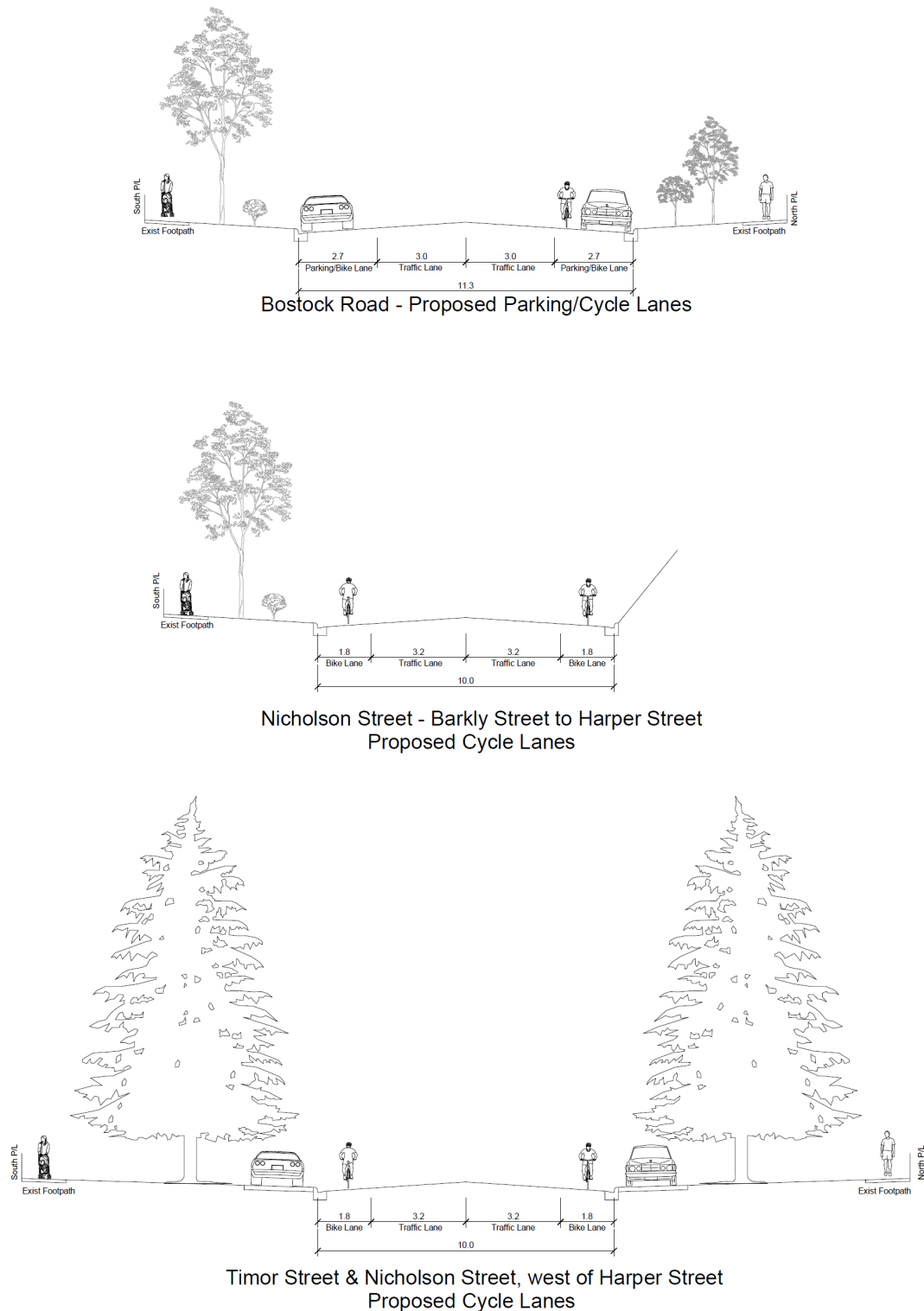


Figure 3: Typical Cross Sections for Cycle Lanes on Bostock St, Nicholson St & Timor St

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5.1.2 Pathway Link from Flume Beach access to Flagstaff Hill

Extend pathway from the Flume Beach access point to cross the rail line to meet Merri Street. Then extend along the south side of Merri Street to terminate at the Flagstaff Hill car park.

5.1.3 Link from Merri Street to Timor Street and City Centre

As for above and provide a crossing point with pedestrian refuge on Merri Street at Foster Street, then extend pathway along the west side of Foster Street (or enhance existing pathway) to the Timor Street intersection.

Refer to overall plan and enlargement plots attached.

5.2 Road Crossings - Rail Trail Option

There will be several design challenges for the main rail trail option, mostly being with the four main road crossing points (or intersections). These crossing points are shown with no pedestrian control, however flexibility in the design should allow conversion to controlled crossings such as Zebra Crossings, Wombat Crossings or Signalised Crossings.

5.2.1 Mahoneys Road Crossing

It is suggested that the existing painted median between the rail line and the car park entry could be utilised to provide a pedestrian refuge for the crossing of Mahoneys Road. The alignment of the pathway around the Mahoneys Road rail crossing shall take into consideration the vicinity of existing signal hardware.

Refer to sketch plot and photographs below.

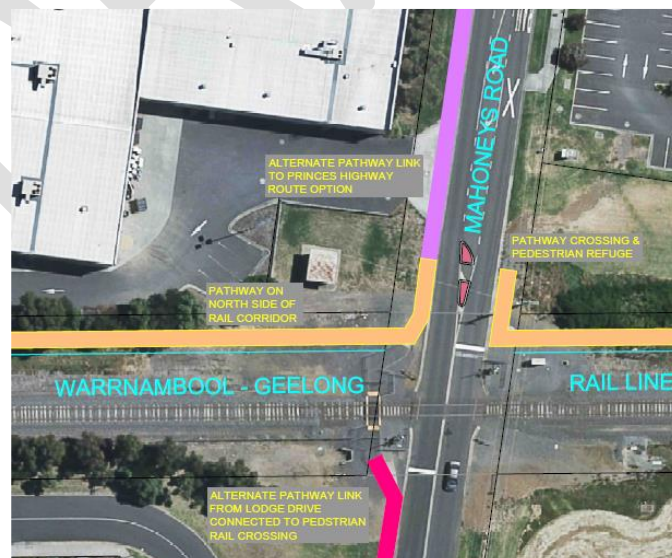


Figure 4: Proposed Rail Trail Crossing of Mahoneys Road

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Photo 7: Looking west along the rail corridor from Mahoneys Road.



Photo 8: Looking south over the pedestrian rail crossing at Mahoneys Road.



Photo 9: Looking east along the north side of the rail corridor from Mahoneys Road.



Photo 10: Looking south along the east side of Mahoneys Road, over the rail crossing.



Photo 11: Looking west across Mahoneys Road showing the painted median that could be utilised as a central refuge for the rail trail option.



Photo 12: Looking west along the north side of the rail corridor, showing rail signal infrastructure that may require relocation for the pathway.

5.2.2 Simpson Street Crossing

Providing a safe crossing point on Simpson Street will present the greatest challenge for the rail trail option. There is a significant embankment on the east side of Simpson Street which forms the abutment to the rail bridge. Subject to careful design the pathway could be brought to street level by a switch back alignment that would direct the pathway to a safe crossing point, north of the driveway to No 54 Simpson Street. Traversing the embankment will require retaining walls and the width may have to be reduced to minimise earthworks. The design should minimise impact on the existing power pole in the embankment and the use of pedestrian fencing will be essential.

The actual crossing point as shown on the plot below, is suggested as the safest location with consideration to the intersection of Jukes Street / Simpson Street, the driveway to No 54 and the proximity to the rail bridge.

To provide greater protection for pathway users, the crossing point could be a “Wombat” crossing as there is no room for a pedestrian refuge while retaining on-road cycle lanes. After crossing Simpson Street the pathway would then cross the less busy Jukes Street via a pedestrian refuge to return to the rail corridor going west. The rail trail crossing of Simpson Street may seem circuitous however I believe there are few other safe options without providing an overhead pedestrian rail bridge alongside the existing bridge. It should be noted that the walls / fences of No 54 Simpson Street may encroach significantly onto the rail reserve.

Refer to sketch plot and photographs below.

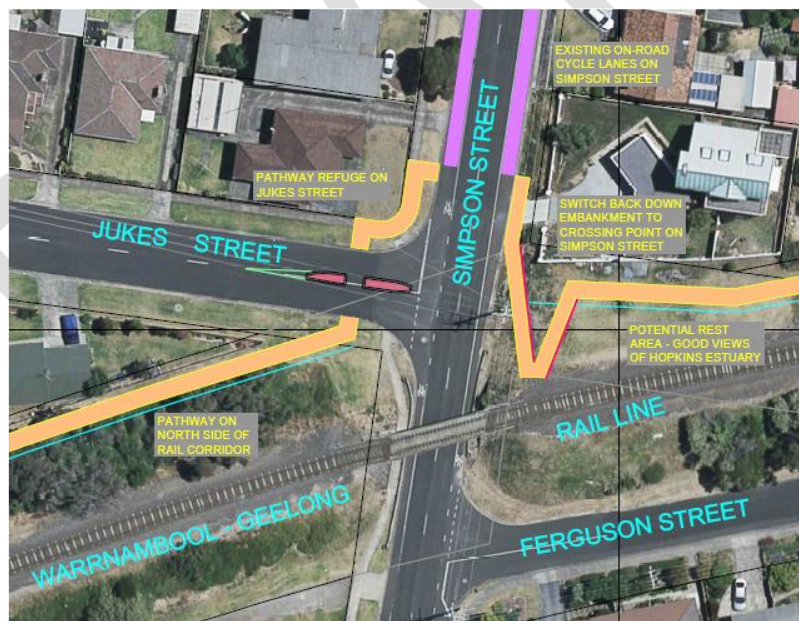


Figure 5: Proposed Rail Trail Crossing of Simpson Street

Feasibility Study – Deakin Link Path - Warrnambool



Photo 13: Looking east along the north side of the rail corridor from Simpson Street.



Photo 14: Looking west along the rail corridor from embankment on east side of Simpson Street.



Photo 15: Looking south along Simpson Street from the east side embankment.



Photo 16: Looking south along the east side of Simpson Street towards the rail bridge.



Photo 17: Looking south-west across the Simpson Street / Jukes Street intersection and along the north side of the rail reserve.



Photo 18: Looking north-east across the Simpson Street / Jukes Street intersection and along the north side of the rail reserve.

5.2.3 Bostock Street Crossing

The Bostock Street crossing can be a simple at-grade crossing with standard signage and linemarking. The existing guard fence will need realigning to allow the crossing. From this point, cyclists & pedestrians could also travel along Bostock Street and Nicholson Street to access the City Centre. On-road cycle lanes can be provided on Bostock Street.

Refer to sketch plot and photographs below.

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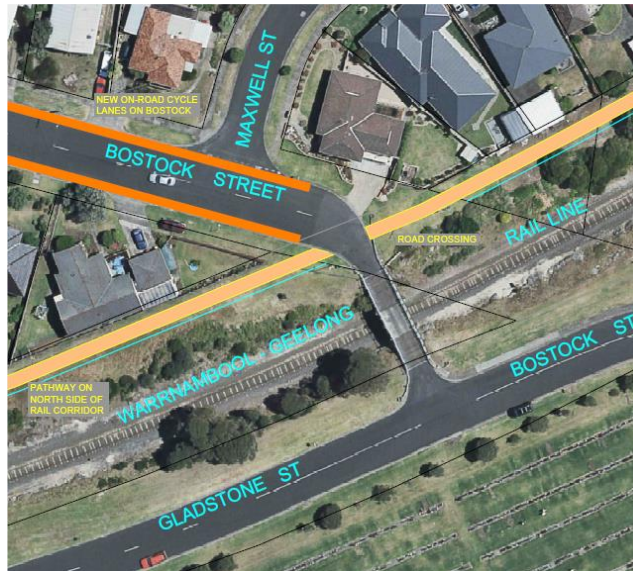


Figure 6: Proposed Rail Trail Crossing of Bostock Street



Photo 19: Looking west along the north side of the rail corridor from Bostock Street.



Photo 20: Looking east along the north side of the rail corridor from Bostock Street.



Photo 21: Looking west across Bostock Street from the north side of the rail reserve.



Photo 22: Looking south-west across the Bostock Street rail bridge.

Feasibility Study – Deakin Link Path - Warrnambool



Photo 23: Looking west along the north side of the rail corridor from Bostock Street.



Photo 24: Looking west across the proposed Bostock Street crossing point.

5.2.4 Flaxman Street Crossing

At the Flaxman Street crossing point it is proposed that the rail trail will switch from the north side of the rail corridor to the south. The location of the crossing point on Flaxman Street is suggested near Ilex Avenue in order to provide the optimum sight distance given the conditions around the rail bridge. The carriageway width of Flaxman Street / Otway Street will allow the establishment of a central refuge while retaining the through traffic lanes and the on-road cycle lanes. The pathway could utilise the existing land and fencing on the north-east side of Flaxman Street.

From the crossing point, it is proposed that the pathway will extend along the west side of the road and under the rail bridge. The existing pathway under the bridge is very narrow at approximately 1.1m wide. The pathway can be widened by installing a kerb extension so that the alignment of the kerb will be offset to the edge of the traffic lane. This will allow sufficient width for a 2m wide pathway and pedestrian fencing. Cyclists on the north-west bound cycle lane on Otway Street would have to join the pathway under the bridge before re-joining the cycle lanes north of the bridge.

Refer to sketch plot and photographs below.

Feasibility Study – Deakin Link Path - Warrnambool

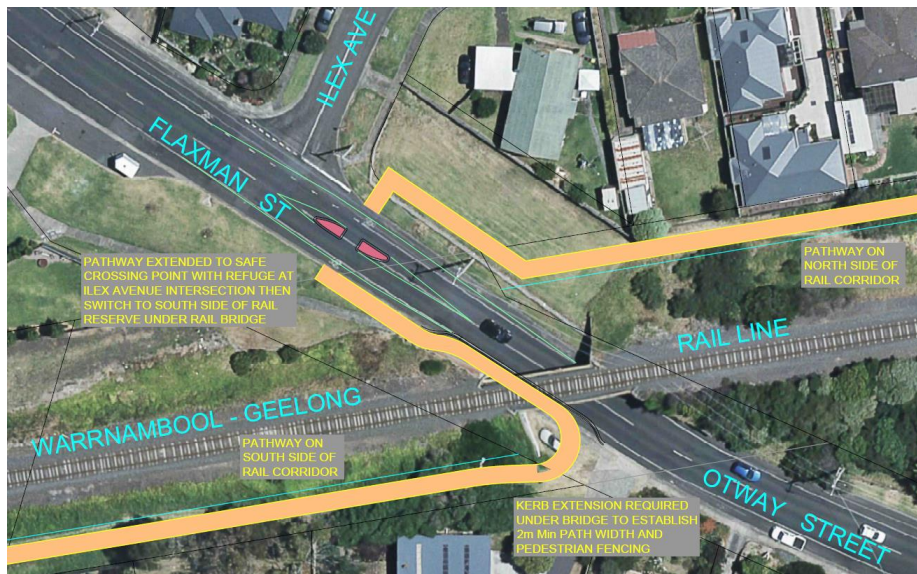


Figure 7: Proposed Rail Trail Crossing of Flaxman Street



Photo 25: Looking south-east across Flaxman Street towards the rail bridge.



Photo 26: Looking north-east across Flaxman Street towards Ilex Avenue.



Photo 27: Looking south-east along the east side of Flaxman Street towards the rail bridge.



Photo 28: Looking east along the north side of the rail reserve from Flaxman Street.

Feasibility Study – Deakin Link Path - Warrnambool



Photo 29: Looking north-west along the east side of Flaxman Street.



Photo 30: Looking north-west along the west side of Otway Street towards the rail bridge.



Photo 31: Looking west along the south side of the rail corridor from Otway Street.



Photo 32: Looking north-west along the west side of Otway Street / Flaxman Street.



Photo 33: Looking north-west along the west side of Flaxman Street from the rail bridge.



Photo 34: Looking south-east along the west side of Flaxman Street towards the rail bridge.

5.3 Other Crossing Points

5.3.1 Flume Beach Access Crossing

A casual crossing point could be provided with appropriate signage. A proposed separate pedestrian rail crossing will require V-Line approval and positioned to have minimal impact on rail infrastructure.

Refer to sketch plot and photographs below.



Figure 8: Proposed Rail Trail Crossing of Flume Beach Access Road

Feasibility Study – Deakin Link Path - Warrnambool



5.3.2 Merri Street Crossing

The widening of Merri Street carriageway at Foster Street will allow the installation of a central refuge for the proposed crossing point near Foster Street.

Refer to sketch plot and photographs below.

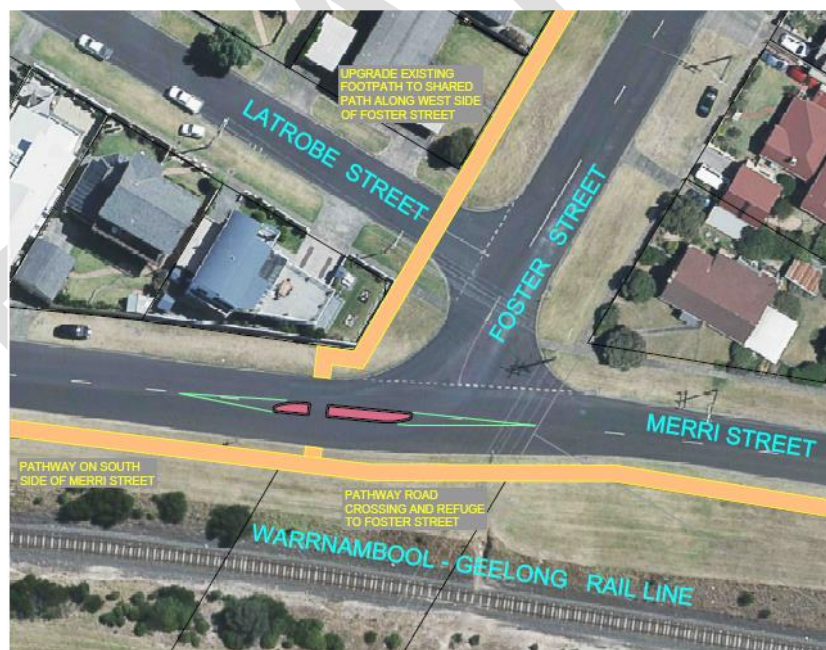


Figure 9: Proposed Rail Trail Crossing of Merri Street

Feasibility Study – Deakin Link Path - Warrnambool



Photo 37: Looking west along the south side of Merri Street from Foster Street.



Photo 38: Looking north across Merri Street towards Foster Street.

DRAFT

6 Rail Trail Option – General Construction & Cost Estimates

6.1 Rail Trail Construction Style

Subject to detail feature survey, the rail train path option could be situated on a 6m strip of land (leased or bought – subject to V-Line approval) along the north boundary of the rail reserve. The 2.5m wide pathway could be situated approximately 1m from south lease boundary and 2.5m from the north boundary.

Trail should be elevated above the surrounding surfaces particularly where in depressions. Say 150mm to 250mm of nondescript FCR with an approved surface treatment being concrete or asphalt. Granular surfaces should not be considered due to their high ongoing maintenance costs and susceptibility to scouring where terrain is not flat. Culvert crossings may be necessary to transfer runoff from low points in some areas. The pathway route along the rail reserve is generally flat from Aitken Drive to Simpson Street. From Simpson Street to the west the pathway route is undulating with some steeper sections.

A concrete surface is usually more durable and often avoids pavement heaving associated with asphalt, or surface erosion associated with granitic sand paths which typically have less than optimal site drainage.

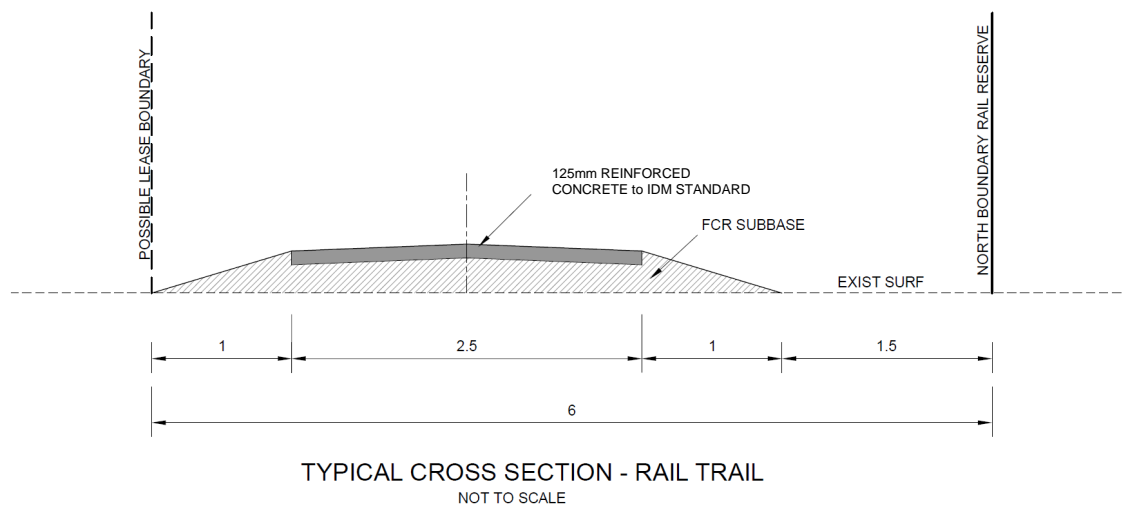


Figure 10: Typical Section Rail Trail Option

6.2 Cost Estimates of Rail Trail Sections

- Section 1 - Deakin University (Atkins Drive) to Mahoneys Road, 650m - \$234,000
- Mahoneys Road Shared Path Crossing - \$50,000
- Section 2 – Mahoneys Road to Simpson Street 1950m - \$903,900
- Simpson Street Shared Path Crossing - \$150,000
- Section 3 – Simpson Street to Bostock Street – 370m - \$281,200
- Bostock Street shared Path Crossing - \$25,500
- Section 4 – Bostock Street to Flaxman St / Otway St – 380m - \$288,800
- Flaxman St / Otway St Crossing - \$150,000
- Otway Street to Flume Access – 1,000m - \$360,000
- Flume Access to Pertobe Road – 890m - \$320,400
- Lake Pertobe shared path - \$164,400

TOTAL COST Approximately \$2,928,200*

**This excludes overheads such as document preparation, temp fencing and site toilets estimated to be \$127,000 over all sections of construction, but which may vary depending on economies of scale. *updated 2022 to reflect current market value.*

6.3 Cost Estimates of Other Pathway Links

- Flume Access Road to Flagstaff Hill – 745m - \$267,000
- Merri Street Crossing - \$150,000
- Foster Street Shared Path (Concrete) – 130m - \$35,620
- Bostock Street Cycle Lanes (Linemarking & Signage Only) – 585m - \$1,755
- Nicholson Street Cycle Lanes (Linemarking & Signage Only) – 740m - \$2,220
- Timor Street Cycle Lanes (Linemarking & Signage Only) – 600m - \$1,800

Feasibility Study – Deakin Link Path - Warrnambool

Appendix - A

CONCEPT PATH LAYOUT PLANS

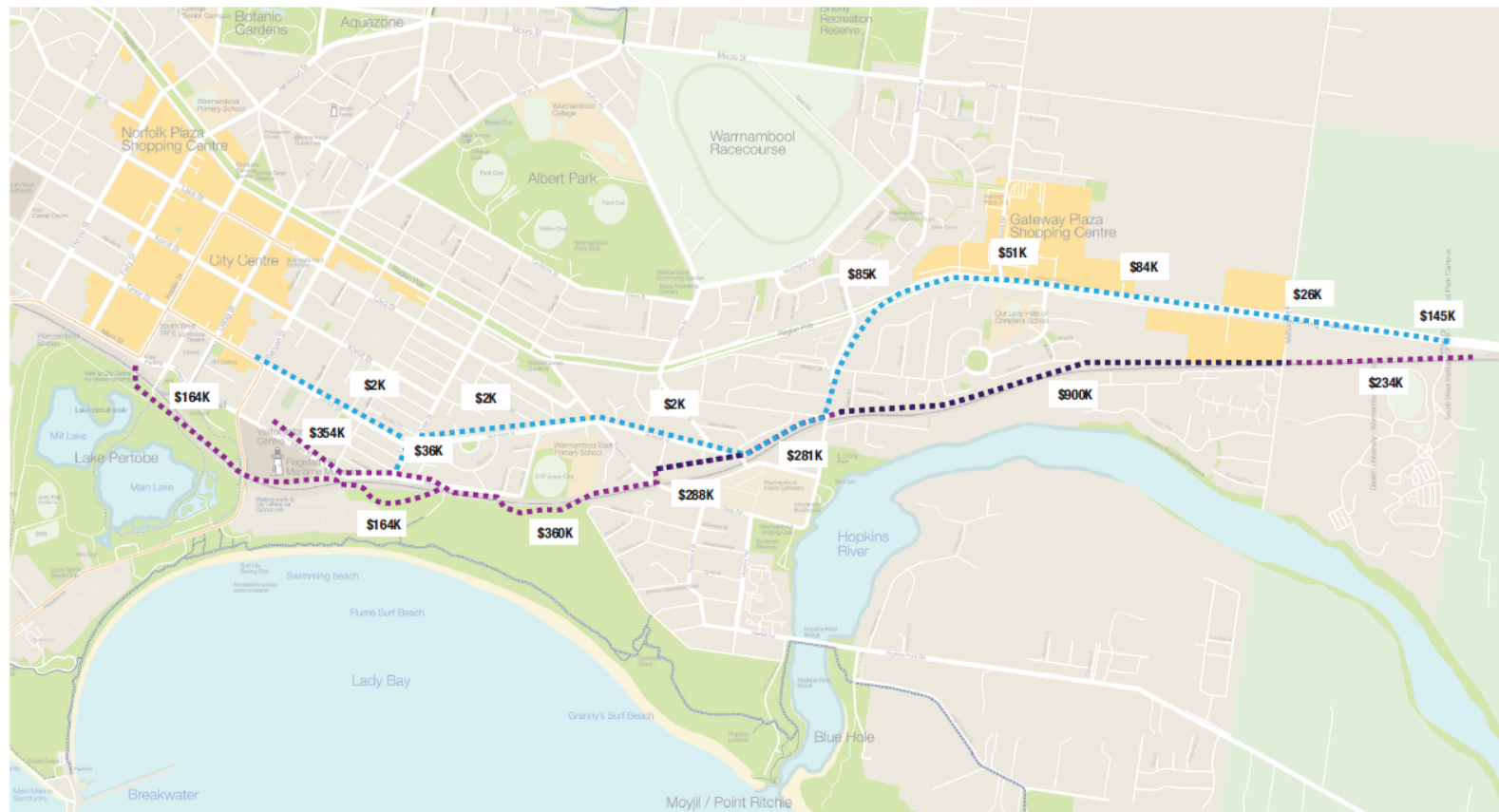
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Preliminary Construction Costs – Deakin Link Path

Section	Description	Estimates	Timeframe
Rail Trail			
Section1	Deakin University (Atkins Drive) to Mahoneys Road, 650m	\$234,000	Phase 3
	Mahoneys Road Shared Path Crossing	\$50,000	
Section 2	Mahoneys Road to Simpson Street 1950m	\$903,900	Phase 2
	Simpson Street Shared Path Crossing	\$150,000	
Section 3	Simpson Street to Bostock Street 370m	\$281,200	Phase 1
	Bostock Street shared Path Crossing	\$25,500	
Section 4	Bostock Street to Flaxman St / Otway St – 380m	\$288,800	Phase 2
	Flaxman St / Otway St Crossing	\$150,000	
Section 5	Otway Street to Flume Access 1,000m	\$360,000	Phase 3
	Flume Access to Pertobe Road 890m	\$320,400	
	Lake Pertobe Shared Path	\$164,400	Phase 3
	Sub Total	\$2,928,200	
On Road Pathway			
Sherwood to Verdon St	Concrete Shared Path from Sherwood Park Rail Station (Aitken Drive) to BP Service Station. (Cost can be shared by Deakin and other property owners)	\$145,220	Phase 1
	Footpath from Motels to Selby Road	\$83,640	
	Selby Road / Princes Highway Intersection Rearrangement for Path Crossings	\$51,000	
	Cycle Lanes along Simpson Street (Service Road) to Verdon Street	\$1,530	
	Simpson St footpath to Verdon St	\$83,640	
Foster to Timor	Foster Street Shared Path (Concrete) – 130m	\$35,620	Phase 1
	Bostock Street Cycle Lanes (Line marking & Signage Only)	\$1,755	
	Nicholson Street Cycle Lanes (Line marking & Signage Only)- 740m	\$2,220	
	Timor Street Cycle Lanes (Line marking & Signage Only)- – 600m	\$1,800	
	Sub Total	\$406,425	
Other Links			
	Flume Access Road to Flagstaff Hill	\$204,130	Phase 3
	Merri Street Crossing	\$150,000	Phase 3
	Sub Total	\$354,130	



Deakin Link - Phases and Costs



Construction Phase Phase 1 Phase 2 Phase 3

7.8. WASTE STRATEGY ADOPTION

DIRECTORATE : City Infrastructure

PURPOSE:

This report provides feedback to Council following the community consultation process, and seeks a resolution of Council to adopt the Waste Strategy 2021-2025.

EXECUTIVE SUMMARY

- The current Waste Minimisation and Resource Recovery Strategy 2017-2021 is due for review. Additionally, a large number of the actions have been completed such as, the full rollout of the FOGO service, transition to the fourth bin, and a number of other key actions.
- The Waste Strategy 2021-2025 – refer **Attachment 1** is a forward-looking document with some ambitious aims and objectives. It builds on the completed work of the 2017-2021 strategy and looks to embrace new methods of waste management with a key focus on waste reduction, reducing waste to landfill, exploration of new technologies and extensive community engagement and education programs.
- The draft strategy was endorsed by Council and released for community consultation and feedback, from 2/11/2021 to 1/12/2021 via Council's "Your Say" website, Noticeboard in the Warrnambool Standard and social media.
- A total of 10 submissions were received. The submissions are attached - refer **Attachment 2**. The attached comments did not necessitate any change to the document as previously presented.
- This feedback is vital to inform the Strategy and to actively involve the community on the journey to further improve waste management in the City and the region.
- Traditionally, community engagement on waste matters in Warrnambool attracts a lot of discussion, submissions, and interest from the community and the media. The Warrnambool community places a high value on the beauty of the City and our environment.
- Warrnambool City Council has been recognised as a leader in waste management initiatives, and the Waste Strategy 2021–2025 is intended to build upon these important achievements and set a direction for future best practice waste management for Warrnambool and the region.
- The cost of preparing the strategy was covered within the budget of City Amenity, as the document was drafted entirely "in-house".
- At the time of this report's submission, data from the 2021 Barwon South West Regional Waste Audit was not available. Results from the 2018 Barwon South West Regional Waste Audit have been included in the Waste Strategy 2021 -2025. The 2021 audit results will be provided to Council when they become available.

MOVED: CR BEN BLAIN
SECONDED: CR MAX TAYLOR

That following the community consultation, Council adopts the Waste Strategy 2021-2025.

CARRIED - 7:0

BACKGROUND

The current Waste Minimisation and Resource Recovery Strategy 2017-2021 was due for review in late 2021. This strategy documented Warrnambool's waste practices, highlighted current minimisation initiatives, and set an overarching goal of sustainability and responsible waste management for a growing population.

The current waste strategy drew from a combination of state and associated Council documents, initiatives, and policies. The timing of the review was ideal, as a great deal of change has occurred in the waste industry, and in Warrnambool's waste practices since it was adopted.

Additionally, a large number of the actions have been completed such as, the full rollout of the FOGO service, transition to the fourth bin, and several other key actions.

As a result of the recycling crisis, Warrnambool City Council took bold steps to improve the quality and value of recyclables. Council was the first council in Victoria to devise the four-bin system which has now been mandated by the state government.

Council was one of the first councils in Victoria to adopt a municipal wide FOGO service and fortnightly garbage collection to reduce waste volumes and waste to landfill.

Warrnambool City Council has been recognised as a leader in waste management initiatives, and the Waste Strategy 2021 –2025 is intended to build upon these important achievements and set a direction for future best practice waste management for Warrnambool and the region.

ISSUES

The Strategy is a forward-looking document with some ambitious aims and objectives. It builds on the completed work of the 2017-2021 strategy and looks to embrace new methods of waste management, with a key focus on waste reduction, reducing waste to landfill, exploration of new technologies and extensive community engagement and education programs.

Some of the key objectives of the strategy include:

- Aiming to achieve zero waste to landfill by 2040.
- Strive for waste management outcomes that achieve a combined economic and environmental benefit.
- Embrace the overarching need to minimise waste to protect the environment and reduce the cost of waste management to ratepayers wherever possible.
- Promote and advocate for the development of local recycling processing, to reduce reliance on metropolitan processors, and reduce transport costs and environmental impacts.
- Work with neighboring councils, businesses, and the community to aggregate waste streams where possible, to explore new technologies in waste management, and capitalise on the financial and other advantages of economies of scale.
- Ensure waste management charges and service provisions to businesses are equitable and consistent.
- Provide infrastructure that improves stormwater systems, to reduce adverse environmental impacts or litter in stormwater systems, and the environment.
- Review the effectiveness of the night-time kerbside collection to inform future kerbside collection contracts.

Many of these objectives will require further change management and will be challenging. New technologies and methods will play a critical role if Council is to achieve its objectives.

As the strategy commits to investigating new technologies, this will require considerable additional work, partnering with industry specialists, such as Deakin University, the waste industry in general, businesses, neighboring councils and critically, consultation with the community.

Council will also partner with state and federal governments to implement the Strategy and to seek funding as streams become available.

FINANCIAL IMPACT

The cost of preparing the strategy was covered within the budget of City Amenity, as the document was drafted entirely “in-house”.

There may be additional financial impacts, particularly around waste to energy, which will be reported to Council as required.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

2 A Sustainable environment

2.5 Waste minimisation: Council will pursue programs to minimise waste throughout the community, industry and promote the benefits of reduction, re-use and recycling of materials.

5 An effective Council

5.1 Leadership and governance: Council will be a high-functioning team committed to respectful relationships, collaboration and ongoing engagement. It will provide strong, effective leadership, sound governance and informed decision-making

TIMING

Upon adoption of the Strategy.

COMMUNITY IMPACT / CONSULTATION

The Strategy was advertised between 6, November, 2021 and 27, November, 2021.

A total of 10 submissions were received.

The submissions are attached **Refer attachment 2**

LEGAL RISK / IMPACT

Risks are assessed as being reputational and financial.

Reputational, as the community takes a strong interest in waste matters.

Financial, as waste management and waste management improvements are costly, and must be carefully considered to achieve an economic and environmental benefit.

OFFICERS' DECLARATION OF INTEREST

No conflicts of interest were declared.

CONCLUSION

The Waste Strategy 2021- 2025, aims to further reduce Warrnambool's waste impact, improve environmental and economic outcomes where possible, and puts the City on the path towards zero waste to landfill by 2040.

ATTACHMENTS

1. 3046 Waste Strategy [7.8.1 - 30 pages]
2. consultation feedback [7.8.2 - 2 pages]



Waste Strategy 2021 - 2025





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Introduction	3
Local context	4
Strategy objectives	4
Strategic framework	5
Drivers for change	8
Current service provisions	11
Vision for the future	22
Measuring performance	28
What we will do	29



Introduction

The Warrnambool community places great value on our environment. The community has made it clear that protecting our rivers, creeks and the ocean from pollution and litter is very important, as are waste management practices that aim to protect our environment.

Through the long-term community vision, Warrnambool 2040, Council has been asked to ensure waste management practices provide both economic and environmental benefits for Warrnambool, and that best value for residents in the form of financially sustainable waste management charges, is achieved.

These community priorities align with objectives in the Council Plan 2021-2025 and will further assist decision-making.

Council will demonstrate its commitment to sustainability by providing informed leadership, support and education. This Strategy provides the foundation for this commitment. Not-for-profit groups, volunteer community organisations, schools, residents and visitors are all critical to the Strategy's success through their formal and informal roles in resource recovery and waste minimisation.

Resource recovery and waste management involves the whole community. This strategy provides a vision for the future, and outlines practical steps to assist Warrnambool City Council (Council) to implement its Waste Strategy (the Strategy).

The waste hierarchy of avoid and minimise, reuse, recycle,

recover, treat and dispose, underpins the Strategy and guides decision-making cognisant of policies of the Federal and Victorian governments. It documents the integral role that private enterprise plays in partnership with the public sector in the delivery of the Strategy and its objectives

Council will engage with the community in pursuing the objectives of the Strategy. The Warrnambool community has always had significant involvement in shaping waste management practices in the City.

Our local community has always held innovation in high regard and Warrnambool was among the first councils in Victoria to adopt the four bin system, which was rolled out in Warrnambool several years ahead of the deadline established in the Victorian Government's circular economy policy, Recycling Victoria: a new economy.

Local and global changes constantly impact on waste management, therefore this will be a dynamic document. Actions will be prioritised and reviewed annually against key objectives and performance measures, as part of Council's budget process.

A formal review of this strategy will occur every four years.



Local context

The Warrnambool municipality is 120 square km in area and situated in the Great South Coast Region of Victoria, 263 km south-west of Melbourne.

It contains the City of Warrnambool and the nearby towns of Allansford, Bushfield and Woodford. The City has a population of approximately 35,500 and this figure is forecast to approach 50,000 by 2035 (forecast ID).

Warrnambool serves as a regional centre for a population of approximately 120,000 people in the South West.

It contains the Deakin University campus, a TAFE college and a regional base hospital. The major employment sectors are health care and social assistance, retail trade, manufacturing, education and training, accommodation and food services and construction.

The Great South Coast region features some of Australia's most fertile agricultural land much of which is dedicated to dairy and beef production. Three major dairy manufacturers and a large meat processor are situated in and around Warrnambool, providing a major sources of employment.

There is a significant tourism industry, with a thriving visitor economy, spectacular coastline, ample holiday accommodation, whale watching and commercial and recreational fishing opportunities. In summer and during major events the population increases by around 20 per cent.

Waste Strategy objectives

In developing the Strategy, a series of high level objectives were developed to guide the direction of waste management in the Municipality. Specific actions to deliver on these objectives are outlined later in this document.

Council will:

1. Commit to waste management initiatives that achieve a combined economic and environmental benefit wherever possible.
2. Achieve zero waste to landfill by 2040.
3. Embrace the overarching need to minimise waste to protect the environment and reduce the cost of waste management to ratepayers.
4. Promote and advocate for the development of local recycling processing, to reduce reliance on metropolitan processors, and reduce transport costs and environmental impacts.
5. Work with neighbouring councils, businesses and the community to aggregate waste streams where possible, to facilitate new technologies in waste management, and realise the financial and other advantages of economies of scale.
6. Pursue external funding to facilitate waste management initiatives and programs.
7. Consult the community on changes to Council's waste management practices.
8. Recognise the regional role Warrnambool plays in waste management, including active participation in regional waste forums.
9. Introduce measures to reduce illegal dumping of rubbish.
10. Ensure waste management charges and service provisions to businesses are equitable and consistent.
11. Provide infrastructure that improves stormwater systems, to reduce adverse environmental impacts or litter in stormwater systems, and the environment
12. Develop programs in collaboration with community groups to reduce dog droppings in public spaces.
13. Work collaboratively with event organisers to reduce waste at public events.
14. Ensure night time kerbside collection is fit for purpose.
15. Seek opportunities to recycle and recover construction and demolition materials.
16. Encourage and support school and community groups to be involved in waste initiatives.
17. Adopt the state-wide Container Deposit Scheme, when it is introduced in 2023.
18. Meet responsibilities in relation to Braithwaite Street former landfill site, as required by the EPA Post Closure Pollution Abatement Notice.
19. Consider a weekly FOGO collection trial from September -April. Report findings to Council to determine the viability.
20. Review fortnightly glass collection after container deposit scheme is implemented.

Strategic framework

A substantial legislative and policy hierarchy underpins this Strategy and informs the objectives.

Federal

The Product Stewardship Act 2011 - provides the framework to effectively manage the environmental, health and safety impacts of products, in particular those impacts associated with the disposal of products.

The framework includes voluntary, co-regulatory and mandatory stewardship.

The National Waste Policy sets Australia's waste management and resource recovery direction to 2030.

The policy has five key principles:

- Avoid waste
- Improve resource recovery
- Increase use of recycled materials, and build demand and markets for recycled products.
- Better manage material flows to benefit human health, the environment and the economy
- Improve information to support innovation, guide investment and enable informed consumer decisions.

The policy also complements other government action to deliver greenhouse gas emission reductions, reduce energy and water use, support jobs and invest in future long term economic growth.

A strategy arising from the policy is the Product Stewardship Framework legislation. The Product Stewardship Act 2011 provides the framework to effectively manage the environmental, health and safety impacts of products, in particular those impacts associated with the disposal of products.

The framework includes voluntary, co-regulatory and mandatory stewardship.

Resource Recovery Initiatives to date include:

- National Television and Computer Recycling Scheme
- Product stewardship for end of life tyres
- Product stewardship for mercury containing lamps – FluoroCycle.

State

The Local Government Act 1989 assigns responsibility to councils for providing, (either directly or through contractors), the collection, transport and reprocessing or disposal to landfill of municipal solid waste for their communities. (This does not require local government to manage disposal facilities such as landfills).

The Environment Protection Act 1970 is important state legislation relevant to this Strategy, as it relates to:

Shared responsibility

- Protection of the environment is a responsibility shared by all levels of Government, industry, and the people of Victoria.

Product stewardship

- Producers and users have a shared responsibility with Government to manage the environmental impacts throughout the life cycle of the goods and services, including disposal.

Waste hierarchy

The belief that to attain sustainable practice, waste should be managed in the following order:

- avoid
- re-use
- recycle
- recovery of energy
- treatment
- containment
- disposal.

E-waste

- The management of e-waste in Victoria, through its goals of diversion from landfill, recovery and reuse of materials and reduction of harm to human health.

The Victorian Government has also developed various documents to provide strategic direction. The overarching strategic document is the State Waste and Resource Recovery Infrastructure Plan (SWRRIP) which was released by the Victorian Government in June, 2015. The SWRRIP provides a roadmap to guide the development of a system that will effectively manage the waste we generate, balancing the provision of this essential service and support for a viable resource recovery industry, with the need to protect the community, environment and reduce greenhouse gas emissions.

This plan is further supported by the:

- Victorian Organics Resource Recovery Strategy
- Collaborative Procurement Framework
- Victorian Market Development Strategy for Recovered materials
- Infrastructure Facilitation Framework
- Community and Business Waste Education Strategy

The Victorian Government has developed a performance reporting framework to ensure all councils are measuring and reporting on their performance in a consistent way. Indicators for waste management kerbside collection are included in the reporting framework. Sustainability Victoria and the EPA also have mandatory annual reporting requirements about waste management services, providing further benchmarking for council

Waste and Resource Recovery Groups

Warrnambool City Council is part of the Barwon South West Waste and Resource Recovery Group (BSWWRG) established in 2014 under the Environment Protection Act (1970).

The group developed a Regional Waste and Resource Recovery Implementation Plan (RWRIP) in 2017, to improve recycling rates, reduce waste to landfill, and plan for the region's future sustainability and infrastructure needs.

Of particular significance to this Strategy are the following priorities:

Priority action 1 – Facilitate behavioural change to improve source separation, participation rates, resource recovery and reduced contamination.

Priority action 2 – Facilitate the aggregation of material streams and/ or services through collaborative procurements to improve economies of scale and cost efficiencies.

Priority action 11 – Support the development of innovative and viable ways to increase recovery of priority materials including organics, wood/timber, plastics and textiles.

The BSWWRG developed a Regional Education Strategy in 2018, which has guided the City's education program. Key strategies include:

- Raising community awareness of waste and recycling processes
- Emphasising the impact each individual can have on the success of a program
- Prioritising waste avoidance, sustainable practice, and product stewardship, over disposal.
- Adopting a regional approach towards waste management performance – working towards a shared goal for greater impact.

Standardised kerbside and public place recycling systems across the region are also viewed favourably, as this will afford synergies in raising awareness and promoting the message to the community.

Council was also an active participant in developing the BSWWRG Local Government Program in 2018. The aim of this program was to identify regional issues and programs, where it was deemed beneficial for councils to pool funds and address issues on a regional basis. More recently, the BSWWRG has been an important source of support and guidance to the Council around the implementation of the 4-bin system.

Significant change occurred in Victoria's waste industry and related legislation, since the Strategy was last updated. Victoria, along with other states, exports large amounts of recyclable materials for processing overseas. In 2018, China, a major recipient of Victoria's

recycling, introduced strict contamination limits for imported recyclables. This caused major disruption in recycling markets around the world, and the subsequent stockpiling of materials.

The "Recycling Crisis", as it came to be known, led to the development of the Waste Act and the Waste Authority – legislation and a governing body that will apply to the entire waste and recycling sector in Victoria.

In addition, Recycling Victoria: A new economy was introduced in 2020. This 10-year policy and action plan, sets out Victoria's recycling and waste minimisation goals for a growing population.

The policy includes changes to council kerbside recycling services, through the adoption of a four-bin service that includes:

- General waste service
- Comingled recycling
- Food and garden organics (FOGO) by 2030
- Separate glass service by 2027.

Warrnambool implemented a FOGO service in 2019, a glass-only collection service in May 2021 and transitioned to a fortnightly service across all four waste streams in July 2021.

Local

Council Plan 2021 - 2025

The Strategy is in line with the objectives of the current Warrnambool City Council Plan, through its commitment to encouraging waste minimisation and sustainable practice through:

- Reduction, re-use and recycling of materials
- Adapting and changing behaviour towards the production of waste and contaminants in the natural environment
- Corporate sustainability practices
- Use of technological advancements for waste management
- Focus on water resource management and the reduction in physical waste in local basins.

Warrnambool 2040 Initiative

The Strategy supports the goals outlined in the Warrnambool 2040 (W2040), environmental priorities section.

Developed in 2020, this series of documents identify community aspirations for the future of the town.

Relevant objectives include:

- Informed behavioural change that supports waste reduction at all levels of Warrnambool's community.
- Warrnambool to become a 'closed loop economy' where goods and services are not wasted and instead reused efficiently.

- Encourage a change in consumer habits, including minimising unsustainable materialism and increasing reusing of goods.
- Combat environmental change through a redirect towards sustainable resources that avoid single-use plastics, and investing in subsequent industry needs.

The following are some of drivers behind the development of this Strategy:

- Green Warrnambool 2018 – Council's sustainability plan Green Warrnambool states that Warrnambool will be a "wise city that wastes not".
- Warrnambool residents will be "environmentally informed, ethically motivated consumers of goods and services. We will have zero recoverable waste being sent to landfill by conserving, avoiding, reducing, recycling and reusing resources at every opportunity. We will significantly reduced land, water and air pollution, including littering and we will no longer be a source of plastics entering the marine environment."
- Warrnambool Open Space Strategy 2014 – the purpose of this strategy is to provide an overarching framework to direct open space planning and management to 2026. It provides guidance on the provision of bins in council's public open spaces.

Local Laws

Council Local Laws that are relevant to the Strategy list resident's responsibility towards domestic and pet waste:

- A person is prohibited from having unsightly amounts of rubbish that may cause danger on their property.
- Occupiers of properties are responsible for ensuring domestic waste is collected in the kerbside service.
- Owners must be responsible for cleaning up animal litter and must be equipped to do so at all times that the animal is in their charge.
- Commercial and building related waste
- The waste accumulated from trades must be treated separately from domestic waste, in an approved skip.
- When carrying out building works, a purpose built facility must be on site to minimise discharges from going into the stormwater system.





Drivers for change

The waste hierarchy

The concept of a “waste hierarchy” that ranks ways of dealing with waste in order of preference has been almost universally adopted as a guiding management principle by governments internationally and in Australia.

The waste hierarchy sees avoiding the creation of waste as the most desired outcome, while landfill disposal is the least desired outcome.

Table 1: The Waste Hierarchy and its application in Warrnambool

Rethink (avoid) and Reduce	Council cannot control what households buy and dispose of but can provide education to encourage steps to reduce the creation of waste and put in place processes and systems, such as resource recovery to minimise waste to landfill.
Reuse	The reuse of materials that would otherwise end up in the waste stream can provide a variety of social and environmental benefits. E.g. the City can support and promote community based reuse organisations, such as WDEA
Recycle	Public place and kerbside recycling services provided by the City and other local recycling activities and services are a key way of reducing the economic and environmental impacts of managing waste.
Recovery	Energy from waste technology is still in the early stages of development in Victoria, but offers potential to reduce disposal rates in the future by recovering energy resources from materials that would otherwise be landfilled. Waste to energy technology also provides a renewable energy source. Some large landfills collect and utilise landfill gases to generate electricity and sell energy back into the grid. The City's former landfills were not large enough to justify the capital expense for landfill gas capture.
Treat and Dispose	Disposal is the least preferred option, however for the foreseeable future there will be residual and/ or hazardous wastes for which landfill remains the only or best option. While there are no potential landfill sites within the City, it is important for the Council to monitor availability and maintain cost effective access to landfill sites in the foreseeable future.

Costs

The Victorian Government objective to incentivise alternatives to landfill is driven by the landfill levy. The landfill levy is used as a mechanism to make resource recovery more feasible as an alternative to landfill.

In south-west Victoria there are significant costs associated with landfilling, including the construction and rehabilitation of landfills to Best Practice Environmental Management standards (BPEM), the cost of transporting waste to a landfill and the landfill levy.

Since 2010-2011, the cost of landfill gate fees has increased by 47%. This is due to both the increasing cost of the landfill levy and increasing requirements of the BPEM. This financial impact in itself is a significant driver for change, even before considering environmental or lost resource costs. It is also a factor leading to the closure of a number of landfills in Victoria.

Table 2: EPA Landfill Levy - Charges per tonne

2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
\$31.71	\$33.22	\$33.03	\$33.03	\$52.95	\$62.95

Table 3: Naroghid Landfill Gate Fees - Charges per tonne

2017-18	2018-19	2019-20	2020-21	2021-22
\$114.28	\$117.41	\$120.32	\$109.07*	\$111.79

* Gate fees were reduced in 2020/21, as a result of lower overheads at Naroghid.

Reducing waste management costs in Warrnambool requires a multi-faceted approach.

- Community education about reducing or avoiding waste creation leading to behaviour change .
- Improving recycling by reducing contamination in the kerbside recycling bin.
- Improving and extending public place recycling.
- Raising awareness of recycling services provided in the City.
- Lobbying for stricter product stewardship policy to more options for recycling more products and materials, with the costs covered in product purchase price.
- Lobbying for a bigger share of the EPA landfill levy to return to the region to fund resource recovery innovation.

In the 2020-2021 financial year, the landfill levy component paid to the EPA for Warrnambool's landfill disposal costs was \$180,730. Council needs to stay abreast of developments, innovations and technology in waste management and resource recovery, and may at some point be in a position to lock in a gate fee for a period of time for the foreseeable future.

This would provide surety in a volatile market, however it must not detract from council's overall vision of avoiding waste and reducing waste to landfill. Council must not surrender ownership of the waste without careful consideration; in the future waste may become more of a resource and commodity. Rateable properties are levied a Waste Management Charge which includes

supply of bins, fortnightly collection of 140 litre garbage, 80 litre glass, and 240 litre FOGO and comingled recycling bins. This service also includes disposal to landfill, transport and sorting of recyclables collected, education, promotion, community engagement, and bin repair and replacement.

This Waste Management Charge also contributes to:

- maintenance and upgrade of stormwater protection;
- footpath and street sweeping;
- litter collection in the CBD, parks, reserves, and illegal dumping clean-up;
- EPA compliance and environmental monitoring of Braithwaite Street closed Landfill site and any related works;
- regional projects through the BSWWRR Local Government Program;
- rubbish, recycling and green waste disposal generated by council operations, including innovations for increased resource recovery of material generated through these operations; and,
- corporate administration/management.

Council will continue to advocate to receive a fair share of grants from the Sustainability Fund, to assist Council in addressing waste management issues.

Reducing Greenhouse Gas

Council's Green Warrnambool plan include's a goal for Warrnambool to have zero net greenhouse gas emissions by 2040.

The most significant action taken so far to reach this target was the introduction of the Food Organics Garden Organics (FOGO) kerbside collection to Warrnambool in 2019. Greenhouse gases produced by food waste in Australian landfill each year are equivalent to the emissions of Australia's steel and iron ore industries combined. (www.watchmywaste.com.au/food-wastegreenhouse-gas-calculator)

Greenhouse gases trap heat in the atmosphere, slowing the rate at which it escapes to space; they act like a blanket insulating the Earth. Landfilling of FOGO generates methane gas, a potent greenhouse gas that traps heat more effectively than carbon dioxide.

The waste sector accounts for 3 per cent of total net greenhouse gas emissions from human activity in Australia. Around 76 per cent of waste sector emissions come from methane released from food and green waste breaking down in landfills. (April 2010, Report to Dept. of EWHA, Climate Change and the Resource Recovery and Waste Sectors).

Based on current kerbside waste generation figures, and taking into account collection, processing and landfill emissions, the continued diversion of FOGO materials from landfill bins, could reduce local greenhouse gas emissions by more than 4,000t annually. This would increase again if processing facilities were upgraded from open windrow to aerated static pile or in-vessel (enclosed) composting systems. (Review of Joint Waste Services, MRA 2017 Population Growth, Development and Future Waste Projection).

Population Growth

In the decade to 2016, the city's population grew by an estimated 3,300 people, however the annual amount of waste generated through kerbside collection did not increase significantly over that time.

The city's population, currently 35,500, is predicted to approach 50,000 by 2035. An increase of 15,000 people over 20 years should see a significant increase in waste generation, however this has the potential to be offset by improved diversion rates, where residents are recycling more material.

This increase in population will bring a number of challenges in resource recovery and waste management, including:

- alternative options for collection from multi-unit dwellings;
- increasing landfill costs;
- potential increased demand for public place bins; and,
- local landfill space decreasing, potential to have to look further afield for landfill services – increased waste transport costs.

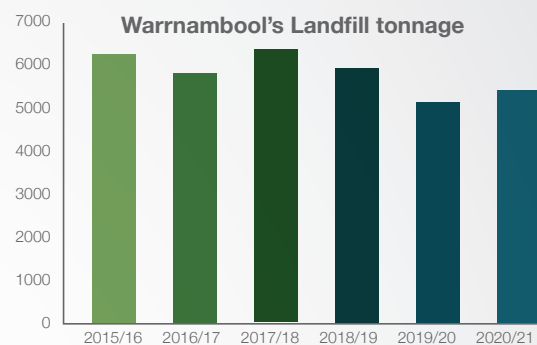


Chart 1: Warrnambool's annual landfill tonnage





Service provisions

Council is currently responsible for:

- domestic waste and recycling kerbside collection and disposal/ recovery of materials;
- street and footpath cleaning;
- stormwater protection;
- public place bins including waste and recycling bins (includes the CBD, foreshore, Lake Pertobe, parks, gardens and recreation reserves);
- promotion of commercial and community group based recycling services;
- partnering with and hosting programs such as "Detox Your Home" – annual mobile collection of household chemicals;
- permanent Detox Your home site at the Cleanaway transfer station; and,
- managing past legacies (closed landfills).

Kerbside collection

Currently households in Warrnambool are serviced by a four bin system. Each service is provided to residences between the hours of 10pm and 10am.

As of June 2021, all collections became fortnightly. Council provides the following through the kerbside service.

Table 4: Warrnambool's Kerbside Collection Service

Landfill	FOGO	Comingled Recycle	Glass
140 litre Red-lidded bin	240 litre Green-lidded bin	240 litre Yellow-lidded bin	80 litre Purple-lidded bin

The council's waste and recycling kerbside collection is currently carried out by Wheelie Waste, under a contract that commenced on July 1, 2019. This is a seven-year contract with the option of extension. The contract includes collection from over 16,000 tenements. This figure grows at approximately 20 new tenements per month.

In May 2021, a 80L purple -lidded glass-only bin was introduced to the kerbside service. The glass is collected, sorted and crushed for use in local construction projects. The service aims to separate glass fines (small fragments of glass that contaminate other types of recycling), from the rest of the comingled recycling stream. Separating the materials at the kerb results in a higher quality and more valuable recycling load, at the processing stage. An average of 90 tonnes of glass is collected through the kerbside service each month.

The FOGO kerbside collection is performed by Warrnambool Green Waste. The contract commenced in May 2019.

Community consultation and the results of the Regional Kerbside Waste Audit 2018, organised by the BSWWRR group, highlighted the economic and environmental benefit, and the community interest in adding a Food Organics Green Organics (FOGO) collection to Warrnambool's kerbside service.

The audit identified an average of 2.9kg of potentially-recyclable food and garden waste per household, per week was being lost through the landfill collection. This was equivalent to 41.8 per cent of the entire load, each week that could have been diverted from landfill and composted.

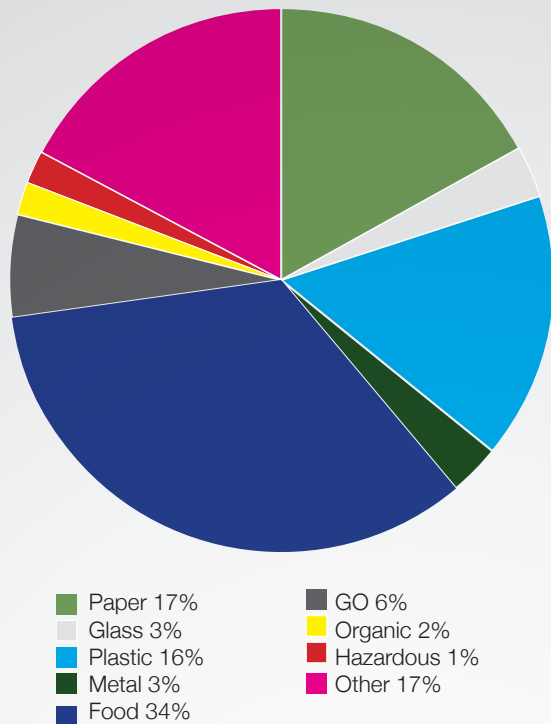


Chart 2: Warrnambool's Waste Stream Composition by weight

Source: Regional Kerbside Waste Audit 2018.

Along with the 240L kerbside FOGO bin, households were provided with a kitchen caddy and an annual supply of compostable caddy liners.

In the first year of the municipal-wide FOGO service 800 tonnes of food waste was diverted from landfill.

At the time, landfill gate fees were \$149.63 per tonne. Green waste gate fees were \$23.60 per tonne. This was equivalent to a saving of more than \$100,000 in landfill acceptance and processing fees. Landfill gate fees have steadily increased every year since. The total charge (EPA levy plus a gate fee) for landfill in the 2021-2022 financial year is \$170.04 per tonne.

The quantity of material being placed in FOGO bins has steadily increased. Council's 2021 FOGO Waste Audit reported an average collection of 13.68kg of FOGO per household, per fortnight.

From a sample of 136 bins, with a total presentation of 1.86 tonnes, 74.5 per cent was garden waste, 23 per cent food waste and 1.1 per cent contamination.

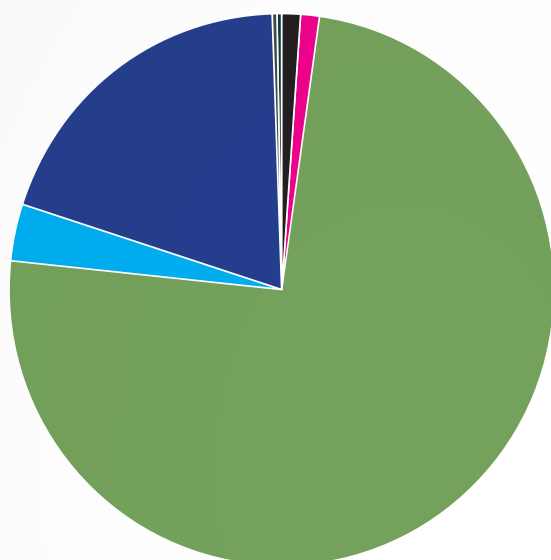


Chart 3: Warrnambool's FOGO Stream Composition by weight
Source: The Warrnambool City Council FOGO Waste Audit 2021

The service is also offered to interested businesses and schools, for tearoom quantities of waste. Fortnightly collection, and a limit of one bin per address, typically deems the kerbside service inadequate for commercial quantities of food waste.

Technology

As of late 2021 there were over 60,000 kerbside bins in use across the municipality.

A requirement of the four bin rollout plan was the capacity to register each bin to a specific Warrnambool address. Individual Radio Frequency Identification Devices (RFID) were installed in every new bin, along with a scannable QR code, listing the registered address.

The technology has a range of benefits, for the contractor, council, and residents. Data can be accessed via the Council's Waste Collection Data Management system (WCDM). The system serves as a real-time record of bins in the community. The new technology is useful for tracking missed collections and contractor performance, reducing the number of lost and stolen bins, and confirming waste service entitlement.

The waste and recycling contractor have installed in-vehicle cameras, which can be used to verify collection, identify bin presentation and missed bins, and more proactively reduce contamination.

The repair and maintenance costs of kerbside bins are included within the contract fee. The cost of bins to new dwellings is included in the Waste Management Charge, and amortised over the life of the contract.

Kerbside recyclables – transport and acceptance

Kerbside recyclables are deposited at Barton's Waste transfer station in Warrnambool. The recycling is then bulk-hauled to a VISY Material Recovery Facility (MRF) in Springvale.

Once recyclables are collected at the kerbside they become the property of the contractor. However, through the current contract, council must sight the agreement between the MRF and the contractor. This provides certainty as to the destination of Warrnambool's recyclables.

Over the past five years the value of recyclables fell significantly. In 2017, transportation costs were offset by the value of the recyclables once delivered to the MRF. In the 2020-2021 financial year however, with stricter contamination limits in place, and increases in gate fees, the transportation and acceptance of recyclables costs the Council \$315,252 (\$126,101 in transportation; \$189,151 in processing fees).

Waste disposal - disposal sites

All kerbside garbage is consolidated in Warrnambool then transported to the Corangamite Regional Landfill at Naroghid, which is owned and operated by Corangamite Shire.

Warrnambool City Council and Corangamite Shire entered into an agreement in April 1999, which set out the conditions under which the relationship operates. The council pays the landfill gate fee directly to Corangamite Shire which includes the EPA levy.

The fee is based on the tonnage delivered across the weighbridge at the landfill site which is 65km from Warrnambool.

The estimated life of the Naroghid site is 55 years at current volumes.

An EPA licensed landfill at Pomonal Road, Stawell, operated by Cleanaway, is the disposal site used by two South West municipalities. The site is licenced to accept municipal waste, commercial and industrial, asbestos and category C soil.

This site is about 190km from Warrnambool. The costs for establishing and operating a licenced landfill are considerable. The timeframe and regulatory hurdles for the establishment of a new landfill are a disincentive to the establishment of any new site.

Over recent years, the region's smaller unlicensed municipal landfills have closed, along with some larger, licensed sites. There are now few options for landfill disposal within the region.

It is essential that Council manages its relationship with licenced landfill operators, and works to reduce the volumes of material going to landfill, by increasing recycling diversion and continuing to remove organics from the waste stream.

Council has received a ministerial exemption for the depositing of garbage at Corangamite Regional Landfill.

Transporting waste for disposal

Council's kerbside collection contractor is responsible for collection and delivery of the waste to the nominated landfill.

Collection vehicles deposit the material at Barton's Transfer Station before it is transported in B-double trucks to the Naroghid landfill.

Kerbside collection trucks generally have a capacity of 14 cubic metres, while B-double trucks have a capacity of 150 cubic metres. Transferring waste from collection trucks to B-double trucks creates efficiencies and results in fewer trucks on the highway.

Street cleaning

An important element of Council's waste management activities is the regular street cleaning program.

Street and footpath sweeping also provides a cost-effective maintenance regime for these assets, as the accumulation of soil and silt affects the performance of roads and footpaths.

Grass can grow on accumulated soil or silt left on roads or caught in cracks. In turn the grass roots penetrate between the concrete edge of the kerb and the edge of the seal, lifting the seal and allowing water in. Once water penetrates the seal, it causes a weak spot to develop in the surface and ultimately failure, such as a pothole, will occur.

Blocked gutters can also lead to the flooding of property and the resources required to dig out blocked side entry pits (gutters) are significant as this must be done by hand.

Effective and timely road and footpath sweeping can significantly reduce the amount of waste entering the environment, and in Warrnambool's case this will usually mean the marine environment.

Street sweeping involves the mechanical sweeping of selected roads, car parks and other hard standing areas. This includes kerb stops, kerb and channel, traffic islands, roundabouts and carparks.

Council's road sweeper commonly operates on a Monday to Friday, 4am to 12:30pm. At weekends it operates in commercial areas for four hours each day. Adopted performance standards require the CBD to be cleaned daily, Raglan Parade monthly, and other streets twice a year. Frequency is impacted by annual budget decisions, with some residential streets being swept once a year. Pathway sweeping is undertaken to remove litter, dirt, loose stones and debris from footpaths in the city centre.

Council's footpath sweeper operates from 5:30am to 11:30am Monday to Friday, and for four hours each Saturday and Sunday. Emptying of Council managed cigarette butt bins is also undertaken by the footpath sweeper operator. There are also privately maintained cigarette butt bins in the City.

Stormwater protection

The protection of the marine environment from waste pollution is of critical importance. Litter entering the drainage system will ultimately pollute these environments and cause considerable damage to marine life.

While education, better kerbside bin design and street litter bin design can all assist, a further level of protection is necessary. There are currently a total of 24 in-line stormwater drainage litter traps throughout the municipality.

A number of different types exist, ranging from end of pipe outfall nets and in-line baskets to sophisticated gross pollution traps (GPT). These require regular cleaning, particularly after heavy rainfall. Presently, this specialised equipment is not available locally and has to be sourced from Geelong.

Past education programs regarding stormwater

protection have included stencilling of stormwater pit lids and cigarette butt campaigns. Council has also worked with the Plastic Free Alliance, comprising many local environmental groups including Fishcare South West, Friends of the Merri Marine Sanctuary (FOMMS), and Beach Patrol to raise awareness about the impact of single use plastics, such as plastic bags, plastic straws, cotton buds, and plastic water bottles on our marine environment.

Council will continue to install drainage system litter traps where appropriate, and work to progressively improve stormwater quality. Specialised litter traps, such as GPTs, are very expensive to install. Priority will be given to resourcing and developing maintenance programs for existing litter traps, so they can function optimally.

Work will also be carried out to improve kerbside and public place bin design, and to increase infringements against litterers. Council will continue to support the work of environmental and community groups who are raising awareness of the problem, and will continue involvement in the Plastic Free Alliance and support development of a Boomerang Bag initiative in Warrnambool.

Public place bins

Council provides a comprehensive network of public place bins across the city's streets and open spaces.

Council performs over 1,400 rubbish bin collections weekly, from the city's 422 waste bins. Public place recycling bins currently number 117, but this number is growing, with council installing recycling options where possible at waste bin locations. The latest recycling rollout involved 61 recycling stations installed at all of the 15 recreation reserves across the city.

As there are already a significant number of public place bins serviced across the city, not all public places are allocated a bin. The Open Space Strategy provides the decision-making framework for the installation of public place bins.

Due to the significant staffing resources of emptying and maintaining public place bins, public places are prioritised based on their usage and categorisation. According to the strategy, public spaces categorised as Local or Neighbourhood parks are not allocated a bin. The expectation is that these spaces are used by locals or neighbours who are able to take their rubbish and recycling home.

Council provides a number of dog waste bag dispensers along the foreshore to encourage residents to pick up after their dogs. This is not an established behaviour or cultural norm in Warrnambool, and dog droppings left behind in public spaces are a common occurrence.

Domestic animal excrement is normally acceptable in FOGO collection. Defining precincts where public place bins are provided for specific users could be given consideration, for example bins for tourists travelling in campervans. These tourists are not currently catered for, and while it is expected that they will take their waste to a transfer station this may not be a realistic expectation.

Council will review resources assigned to the collection and maintenance of public place bins, and adjust where this can be justified.

Council will also commit to repairing and maintaining public place bins in good and workable condition on an ongoing basis.

Commercial waste

Council does not directly manage any commercial waste, except for tearoom waste and recycling from some businesses external to the CBD.

This tearoom waste is collected as part of the kerbside collection, and these businesses receive the same service as households.

The intent of this is not for Council to manage the 'business' type waste, but to provide an easy to use and cost effective method for businesses dealing with small amounts of nonindustrial or non-hazardous waste.

Council is striving to improve communication with businesses to increase promotion of local recycling services.

Detox Your Home

This service provides a safe, free and easy-to-use way for residents to dispose of common households chemicals.

It is dangerous to put chemicals in the regular rubbish bin, as they may explode, ignite or leak. Pouring chemicals down the drain will pollute waterways, potentially contaminating drinking water supply and making rivers and beaches unsafe for swimming.

Council will work with Sustainability Victoria (SV) to ensure this annual collection continues in the future, as a valuable service to our community.

Cleanaway currently hosts a Detox Your Home permanent site. This service is funded by SV and is supported and promoted by Council. This site accepts low toxicity, high density products such as batteries, and paint, E-waste and fluorescent lights, for no charge to households.

Businesses are charged a fee for disposing of these products at the site. Some businesses believe that this charge is prohibitive, and opt to deliver material to a landfill. As the permanent site is ultimately funded by

taxpayers, it raises the possibility that Sustainability Victoria could review covering the cost of businesses using this site to recycle materials used in their operations.

Council will also continue to support and promote Detox Your Home and encourage businesses to use the service. Council will work with Sustainability Victoria to ensure this program continues.

DrumMuster

DrumMuster provides Australian agricultural and veterinary chemical users with a collection scheme, funded by levies imposed on the sale of farm chemicals and collected by AgStewardship.

The scheme has proven successful over a number of years in removing a large number of containers from the waste stream, and reducing the amount of illegal and inappropriate disposal, while recycling significant amounts of metal and plastic.

Warrnambool's local DrumMuster Agent Cob and Co has recycled over 35,000 drums since inception.

Commercial waste services

There are a number of commercial waste services operating in Warrnambool.

These services form an important part of the local waste and resource recovery management sector. They allow for the management of most waste streams from commercial, industrial, construction and private sectors.

Recycling opportunities have increased significantly in Warrnambool over the past five to 10 years, providing the potential for cost savings and environmentally responsible processes for businesses.

Council's Warrnambool Recycling & Disposal Services Directory provides a comprehensive snapshot of recycling services available locally, regionally and further afield, where there are no options closer to home.

The directory is updated annually to take into account changes in recycling markets and residents' inquiries



Warrnambool is home to three transfer stations and a resource recovery business:

Cleanaway – 355 Koroit St, Warrnambool

Cleanaway hosts the Detox Your Home Permanent site and is open to the general public seven days a week.

It accepts:

- Co-mingled recycling
- Cardboard and paper
- E-waste (TVs, phones, computers and monitors)
- Fluoro Lights
- Clean fill (any combination of soil, sand, bricks, concrete, tiles and rocks)
- Green waste
- Timber
- Plaster
- General waste
- Mattresses
- Tyres (all sizes)
- Oil
- Polystyrene
- Scrap metal
- Whitegoods
- Batteries

Warrnambool Transfer Station / Barton's Waste Collection – 20 Harrington Rd.

Open to the general public seven days a week.

It accepts:

- General waste
- Green waste
- Oil
- Bricks, soil, concrete (clean fill)
- Recyclables (bottles, paper, cardboard, glass, plastic, cans)
- Mattresses
- Scrap metal

Westvic Waste and Recycling – 3 Hammond Place

Westvic is open to the general public seven days a week.

It accepts:

- Building & Construction Waste
- Car batteries
- Cardboard
- Comingled recyclables (yellow top bins) - aluminium cans, paper, plastic and glass bottles
- Green waste
- eWaste
- Household rubbish

- Motor oil
- Scrap metal
- Soil and clean fill
- Whitegoods.

Cob and Co Recycling – 25 Dickson St

Cob and Co Recyclers accepts:

- Lead acid batteries
- Chemical drums (DrumMuster agent)
- Aluminium cans and scrap
- Iron and steel
- Paper and cardboard – commercial quantities only
- Plastics – “Bulka” bags.

Reuse and resource recovery facilities and services

Warrnambool's reuse and resource recovery facilities and services are provided through a variety of options.

In the absence of a dedicated facility there is an ever expanding jigsaw of services provided by many organisations.

These services include:

- Transfer stations
- Metal merchants
- Recyclers of plastics
- Charity Bins and Opportunity shops
- Disability Enterprises
- Supermarkets
- Detox Your Home
- MobileMuster
- Community organisations; Warrnambool Community Garden, Unpackaged and SWAPIT
- Cartridges 4 Planet Ark
- REDcycle
- Terracycle
- Seal the Loop
- Garage sales
- Car boot sales
- Warrnambool Buy /Swap/Sell Facebook page

E-waste

Western District Employment Access (WDEA), provides electronic waste (e-Waste) recycling for Warrnambool and the south west region.

E-Waste consists of old, end-of-life or discarded appliances or electrical devices. It includes computers and accessories, mobile phones, televisions and other electrical appliances.

WDEA offers meaningful employment opportunities for people with a disability. Workers at WDEA help to disassemble electrical items. These components are then sorted, packed and sent to factories across Australia for repurposing. WDEA is part of the National Television and Computer Recycling Scheme (NCRS), through its The National E-Waste Alliance (NEWA) membership.

The NEWA exists to better enable Australian Disability Enterprises (ADEs) to create financially viable, sustainable e-Waste recycling businesses, whilst providing ongoing employment. NEWA establishes markets for the e-Waste product with buyers who are certified or able to prove their downstream markets. Under the NCRS this movement of e-Waste commodity is very closely monitored and subject to international laws.

The BASEL Convention – of which Australia is a signatory, prevents the movement of e-Waste to non OECD countries, where strict environmental standards are not maintained. NEWA is able to provide full reporting on commodity movement.

E-waste can be sorted, packed and recycled. WDEA provides a valuable recycling service for local businesses, and recycle 225 tonnes of e-Waste from the south west region each year. WDEA is an integral part of recycling solutions for Warrnambool, creating a viable option for safe and environmentally sound recycling of electronic items. The council will continue to promote and support Western District Employment Access and other not-for-profits offering recycling services.

Managing past legacies

Council records dating back to 1910, show that over the years many waste disposal sites have operated throughout Warrnambool.

Sites have included Ryot Street, Levys Point, Fletcher Jones Quarry site, Macdonald Street (trotting track), Harris Street, the Warrnambool Cricket and Recreation Reserve, and the Fitzroy Road quarry.

These sites are now considered inert and many have become valuable community assets in the form of sports grounds, habitat, and areas of recreation. Council's most recent landfill site is known as

Braithwaite Street. The site was used as a landfill for the disposal of domestic garbage, putrescible waste, solid inert waste and limited prescribed waste, from 26 March 1982 to 25 August 1999.

After its closure, the EPA issued a Pollution Abatement Notice (PAN) for the rehabilitation and aftercare management of the site. The site has been rehabilitated, and Council has complied with all aspects of the after-care management plan and EPA requirements.

An updated Post-Closure PAN was issued by the EPA in 2017, to address environmental risks and impacts. The PAN requirements include monitoring, and the prevention of escaping landfill gases, the monitoring and collection of leachate (liquid arising from garbage decomposition), and the continuation of environmental audits.

The drainage line that runs through the middle of the landfill to a sump at the toe of the landfill, collects leachate. This leachate is then pumped back onto the cap of the landfill via a solar pump, where it is irrigated onto the cap. This system works well, except during inundation of the floodplain at the toe of the landfill. Works to separate the floodwaters from the leachate sump will occur in the near future.

Ten bio-filters have been installed at the site to reduce the concentration of methane as it escapes to the atmosphere. Bio-filters are attached to landfill gas vents, monitoring bores, and old fire hydrant sites. The science is simple but ingenious. Methanogenic bugs live in organic mulch matter that is kept damp. In the presence of methane, these bugs digest the methane and convert it to a less potent greenhouse gas.

Council is also required to provide the EPA with an annual statement of compliance concerning each of the PAN requirement. It is expected that a Post-Closure PAN will remain in place until such time as there is no evidence of any landfill gas or leachate being generated by the site.

Council will continue to carry out its responsibilities at the Braithwaite Street former landfill site, as required by the EPA Post Closure Pollution Abatement Notice, until such time as the site is deemed inert. There is an adjoining wetland which plays a locally important environmental role, and should not be developed or used for grazing.

Education and awareness programs

The Warrnambool City Council currently develops and provides awareness and education material for the community via print, radio, posters, fridge magnets and social media, and the Council's website.

An annual recycling calendar is produced and typically focusses on improving recycling and decreasing contamination. The calendar has taken on different



forms including the Sustainability Calendar, DL brochures, A5 cards with magnets for the fridge and a comprehensive resource recovery and waste disposal booklet.

Education and awareness programs are often delivered in partnership with community groups. Warrnambool Community Garden hosted the Dirty Weekend over a six year period, and continues to provide workshops educating the community about composting, worm farming and other waste reduction and recycling initiatives, primarily related to food waste.

The Plastic Free Alliance is another example where the council has worked with local environmental groups, (including Fishcare South West and Friends of the Merri River Marine Sanctuary) to run events and work with schools to raise awareness of the impact of single-use plastics on the marine environment.

Council has partnered with the Regional Waste Management Group and other South West councils on several projects and campaigns. This helps achieve economies of scale when running education messages through the media. It also ensures consistent messaging across councils. The role of the regional group is considered essential in this area. Education has a critical role in the success of behaviour change initiatives (such as reducing contamination rates in kerbside collection, waste avoidance, service changes and litter reduction programs.)

Education is key to ensuring the success of any changes to the kerbside collection service. The council currently invests about \$30,000 annually in waste education and awareness programs.

This budget also funds small infrastructure grants for schools and organisations for recycling and waste avoidance initiatives. Resource recovery and waste education in schools is currently carried out through the Healthy Moves program. This program works with all primary schools, to facilitate sustainable transport behaviours in students. The program provides excellent networking opportunities for waste minimisation initiatives in schools, and has provided the council with an opportunity to promote and educate students about sustainability.

The 2020 Healthy Moves Workshop, saw students from 10 Warrnambool primary schools developing plans for sustainable transport events at their school.

Council provides support to secondary schools on an 'as needs basis.' Secondary schools education and engagement would benefit from a more strategic approach. Council could also review support of the AusVic Resourcesmart Victorian Government sustainability program in schools.

Council needs to review its current Waste and Litter Education Strategy and develop a program for implementation over the life of the plan. Information and needs will also be fed into the regional education strategy, partnering in regional campaigns to gain cooperative benefits.

Education and awareness campaigns can be for the provision of basic information or for specific and targeted campaigns. Sustainability Victoria provided funding in 2016 to devise a project to work with the international worker audience in Warrnambool to improve resource recovery.

The project involved developing communication material in different languages and facilitating a focus group where the participants were interviewed about the waste management systems in operation in their home countries.

This provided valuable information for working with this group and valuable learnings about not making assumptions about any audience. This project is ongoing with the next step to involve developing a video in different languages about the kerbside collection, and posting this on relevant social media platforms.

Data will be important in providing valuable information for the direction of the plan. Regular kerbside and public place bin audits will be undertaken to inform the plan. The development and implementation plan will address specific campaigns and the most appropriate method of delivering these. The plan will also allow for flexibility when grant opportunities arise in this area, and provide a program for ongoing and regular education in some areas such as the correct use of kerbside recycling and FOGO bins.

Managing other waste streams

Hard waste or bulky items

Hard waste is the non-putrescible waste that is too large to fit into a garbage bin.

Examples include furniture, household appliances, metals, old white goods, old tools and car parts.

Opportunity shops must be acknowledged for their part in receiving and recycling hard waste and clothing. Warrnambool boasts seven opportunity shops in its CBD, and the Big R's Shed, in the industrial estate.

Established in 2019, this not for profit enterprise is owned and operated by WDEA. It offers an important service to the community, through the resale of second-hand goods, including electrical, sporting, homewares and furniture, and employment opportunities for people with disabilities. This site diverts hard rubbish from landfill.

There is a swapping cooperative established at the Baptist Church in the CBD, which provides an outlet for the swapping of children's clothing, toys and equipment. Most of these outlets are associated with charities, and the shops provide funding for the charity.

A major problem however, is the dumping of items at these premises that cannot be resold. This creates an ongoing burden for these charities, with a number facing disposal costs of around \$20,000 annually.

WDEA installed a number of clothing and toy bins across the City. This material is sold to Southern Cross Recyclers (SCR) who on-sell it to markets across the world.

Mattresses are accepted at most transfer stations for a fee. Some transfer stations recycle the mattress, others are disposed of to landfill. Opportunity shops may also accept and even collect mattresses that are in good condition

Garage Sales form a robust and vibrant city-wide method for the recycling of hard waste and other household items. On any given Saturday morning across the municipality there are 10-20+ garage sales occurring (usually more in spring and early summer).

The Garage Sale Trail is a nation-wide initiative which was trialled in Warrnambool in 2015. It was not a successful event due to the already healthy local garage sale industry. However, the council will support and promote these type of reuse events wherever possible and keep abreast of initiatives such as the Garage Sale Trail, if relevant opportunities arise.

Social media is also responsible for an increase in hard waste recycling in the City. Facebook pages such as Warrnambool Buy Swap Sell are facilitating the diversion of a significant amount of material from landfill, and also providing an income for sellers of items. Council is also aware of Reuse or Tip shops operating in other municipalities.

These facilities seem to work best when they are situated at a transfer station or landfill, as the items can be assessed prior to disposal and any items identified as saleable can be recovered before reaching the disposal site.

The Eaglehawk Eco-Centre in Bendigo, is a successful business diverting much hard waste from landfill. However, there are a number of unsustainable tip shops in operation that have become a burden on the local council's finances.

An interesting model is in operation at the Anglesea Landfill, whereby community groups run the shop on a roster basis, similar to the warehouse/supermarket barbecue model. This seems to work well in this community, however it requires a paid staff member and support from Council to ensure a sustainable business. This council is interested in exploring a sustainable model but lack of a site at a transfer station is another barrier to establishing this type of operation successfully.

The approach to hard waste management by councils varies considerably. The modern version of the hard waste service that many councils are moving to is a fee for service program. This is seen as more equitable as it does not distribute individual costs over the rate base.

Hard waste is disposed of illegally more prolifically in some areas of Warrnambool than others. Council removes these items on an ad-hoc basis, but consideration could be given to a more sustainable and proactive approach to dealing with the problem.

Council previously considered hard waste collections, however in consultation with the community, the majority of residents were unwilling to pay for the service.

Council will identify if there is a need to work with relevant stakeholders to develop a proactive approach to managing the habitual dumping of hard waste in specific neighbourhoods within the municipality.

Construction and demolition waste

The transfer stations in Warrnambool accept and manage most of the construction and demolition waste generated in the town, some of which is landfilled and some recycled.

Some industries recycle waste materials generated through their own operations for reuse, such as concrete.

Council operations invest a percentage of the savings made through recycling into further recycling innovations. An example of this is the sifting of material collected through road sweeping. The rubbish is sorted from the organic material, which is then mulched and used as fill. This has led to significant savings in landfill costs, and better environmental outcomes.

Council engineers are currently researching methods of recycling the material that is recovered during road rehabilitation projects. It is envisaged that this material will be reused in other pavement works in the future, reducing the amount of virgin material that is required for this work.

Council will continue to seek opportunities to recycle and recover construction and demolition materials where there are environmental and financial benefits.

Litter and illegal dumping

Littering and illegal dumping is an issue of concern, given the number of environmentally sensitive areas, waterways and the marine environment in Warrnambool.

Illegal dumping hot spots are often locations that are environmentally important.

Council treats littering and illegal dumping seriously, and local laws officers investigate all complaints and information received. Legal action has been taken in the past where offenders have been identified and prosecuted. The EPA act provides for significant penalties.

The community can assist council by reporting, and where possible identifying offenders. Council will undertake training opportunities and trial strategies to deter illegal dumping.

Events such as Clean Up Australia Day, help to highlight the issue of dumping and littering, encouraging feelings of community ownership of these natural areas, whilst assisting with the physical removal of rubbish.

Council will continue to coordinate Clean Up Australia Day events, and encourage and support schools and community groups to take part in smaller-scale clean ups throughout the year.



A vision for the future



Avoid

Avoiding waste generation in the first instance is the best way for the City of Warrnambool to reduce its environmental impact, adapt to climate change, and future-proof ratepayers against the rising cost of landfill disposal.

Avoiding and reducing waste does not necessarily equate to a reduction in consumerism and overall economic growth.

Avoiding waste means being smart about purchases and being a responsible consumers who consider some or all of the following:

- Unnecessary packaging
- Using reusable bags when shopping
- Shopping at a local market
- Grows some of their own food
- Composts / worm farms
- Plans meals to avoid food waste
- Uses leftovers in other dishes
- Frequents retail outlets which focus on sustainability and buys gifts and products made from recycled materials
- Aims to live plastic-free
- Frequents opportunity shops.

Reduce and reuse

The Warrnambool Community Garden, Unpackaged, SWAPIT and Loop Studio are four local community organisations dedicated to the reduction and minimisation of waste.

The Community Garden and HUB are living examples of projects which promote sustainable living.

The Garden runs workshops on many different topics related to sustainable lifestyles and welcomes members of the public to these events. At the Garden, the HUB and the new shelter exemplify sustainable building principles, including orientation of the buildings, building materials, and even a worm composting toilet on-site.

All organic material generated at the site is composted or fed to the numerous chickens, the chicken manure and compost are used on the gardens, contributing to the bountiful crops harvested from the individual and community plots. Vegetables from the community plot are shared with the community during cooking lessons and community lunches.

The Community Garden also partners with other organisations to help reduce and avoid waste in the broader community. Water authority, Wannon Water, collects food scraps from its offices which are composted at the Garden. Another initiative is live Christmas tree recycling. This is a free service where residents drop their trees off for free at the garden, where they are chipped by Council and the mulch is then used at the garden.

Unpackaged Food Co-operative runs every Friday afternoon from the Uniting Church located in Warrnambool's city centre. It is operated voluntarily on a roster basis. It was created so that food and other goods could be purchased collectively without unnecessary packaging. Where possible, items are bought in bulk, are Australian made or Fairtrade, organic and purchased locally. Members bring their own containers and purchase the bulk goods, which are weighed to determine price.

SWAPIT is a children's clothing exchange operated via

the Baptist Church which now has over 200 members. SWAPIT uses a token system, whereby parents can exchange clean clothes and children's furniture, for other items previously exchanged. SWAPIT is also run entirely by volunteers.

Council has an important role in this space, in terms of educating the community about ways of avoiding waste, and promoting waste avoidance initiatives and campaigns. Also partnering with organisations to run workshops and working with schools and businesses to educate and assist them to understand their role in this journey.

The council also actively supports the Ban the Bag campaign and The Plastic Free Alliance; community groups working collaboratively to reduce the amount of single use plastics consumed and ending up in our waterways.

Recycle

In 2017, the waste and recycling industry came under heavy media scrutiny.

A number of problems were highlighted and governments moved quickly to address issues by developing guidelines for the management and storage of recyclable and waste materials. The result of the media exposure revealed Australians were interested in how their recycling was processed.

In the 2020-2021 financial year, the Warrnambool community generated 5432 tonnes of putrescible waste through kerbside collections, and 6279 tonnes of FOGO, 3153 tonnes of recycling, and 413 tonnes of glass were collected. This represents a 64% Diversion Rate.

The most recent, all-stream kerbside audit was conducted in 2018, as part of the BSWWRRG Regional Kerbside Waste Audit. The audit sampled waste and recycling bins from 128 tenements in Warrnambool, recording weight, composition and contamination levels. Results were presented individually by council, in comparison with each other, and collectively as a performance indicator for the region.

Despite the audit taking place prior to the introduction of the FOGO service in Warrnambool, the results are still relevant today, and served as a key driver for the introduction of the FOGO service in 2019.

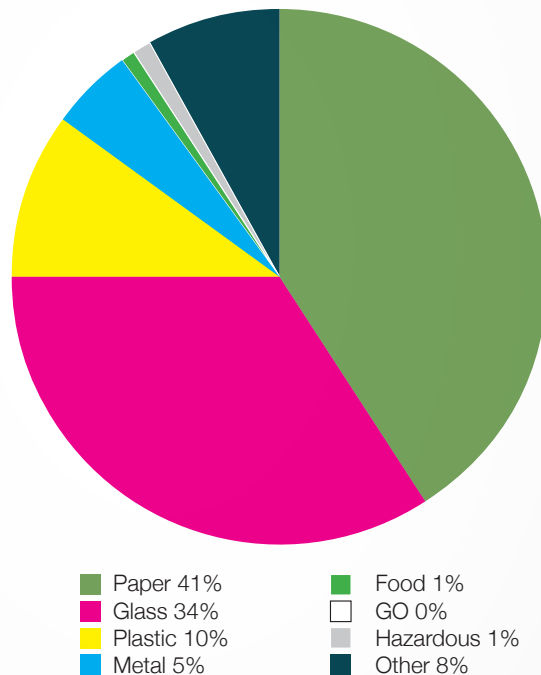


Chart 4 : Warrnambool's Recycling Stream composition by weight

Source: BSWWRRG Regional Kerbside Audit 2018

As mentioned earlier, a separate FOGO audit was performed in 2021, (Council FOGO Waste Audit 2021). Of the 1.86 tonnes collected, by weight, 74.5% was garden waste, 23% food waste and 1.1% contamination. Council would like to see an increase in the amount of food waste in the stream, as it made up 34% of the general waste composition in the 2018 audit. Plans for a targeted food waste campaign are underway, aimed at increased food waste inclusion and keeping contamination rates low.

A follow –up, all-stream regional kerbside audit was conducted in December 2021. The results of the audit were yet to be released at the time of the Strategy's publication. These results will provide valuable information on Warrnambool's landfill and recycling performance, gains and losses since the last audit, and highlight areas where education is most needed.

Organics

Within the total volume of organics, garden organics represent a significant but variable component of the residual waste stream.

The volume of garden organics naturally fluctuates seasonally, typically peaking in spring early summer and autumn.

Recycle and disposal - next practice kerbside collection

Council was concerned with the wind blown litter caused by overflowing garbage bins and bins blowing over during extreme weather events.

A rubber lid latch was made standard on the new comingled recycling bins distributed through the city in 2020. The latch reduces wind-blown litter, by keeping lids closed until they are emptied.

A split system collection vehicle, with separate hoppers for waste and recycling is used in the outer regions of Warrnambool – (Bushfield and Woodford). The advantages of this system is that only one vehicle moves past a property in an evening, improving efficiency, and minimising disturbance to the resident. An educational campaign was launched at the start of their use to address misconceptions in the community that materials weren't being recycled properly.

Multi-unit dwellings or high density living is increasing in Warrnambool, therefore the kerbside collection must adapt, and provide flexible options for these types of developments. Many of these higher density developments can be problematic to provide efficient waste services, as roads do not have sufficient width and turning room for garbage trucks to enter and manoeuvre.

Council will require developers to carefully consider the layout of new developments and give consideration to access roads and storage locations for bins, or skips. This will assist with reducing the number of bins being placed on the roadside, which can create safety, health and amenity issues such as blown litter.

Permit conditions requiring a Waste Management Plan, will be included in planning and subdivision permits, for higher density, multi-unit developments, and subdivisions generally. This will require approval prior to the commencement of the development and the permit being issued.

Council will reserve the right to not collect from a development where waste management has not been adequately catered for.

Warrnambool has had in place a night time collection for over 30 years, which is met with majority community acceptance. Council believes that the benefits of this arrangement are increased safety, efficiency of collection and improved amenity. The collection trucks are able to undertake their work without having to negotiate vehicle traffic, pedestrians and cyclists. This provides a safer and more efficient collection run. There are also 14 schools across Warrnambool with numerous school crossings. It is of benefit to the Warrnambool community for students to be travelling to school without garbage trucks on residential streets. There have been a number of accidents involving pedestrians, cyclists and garbage trucks in other municipalities.



Recover - new technologies

Waste management and resource recovery activities are being impacted by technological advances which are providing greater efficiencies and will ultimately change many of the current practices.

As Smart Cities thinking becomes more normalised, the use of smart technology in our bins and trucks could revolutionise waste minimisation and recycling in Warrnambool.

Collection systems are now using smart chip technology embedded in kerbside bins which can contain information about the bin ownership and service entitlement.

Systems also exist that provide for a truck's bin lifting arm to weigh the material being collected, which along with chip technology enables a pay by weight system. Improved and innovative information technology is assisting record management and information flow and storage. Advances in truck design are enabling larger transfer volumes to be moved longer distances to disposal at material sorting sites. Moving floor and compaction design will improve transport efficiency.

Improved technology in recyclable material sorting facilities is enabling a greater range of materials to be sorted, and improving the viability of recycling the material. Reuse options such as using polystyrene in lightweight concrete, pavers and surf board manufacture have been assisted by technological innovations.

Landfill operations are also impacted where the use of improved cell liners and the capture and conversion of gas to electricity are examples. Landfill gas and leachate monitoring systems are becoming more sophisticated and a requirement in operating recently closed licenced landfills.

Investigations and trials are being undertaken on a number of waste to energy technologies, which if successful could be used on an individual industry application, or by communities where appropriate.

Waste to energy is prevalent in some areas of the world, and is already in operation in some industries in Australia. In the past there were difficulties establishing waste to energy solutions using municipal waste. These included a lack of significant drivers (landfill levy is too low, European Union landfill levies are significantly higher and their policy and legislation around landfill bans and waste reduction are significantly stronger).

Emerging technologies will be required if Council is to achieve zero waste to landfill by 2040.

This aspiration is bold, and will require significant investigation and collaboration with industry specialists, such as Deakin University, the business community, major waste producers in Warrnambool, and importantly the wider community.

It is likely that aggregation of waste streams from these sources will be required to capture sufficient tonnages of landfill waste to ensure a new technology is financially viable.

There is an opportunity for Council to show leadership in this area, by leading this project for the region, to aggregate waste streams.

In this rapidly changing area, waste is now a commodity and a waste to energy project is an option that should be investigated by Council. The waste hierarchy must also be considered. If recycling and reuse are higher ends than recovery, then once all of the recyclables and organics are removed from the municipal waste, in an ideal world, there would not be much residual waste left. There is also research being undertaken to develop "in vessel" technology for the processing of mixed organics, both domestic and commercial into a valuable compost resource.

Opportunities for regional cooperation and economies of scale

A number of opportunities exist for improved regional cooperation, resulting in consistent standards, policies and education across the region, as well as opportunities for financial benefits arising from economies of scale.

The state and regional plans and the Council Plan all highlight joint procurement as a high priority, where it makes sense.

Council's membership of the Barwon South West Waste and Resource Recovery Group facilitates such opportunities. Community education is a critical ingredient in resource recovery and waste management. Newspaper and television exposure across the region is more cost effective when undertaken on a regional basis.

It is valuable to have common standards such as kerbside bin sizes, lid colours and acceptable deposited material standards. Joint procurement of products such as bins, kitchen waste caddies and liners also offers potential savings from economies of scale.

The joint tendering of service provision such as kerbside collection, landfill provision, recyclables sorting and purchase and organics processing, are potential areas for regional cooperation. Purchasing of radio and/or television air time for education and program marketing is also an area suitable for joint procurement initiatives. The council has participated in preliminary discussions with Corangamite and Moyne Shires in relation to joint procurement options. There are many challenges, particularly in relation to timing of existing individual council contracts, and the structure of the regional cooperation model.

Council will continue to explore opportunities for regional cooperation and the realising of financial and social advantages through economies of scale.

Rethink plastic bag use - reduction or plastic bag-free

Warrnambool is surrounded by waterways, and within its boundaries; a Southern Right Whale nursery, the Merri Marine Sanctuary and Middle Island, an important breeding site for Little Penguins.

There have been many documented instances of the deadly impact of plastic bags on marine life. The Council therefore strongly supports the reduction in the use of plastic bags in the Warrnambool community. Plastic bags are also a contaminant in both kerbside recycling and organics collection bins. Plastic bags take many years to break down in the waste stream and in the environment.

The Victorian Government introduced a ban on thin plastic or single-use plastic bags in 2019. The response from retailers and the community has been largely positive, with many retailers providing reusable fabric bags, recyclable paper carry bags, and sturdier reusable plastic bags for a fee.

REDcycle is a soft plastic recycling initiative that was introduced in 2011. Based on a product stewardship model, this partnership between manufacturers, retailers and consumers, aims to reduce the amount of plastic packaging going to landfill.

Soft plastics cannot be recycled through the kerbside service. Major supermarkets now act as collection points for these materials, such as: biscuit packets, bread bags, cereal bags, pasta, frozen food bags and old reusable bags.

The plastic is collected, sorted, and repurposed into recycled-plastic products, like outdoor furniture, bollards, and signage.
www.redcycle.net.au

Treat and dispose - landfill bans

In recognition of the growing amount of e-waste in landfill, and the hazardous and valuable nature of these materials, the Victorian Government banned all e-waste from landfill on July 1, 2019.

Other landfill bans are also a possibility in the future, as an added legislative measure to reduce waste to landfill and to keep undesirable or valuable materials out of landfill. Bans are also used as a mechanism to drive markets, for example, in areas of the United States and Europe organics are banned from landfill to drive the waste to energy industry.

Container Deposit Scheme

As part of the Victorian Governments response to the Recycling Crisis, and Recycling Victoria: A new economy policy, a Container Deposit Scheme (CDS) will be introduced by 2023.

The program will work like those in other Australian states, where the cost of recycling the containers is embedded in the purchase price, the on-going costs are covered by the beverage supplier, the Government will assist businesses with initial start-up costs, and a variety of vending machines, and refund points will be established across the community, to make the return of recyclables convenient for the consumer.

The scheme aims to address beverage related litter, which makes up nearly half of Victoria's litter, improve recycling rates, and reduce the need to use virgin materials for container manufacturing.

Source: www.vic.gov.au/container-deposit-scheme

Product stewardship

The Australian Packaging Covenant (APC) is a sustainable packaging initiative which aims to change the culture of business to design more sustainable packaging, increase recycling rates and reduce packaging litter.

The APC is an agreement between government and industry to find solutions to address sustainability issues. Through the APC, industry agrees to take a leading role in managing the impact of its packaging.

Organisations sign the Covenant to signal their commitment. An example of the APC's endeavours is a current collaboration to reduce coffee cup impact. The aim of this project is to improve recyclability of multi-material products such as disposable coffee cups. Whilst the intent of the APC is excellent, it is voluntary for many manufacturers to sign-up. It is also unlikely that many manufacturers will change without a harder line approach (eg: legislation) if the company's bottom line may be affected.

Council believes that product stewardship should be mandatory across a much broader range of products. MobileMuster and Cartridges for Planet Ark are examples of successful programs, where recycling of the product is paid for at the point of purchase.

Fluorocycle is also a great initiative, aiming to facilitate companies to take responsibility for products that are part of their business model and profit. Paying for recycling when disposing of a product however still allows for the consumer to make a choice – To pay or not to pay? - To recycle or not to recycle? Paying for recycling at the point of purchase alleviates any need for the consumer or business to put the bottom line before the preferred environmental outcome.



Measuring performance

There are a number of criteria to consider when measuring the performance of Warrnambool in relation to waste and resource recovery.

Waste minimisation

Measured by:

- Annual waste generation comparison measured in kilograms generated per tenement.
- Adoption of campaigns such as 'Ban the Bag', Boomerang Bags.

Resource recovery

Measured by:

- Captured for Council's kerbside collection through Diversion Rate. Sustainability Victoria (SV) and the EPA require mandatory local government reporting about waste management services and data on the amount of material that is diverted from landfill

Diversion Rate

Calculated by adding together the total tonnage of material collected through the kerbside collection of each council, then dividing it by the amount of material that is recovered or diverted from landfill.

SV publish an annual report comparing local government diversion rates across the state.

Ongoing performance can be measured by:

- Comparison of annual WCC Diversion Rate against similar Council's averages and all councils' averages – LGRF.

Presence of litter in the City, and the community's perception of this. Measured by:

- Number of customer complaints re: litter in parks, open spaces, illegal dumping.
- Number of litter fines issued in a given timeframe.
- Use of VLAA litter tool in litter hotspots before and after any litter campaigns.

Contractor's internal performance

Measured by:

- Audits of internal processes
- Number of complaints.

Reduction in greenhouse gas emissions.

Measured by:

- Waste to landfill figures.
- Improvements in technology and fuel usage of collection and transport vehicles.

- Reduction in transport kilometres due to improvements in collection scheduling and joint procurement.
- Increase in number of bio filters processing landfill gas from 2017 levels.

Number of people visiting the waste page on council's website. Measured by:

- Number of webpage hits

Increase in number of public place recycling bins. Measured by:

- Increase from 2017 levels.
- Capturing public place recycling material data.

Contamination in kerbside bins. Measured by:

- Kerbside bin audits

Residents' satisfaction with the kerbside collection service. Measured by:

Annual independent community satisfaction surveys conducted for all Victorian councils. The telephone surveys measure community views about their council's performance in a number of areas, including waste management and environmental sustainability.

Respondents are also asked how they rate these issues in importance against other services provided by councils. The survey is conducted by the Department of Environment, Land, Water and Planning. Local residents and ratepayers in each municipality over 18 years of age are selected at random. Findings are compared against those of similar councils and state-wide averages.

Warrnambool's 2021 performance index score was 82, up from 79 in 2020. This score is on par with state-wide and regional centre averages. In terms of performance in waste management, Warrnambool has an index score of 71, up from 66 in 2020. This is above the state-wide and regional center average of 69.

Performance against the criteria listed in this section will be reported annually to Council.



What we will do

Council commits to the following actions over 2021-2025

1. Commit to waste management initiatives that achieve a combined economic and environmental benefit wherever possible.

Action

- 1.1 Identify waste management practices and systems that reduce costs and improve environmental outcomes.

2. Achieve zero waste to landfill by 2040.

Action

- 2.1 Investigate new technologies that produce electricity and/or other commodities, in preference to sending waste to landfill.
- 2.2 Continue to divert materials from landfill via the FOGO and recycling service, and promote the use of compostable packaging.
- 2.3 Reduce contamination rates in Warrnambool, by undertaking regular waste stream audits, to identify fluctuations in contamination levels, and key areas of concern.
- 2.4 Work in collaboration with the Cloth Nappy Library, parents groups, and the community to promote the use of cloth over disposal nappies.

3. Embrace the overarching need to minimise waste to protect the environment and reduce the cost of waste management to ratepayers.

Action

- 3.1 Undertake relevant education programs in consultation with the community.
- 3.2 Continue to support community-driven initiatives that provide alternatives to plastic bag use, including the Boomerang Bag initiative.
- 3.3 Promote and support Western District Employment Access, and other not-for-profits working in the recycling sector, through the annual updating of the Recycle Directory.
- 3.4 Maintain fortnightly garbage collection.

4. Promote and advocate for the development of local recycling processing, to reduce reliance on metropolitan processors, and reduce transport costs and environmental impacts.

Action

- 4.1 Promote Warrnambool as a potential site for local recycling processing.

5. Work with neighbouring councils, businesses and the community to aggregate waste streams where possible, to facilitate new technologies in waste management, and realise the financial and other advantages of economies of scale.

Action

- 5.1 Identify councils with a shared interest in collaborative procurement opportunities.
- 5.2 Maintain relationships with regional councils, for future collaboration and consultation opportunities.

6. Pursue external funding to facilitate waste management initiatives and programs.

Action

- 6.1 Actively pursue external funding as grant opportunities become available.

7. Consult the community on changes to Council's waste management practices.

Action

- 7.1 Undertake community consultation in relation to significant changes to Council's waste management practices, to inform waste programs.
- 7.2 Develop and deliver educational programs to maintain and improve waste management in the municipality.

8. Recognise the regional role Warrnambool plays in waste management, including active participation in regional waste forums.

Action

- 8.1 Continue to assist neighbouring councils with their transition to the 4-bin system, by sharing resources and information.
- 8.2 Provide a leadership and advocacy on regional waste matters

9. Introduce measures to reduce illegal dumping of rubbish.

Action

- 9.1 Investigate and implement closed circuit television in illegal dumping hot spots.
- 9.2 Take enforcement action and issue fines, where perpetrators of illegal dumping can be identified.
- 9.3 Undertake community awareness and education campaigns in relation to illegal dumping
- 9.4 Work with the EPA to educate, inform and report illegal dumping

10. Ensure waste management charges and service provisions to businesses are equitable and consistent.

Action

- 10.1 Prior to commencement of a new kerbside collection contract, conduct a review of commercial waste management services, in consultation with businesses and other stakeholders.
- 10.2 Engage with businesses to increase promotion of local recycling services and opportunities for waste reduction, and circular economy thinking.

11. Provide infrastructure that improves stormwater systems, to reduce adverse environmental impacts or litter in stormwater systems, and the environment

Action

- 11.1 Identify stormwater systems requiring improvement to manage litter, and plan for delivery in line with the annual budget process.
- 11.2 Upon the completion of the "drain buddies trial", evaluate the effectiveness of the infrastructure, to reduce litter in stormwater reaching the environment. Give consideration to adopting the scheme across the municipality.

12. Develop programs in collaboration with community groups to reduce dog droppings in public spaces.

Action

- 12.1 Increase infrastructure and signage where appropriate for the disposal of dog droppings in open space areas, where possible.
- 12.2 Conduct regular patrols by local laws officers in open space areas to reduce dog droppings.
- 12.3 Conduct on-going education campaigns, to reduce dog droppings in public open spaces.

13. Work collaboratively with event organisers to reduce waste at public events.

Action

- 13.1 Promote the zero waste event plan.
- 13.2 Promote and advocate for compostable packaging at events.
- 13.3 Ensure public place bins are fit for purpose, adequate to serve the needs of the community, and economically sustainable.

14. Ensure night time kerbside collection is fit for purpose.

Action

- 14.1 Consider the appropriateness or otherwise, of

the night time collection in future kerbside collection contracts.

- 14.2 Undertake community and stakeholder consultation as part of this strategy, on the night time collection, to inform future kerbside collection contracts.

15. Seek opportunities to recycle and recover construction and demolition materials.

Action

- 15.1 Collaborate with the construction industry for a reduction of waste, and improved methods of disposal and resource recovery.

16. Encourage and support school and community groups to be involved in waste initiatives.

Action

- 16.1 Continue to support the Big R sustainable reuse shed in Albert Street, for the reuse of large hard rubbish items.
- 16.2 Work with Sustainability Victoria (SV) to ensure the Detox Your Home annual collection continues.
- 16.3 Support and promote the Detox Your Home permanent site in Warrnambool, and encourage businesses to use the service.
- 16.4 Continue to coordinate Clean Up Australia Day events.
- 16.5 Support and promote the benefits of the Cloth Nappy Library to reduce disposable nappy use.

17. Adopt the state-wide Container Deposit Scheme, when it is introduced in 2023.

Action

- 17.1 Make preparation for the scheme within the municipality.
- 17.2 Upon adoption of the Container Deposit Scheme, review glass kerbside collection frequency.

18. Meet responsibilities in relation to Braithwaite Street former landfill site, as required by the EPA Post Closure Pollution Abatement Notice.

Action

- 18.1 Undertake ongoing monitoring in consultation with the Environment Protection Authority (EPA).
- 18.2 In the Councils annual budget, make provisions to ensure the closed landfill meets its legal requirements.

19. Consider a weekly FOGO collection trial from September -April. Report findings to Council to determine the viability

- 19.1 Gather the required information, including cost and benefit of a 6-monthly, weekly FOGO collection, between September and April. Report to Council for decision to proceed.
- 19.2 If approved in principle by Council, undertake community consultation and report results to Council.

20. Review fortnightly glass collection after container deposit scheme is implemented

- 20.1 When the container deposit scheme is implemented, review fortnightly glass collection, and consider reducing to monthly.

Number	Response
1	A simple guide to what "numbers in the triangle" on "recyclable" materials can be placed in the yellow bins would be most helpful
2	The waste management is quite good at present BUT the green and yellow bins are too big for the older residents to handle. My husband is unable to handle so I have to with difficulty if it is reasonably full. Bins the size of red one would be great. The day is approaching when I will only use the red one. Please consider your older residents
3	The glass only bin is way too small for my needs. It needs to be at least the size of the red lid bin.
4	Extra recycling and rubbish collection during school and summer holidays. With lots more online shopping meaning more cardboard weekly recycling would be good
5	Very good paper. The Anglesea model sounds it might be worth exploring if the council was keen. That would be awesome.
6	Hi, Have read the Draft Waste Strategy 2021-2025 and there is no mention of "Time of collection" and the impact of disturbance of sleep on neighbourhoods. Bin collection starts about 12.30am and the last of 4 runs up the street is at 3.30am and in the summer months the noise level rises due to open windows. Why is the service operated at night? Most of metro Melbourne is operated during the day? This fact is not mentioned at all in the report, WHY?
7	It would help on if I had a green waste bin so I can put it out for collection.
8	Bouquets - generally, everything is an improvement but the Brickbat for me is Council's attitude to hard waste. There will always be hard waste that cannot be re-sold, re-purposed etc. If the Council is saying "no landfill by 2040" then it knows it has to deal with this issue sooner or later. Why not sooner? Why not have an annual collection and a mandatory levy built-in to the existing charge like so many other Victorian councils have had for many years? The populace was polled about paying for this only in the context of also paying for a collective hike with other components, one including mandatory bin-washing, so unsurprisingly said "no thanks". Prompt attention to this would hopefully reduce the continuous illegal dumping at sites like Levys Beach, thank you
9	Firstly thank you for this opportunity to provide feedback, and advertising this Avenue on social media for those not always looking at council websites. We personally as a family have changed the way we sort our rubbish now having the green waste and glass bins available. Which in turn is helping the environment in a much more user friendly way. Yes it takes up more space with so many bins but it helps us as a family make conscious efforts to place items into appropriate bins. However, the green waste bin smells atrocious, it would be helpful to have green waste bin liners or more small bags as we run out quite quickly. Having large liners will reduce gases and smells to a degree with use of the smaller bags for food. Once grass clippings go in and the warmer weather hits, I worry about combustion and the smell will get worse. Other alternative is weekly green waste removal. Thank you Maglaras family
10	To Councillors, Could you please send me a print form of the Draft Waste Strategy 2021-2025 (I am unable to do online). 1) Coles and Woolies Supermarkets have collection bins (often overflowing) in their stores for customers to return soft plastic etc. wrapping. However IGA & Aldi do not have Collection Bins in their stores. Maybe Council could request them to provide collection bins in their stores, & perhaps other large stores e.g. Target, Kmart etc.. As most of what residents have to recycle in their bins comes from Supermarkets, Large Stores and Take Aways (S. L.S. & T.A.), it is vital that S. L.S. & T.A stop supplying over packaged items for sale. Currently there is a lack of responsibility by S, L.S. & T.A to curb over packaging in their for sale items, which passes it on to residents and Council to give time and cost to sort, collect and deal with- this

is irresponsible behaviour by S. L.S.& T.A and unnecessary waste! And costly to residents and Council! In both time and costs!

2) Does Council reuse all recycled items in W'bool? Or is it trucked off to somewhere else? Or some dumped in landfill? It is great Council is using glass for roads.

Thank you, awaiting your reply and copy of Draft Waste Strategy print form. J. Talbot (name and address not for publication).

7.9. TAC FUNDED BOTANIC LATM PROJECT

Crs. Taylor & Jellie declared a conflict of interest and left the meeting at 7.00pm.

DIRECTORATE : City Infrastructure

PURPOSE:

This report provides the final draft of TAC funded Botanic Precinct Local Area Traffic Management (LATM) Plan before it proceeds to wider community feedback.

EXECUTIVE SUMMARY

- The Botanic Local Area Traffic Management draft plan has been completed which incorporates local stakeholders, community within the precinct and Council feedback.
- The rationale behind the treatments and locations within the plan are summarised refer **Attachment 1**.
- The Botanic LATM plan background, process and outcomes are presented in the Botanic Precinct LATM developed by Safe Systems Solutions refer **Attachment 2**.
- Once adopted by Council this draft plan and individual elements will continue to be communicated to key stakeholder groups and the wider community, via the various mechanisms included in the communications plan, refer **Attachment 3**.

MOVED: CR BEN BLAIN

SECONDED: CR DEBBIE ARNOTT

- 1. That Council adopts the updated the Botanic Local Area Traffic Management plan.**
- 2. That Council seek comment from the key stakeholder groups and the wider community when the various elements of the plan are implemented.**
- 3. That Council continues to accept feedback from the wider community once the adopted plan is released.**

CARRIED - 5:0

NEXT STEPS

Stakeholders within the Botanic Precinct will be communicated with and able to continue to make comment on the enclosed Draft Botanic Precinct LATM plan. The Stakeholder Group include:

- Emmanuel College
- St Joseph's PS
- Warrnambool PS
- Friends of the Botanic Gardens
- Aquazone
- St John of God Hospital
- Residents within the precinct

The document will be released to the wider community via the Your Say website and various stakeholder/community networks. Feedback on the plan will be welcomed.

BACKGROUND

The Local Area Traffic Management Plan (LATM) for the Botanic Precinct, bounded by Raglan Parade, Ardlie Street, Jamieson Street/Queens Road, and an area 500 metres north of Botanic Road.

Objectives - key objectives of the LATM study are to:

1. use existing data and the community consultation to determine traffic and safety issues for all users
2. assess the suitability of parking arrangements and traffic management, including pedestrian and cycling access and safety
3. develop a plan to address identified issues including parking, congestion, safety, high vehicle speeds/volumes, walking and cycling
4. propose innovative cost-effective solutions to traffic and parking issues, which may include park and walk options and must consider the impact on traffic in the precinct.

Methodology - the study methodology included:

- a review of conditions in the Botanic Precinct based on traffic and crash data and site inspections
- a community and stakeholder consultation to understand local concerns and priorities and gather ideas for improvement
- establish a list of issues and opportunities
- draft a Local Area Traffic Management Plan

ISSUES

The study identified issues and opportunities which have been grouped under four broad themes:

1. Pedestrian safety and connectivity, including:
 - a. lack of footpath connectivity on some sections of the footpath network, and popular drop-off/pick-up points for school
 - b. lack of pedestrian crossings at many locations on the footpath network and where there are pedestrian crossings, no crossing points give priority to pedestrians at all times of the day
 - c. safety at school crossings could be further improved if they were upgraded to raised crossings.
 - d.
2. Cyclist safety and connectivity, including:
 - a. lack of connectivity at some locations
 - b. many intersections on the bicycle network are roundabouts, which are typically problematic for cyclists to navigate
 - c. some cycle lanes are obstructed by parked or queuing vehicles
 - d.
3. Traffic and Speed Management
 - a. high traffic volumes at school drop-off and pick-up times with disruption to traffic flow, localised congestion, and an increase in exposure to crash risks
 - b. insufficient parking/stopping capacity at school drop-off/pick-up times aggravates congestion and risk issues
 - c. some manoeuvres at the intersections with Botanic Road are difficult to execute at busy periods
4. Parking
 - a. parking and stopping facilities are insufficient to meet very high demand at school drop-off and pick up times

- b. vehicles often stop or park inappropriately with consequent adverse impacts on traffic flow, safety, and general amenity
- c. some parking restrictions are not effective or are being ignored

Need to be considered (outside of scope of project)

There have been additional suggestions from Community

- a. Consideration of areas outside of the scope of the project which affect travel within the precinct- Raglan Parade/Botanic Rd, Raglan Parade/Ardlie Street, Mortlake Road/Moore Street, Possible Emmanuel Loop (Hopetoun Road)
- b. The impact of truck movement along Botanic Road.

The principles demonstrated in the Botanic Local Area Traffic Management plan, can be transferred to other sites across the city. This is particularly relevant where parking and traffic movements near schools is problematic.

FINANCIAL IMPACT

There is no cost to Council as this is fully funded by the TAC. This study has identified projects to be considered for future funding opportunities. External funding opportunities will be explored to assist in funding any future projects.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

1.3 Health and wellbeing: Council will take action to improve health, wellbeing, and safety outcomes for Warrnambool's community.

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places, and precincts.

2 A Sustainable environment

2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

4 A connected, inclusive place

4.2 A connected community: Council will enhance Warrnambool's connectivity through the delivery of, or advocacy for, improvement to roads, public transport, footpaths, trails, and digital infrastructure.

4.3 Stronger neighbourhoods: Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility, and functionality of our built environment.

TIMING

Due to the COVID emergency TAC has extended the reporting period to March 2022 which has allowed Covid-Safe consultation in September/October aiming to have the finalised report due to Council early in 2022.

COMMUNITY IMPACT / CONSULTATION

It is proposed that the enclosed draft report be communicated to the community and the opportunity for further comment be provided.

LEGAL RISK / IMPACT

There is risk of not being able to complete the TAC report if the consultation process is delayed.

OFFICERS' DECLARATION OF INTEREST

Nil

CONCLUSION

Council is asked to adopt the Botanic Local Area Traffic Management plan as attached and continue to communicate with the key stakeholder groups and the wider community. Council staff will continue to provide feedback to the stakeholders and the wider community and consult on the individual projects as they are rolled out in a prioritised fashion.

ATTACHMENTS

1. S 20190248 WAR Botanic Precinct LATM Report v 0.4 [7.9.1 - 50 pages]
2. Botanic Precinct LATM communication plan FEB 2022 [7.9.2 - 1 page]
3. 3124 Botanic Local Area Traffic Management Plan Summary [7.9.3 - 16 pages]

Crs. Taylor and Jellie returned to the meeting at 7.07pm.



Warrnambool City Council

Botanic Precinct

Local Area Traffic Management Plan



safesystemsolutions.com.au





Information Page

DATE: 22/06/2021

CLIENT: Warrnambool City Council

REPORT NUMBER: S20190248

QUALITY RECORD:

Issue	Date	Description	Prepared By	Reviewed By	Approved By
1	22/06/2021	First Draft	Jamie Robertson John Poynton	Kenn Beer	
2	12/08/2021	Issued for Consultation	Jamie Robertson	Kenn Beer	
3	27/02/2022	Issued for Consultation	Jamie Robertson	Kenn Beer	

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Professional Indemnity Insurance Policy Number: 201908-0659 R1 BIA
Public Liability Insurance Policy Number: 15T2402729
Victorian WorkCover Policy Number: 14074213



Executive Summary

Safe System Solutions Pty Ltd has been requested by Warrnambool City Council Ltd to prepare a Local Area Traffic Management Plan for the Botanic Precinct, bounded by Raglan Parade, Ardlie Street, Jamieson Street/Queens Road and an area 500 metres north of Botanic Road.

Objectives - key objectives of the LATM study are to:

1. use existing data and the community consultation to determine traffic and safety issues for all users
2. assess the suitability of parking arrangements and traffic management, including pedestrian and cycling access and safety
3. develop a plan to address identified issues including parking, congestion, safety, high vehicle speeds/volumes, walking and cycling
4. propose innovative cost-effective solutions to traffic and parking issues, which may include park and walk options and must consider the impact on traffic in the precinct.

Methodology - the study methodology included:

- a review of conditions in the Botanic Precinct based on traffic and crash data and site inspections
- a community and stakeholder consultation to understand local concerns and priorities and gather ideas for improvement
- establish a list of issues and opportunities
- draft a Local Area Traffic Management Plan

Issues and Opportunities - the study identified issues and opportunities that can be grouped under four broad themes:

1. Pedestrian safety and connectivity, including:
 - a. lack of footpath connectivity on some sections of the Principal Pedestrians Network (PPN), and popular drop-off/pick-up points for school
 - b. lack of pedestrian crossings at many locations on the PPN and where there are pedestrian crossings, none give priority to pedestrians at all times of the day
 - c. safety at school crossings could be further improved if they were upgraded to raised crossings.
2. Cyclist safety and connectivity, including:
 - a. lack of connectivity at some locations
 - b. many intersections on the Principal Bicycle Network are roundabouts, which are typically problematic for cyclists to navigate
 - c. some cycle lanes are obstructed by parked or queuing vehicles
3. Traffic and Speed Management
 - a. high traffic volumes at school drop-off and pick-up times with disruption to traffic flow, localised congestion and an increase in exposure to crash risks
 - b. insufficient parking/stopping capacity at school drop-off/pick-up times aggravates congestion and risk issues
 - c. some manoeuvres at the intersections with Botanic Road are difficult to execute at busy periods



- d. speed compliance is generally good within the study area, although there may be an issue with speeding on Canterbury Road
 - e. the existing speed limit is excessive and does not support the safe movement of vulnerable road users, especially on Botanic Road
4. Parking
- a. parking and stopping facilities are insufficient to meet very high demand at school drop-off and pick up times
 - b. vehicles often stop or park inappropriately with consequent adverse impacts on traffic flow, safety and general amenity
 - c. some parking restrictions are not effective or are being ignored

Local Area Traffic Management Plan – based on the issues and opportunities identified, a draft LATM Plan was developed and includes:

- 39 individual recommended improvements/treatments, and alternative treatments which may be deployed as interim measures or if there are insufficient resources to deliver the preferred treatment
- Treatments have been grouped according to their primary purpose, however all treatments are likely to serve multiple purposes. For example, parking improvements will improve traffic conditions by removing disruption to traffic flow and will promote more active transport.
- Whilst all treatments (individually) will provide benefits, the best results accrue when all/multiple treatments are implemented, because they are complementary

See Section 6 for the Local Area Traffic Management Plan and list of treatments.



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1 Background

Safe System Solutions Pty Ltd has been requested by Warrnambool City Council Ltd to prepare a Local Area Traffic Management Plan for the Botanic Precinct. The study area, shown in Figure 1, is bound by Raglan Parade (footpath on north side, excluding intersections), Ardlie Street, Jamieson Street/Queens Road and an area 500 metres north of Botanic Road.



Figure 1: Warrnambool Botanic Precinct study area

This study is in response to growing safety concerns in the precinct due to pressure on parking, mixed traffic (cars, buses, walkers and cyclists), traffic congestion and pedestrian and cyclist access. Council is looking to develop an overall plan for the Botanic Precinct to manage traffic needs (including pedestrian and cycling access), parking requirements, protect residential amenity and to meet the needs and requirements of people travelling to commercial properties, schools, residential properties and open space.



Key objectives of the LATM study are to:

1. use baseline data and the community consultation to identify and assess resident, business, school and trader traffic concerns and to determine safety or congestion issues in the study area
2. review parking and transport conditions and assess the suitability of parking arrangements and traffic management, including pedestrian and cycling access and safety
3. develop a plan that addresses identified parking and transport issues, including safety, congestion, high speeds/volumes, walking and cycling issues, and possible park and walk opportunities
4. investigate and propose innovative cost-effective solutions to traffic and parking issues, which may include park and walk options and must consider the impact on traffic in the precinct.

This report describes:

- the study methodology
- existing conditions in the Botanic Precinct based on:
 - traffic and crash data
 - site inspections
- community and stakeholder consultation based on:
 - contributions from the local community
 - contributions from council and road safety partners
- issues and opportunities
- draft Local Area Traffic Management Plan.



2 Methodology

2.1 Data Analysis

A desktop review of traffic, parking and crash data was conducted to understand how the network was working for all users. Key data sources included:

Data provided by Council

- Traffic data
 - traffic volumes and traffic generation for different zones in Warrnambool
 - vehicle speeds and composition
- Crash statistics
 - crash data over a five year period from 2016 to 2020
- Known traffic behaviours and community concerns
- Traffic management devices, and pedestrian and cyclist facilities
- Existing parking conditions – on and off road parking bays and occupancy

2.2 Site Investigations

Multiple site investigations were conducted at different times of the day, including peak periods, and in different weather conditions. Investigations involved on-foot inspections and driving the study area to experience site conditions and collect photographs and dash-cam film footage. The information collected was used to supplement the desktop data and provided a deeper understanding of:

- Vehicle movements - including volume, direction and speed of traffic; and turning movements
- Intersections – including how intersections are negotiated by all users
- Pedestrian facilities and behaviours – including footpaths and road crossing points; and how pedestrians use the rest of the network
- Cycle facilities and behaviours – including dedicated cycle facilities (such as cycle/shared paths) and how cyclists use the rest of the network
- Parking – including use of parking facilities, informal parking, pick-up and drop-off activities.

Site investigations were also critical for identify realistic and practical treatments and interventions.

2.3 Stakeholder Input

Council, as managers of the local road network, provided valuable input with local knowledge of the site, an understanding of road user behaviour and expertise in road network issues. Key data and information provided by Council over and above that described in section 2.1, included:

- Inventory of background documents that may influence decision making, including various policies, strategies, plans and reports relevant to traffic management, road safety, Movement and Place and related planning issues.



- Council's understanding of current issues in the precinct, particularly relating to traffic (congestion), road safety and parking. This understanding comes from experience and observations whilst managing the network, historical investigations/audits/reports conducted for Council, and from community feedback.
- Aspirations for the precinct based on Council strategies and plans - in particular to encourage and prioritise sustainable transport against a backdrop of population growth and increasing demands on the network.

2.4 Community Consultation

The community was invited to have its say through two engagement channels.

Online Feedback

The community was invited to have its say via a survey on the council website, prompted by a letter drop to two hundred residents. Responses included feedback on what is working well, the biggest challenges involved in moving around the neighbourhood and suggestions for improvements

Community Workshops

Two community engagement workshops were also held to explore issues in greater detail:

- Workshop 1 – explained the purpose of the project, invited the community to identify issues that needed to be addressed, and explored potential ways of addressing those issues
- Workshop 2 – discussed potential improvement projects and identified critical success factors, risks and/or any other ideas that merited consideration



3 Botanic Precinct – Existing Conditions

3.1 Road Network

Roads and streets in the study area are described in Appendix A. The study area includes:

Link Roads – which carry the heaviest volumes of traffic on the local (council) road network, including commercial vehicles, and provide the principal routes for traffic flows in and around the municipality. The link roads within the precinct are Botanic Road and Jamieson Street. Botanic Road is a key east-west corridor that connects the Princes Highway (Raglan Parade) to the Hopkins Highway, while Jamieson forms part of a key route connecting northern Warrnambool and the Warrnambool CBD.

Collector Roads – which carry significant volumes of traffic on the local (council) road network and provide access by connecting residential areas to the link roads. They also provide links between arterial roads. Collector Roads within the precinct are Ardlie Street, Bromfield Street, Queens Road and Canterbury Road. These roads are generally north-south orientated and provide connections to the link roads.

Access Roads – carry moderate volumes of traffic on the local (council) road network and primarily serve as property access roads for the local community.

Generally, most of the roads referred to in this report have one lane in each direction and footpaths. However, the network includes many different road characteristics:

- Some roads serve dual functions (dependent on location)
- There are 40, 50 or 60 km/h speed limits and many school zones (time limited 40 km/h)
- Some roads and intersections have cycle facilities

Most of the intersections for the main roads listed above are single lane roundabouts, except the intersections of Jamieson Street / Queens Road and Canterbury Road / Botanic Road which are priority-controlled 'T' intersections.

Kepler Street, Jamieson Street and King Street meet Raglan Parade at signalised intersections, while Botanic Road and Ardlie Street intersect Raglan Parade at unsignalised intersections. These intersections fall outside the study area but have a significant influence on traffic movement through the precinct.

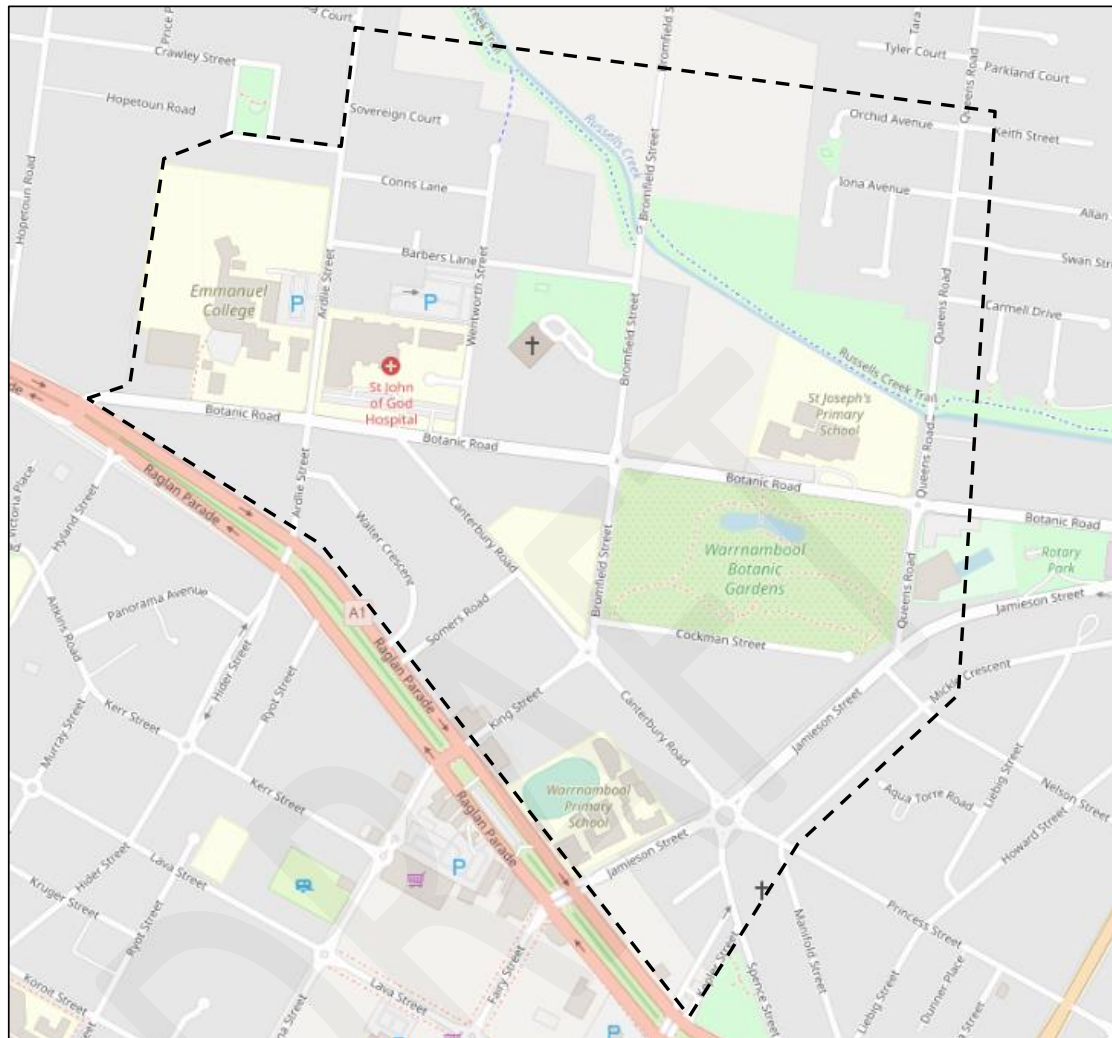


Figure 2: Warrnambool Botanic Precinct road network



3.2 Traffic Data

Traffic volumes and speed data collected by Council at various times between 2012-19 are shown in Table 1. Vehicles counts have been rounded to nearest 100 vehicles.

Table 1: Traffic count summary

Road	Hierarchy	24hr Vehicle Count	% Trucks	Speed Limit (km/h)	85% Speed (km/h)
Ardlie Street	Access/collector	1800 - 2000	5%	50	48
Botanic Road	Link	4000 - 6400	6%	60	49-60
Bromfield Street	Access/collector	2700-3400	4%	50	N/A
Jamieson Street	Link	2300-6800	5%	50	48
Queens Road	Access/collector	2200-2800	5%	50	37
Canterbury Road	Collector	3200	5%	50	54
Note about data: <ul style="list-style-type: none"> Vehicle counts show the range for counts over multiple years. Data has been averaged across multiple lengths of road, and rounded, to enable quick and easy comparison of roads. N/A = not available 					

A high level view of the traffic data alone shows that the roads are operating broadly in line with their functional requirements for vehicular traffic, with high volumes on link roads and lower volumes on access/collector roads.

Speed limits reflect the function of the roads – higher on links than on access/collector roads. It is noted that there are two speed limits on Canterbury Road (40 km/h and 50 km/h) and that there are a high number of school zones.

With regard to vehicle speeds, the 85th percentile speed is below the speed limit for all of the roads within the study area, except Canterbury Road where speeding may be an issue.

Speed limits increase from 50 km/h to 60 km/h on Ardlie Street, Bromfield Street and Queens Road outside the northern extent of the study area (Barbers Lane and Carmell Drive) and the 85th percentile speed slightly exceeds the speed on these sections of road.



3.3 Crash Data

Crash data for the 5 year period 2016-20 was analysed and crash locations and types are shown in Figure 3.

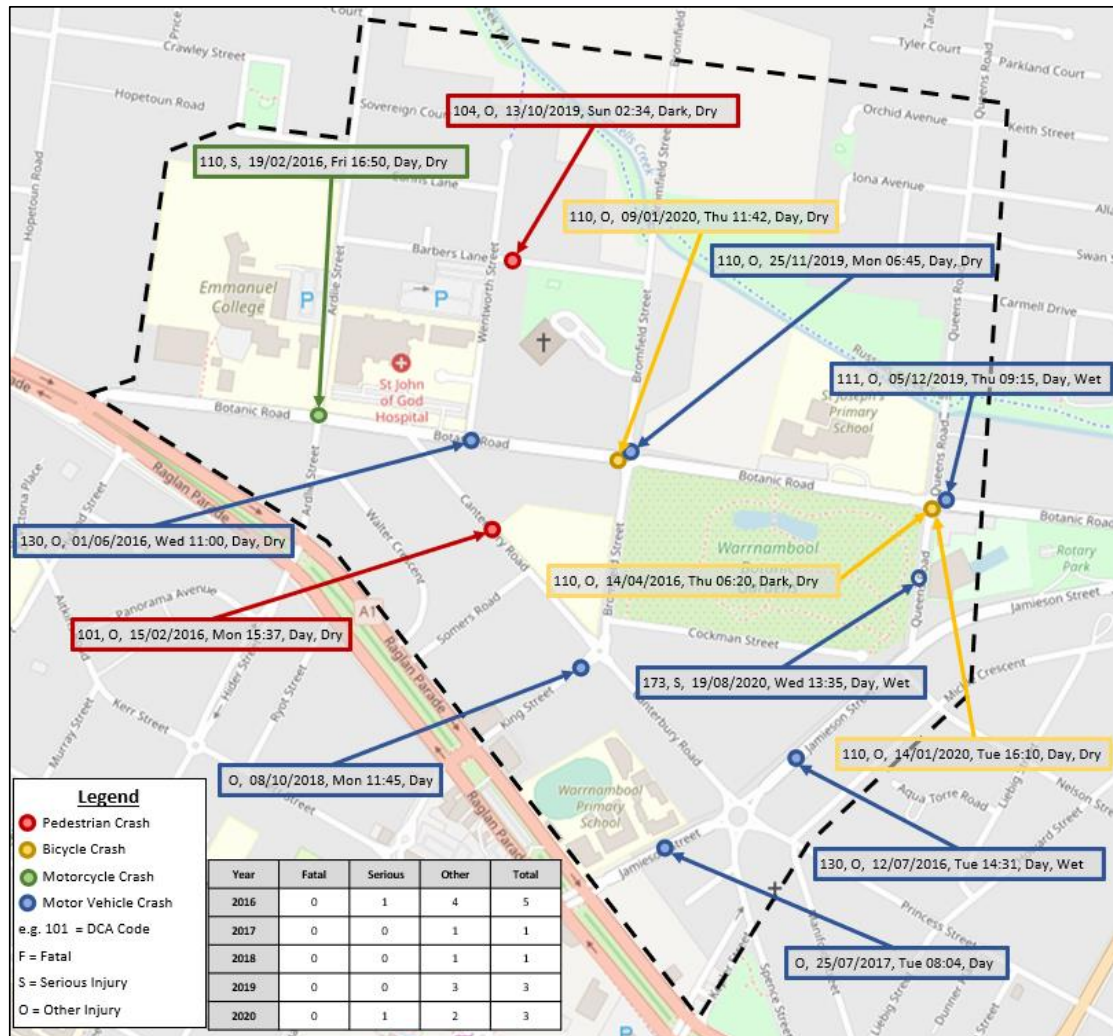


Figure 3: Crash Map

The data showed:

- There were 13 recorded all injury crashes in the five year period, fairly evenly dispersed across the study area
- About half of the crashes (7) occurred on Botanic Road
- No fatalities
- Two serious injuries, one on Botanic Road and one on Queens Road
- Two pedestrian crashes resulting in 'other' injuries



- On Barbers Lane, local to Wentworth Street an intoxicated pedestrian was struck walking roadside
- On Canterbury Road, local to Somers Road a pedestrian was struck crossing the road
- Three bicycle crashes at roundabouts resulting in ‘other’ injuries
 - At Botanic Road and Bromfield Street roundabout, there was a failure to give way
 - For both crashes at Botanic Road and Queens Road roundabout, there was a failure to give way
- One motorcycle crash resulting in ‘serious’ injury
 - At Botanic Road and Ardlie Street roundabout, there was a failure to give way

3.4 Roads Infrastructure and Parking

3.4.1 Pedestrian Facilities

A draft ‘Principal Pedestrian Network’ (PPN) for the study area is shown in Figure 4. Within the PPN, primary pedestrian routes provide a high level of pedestrian priority and are a major focus for the implementation of future walking infrastructure improvements. Secondary pedestrian routes are also important, but are allocated a slightly lower level of priority for planning purposes.

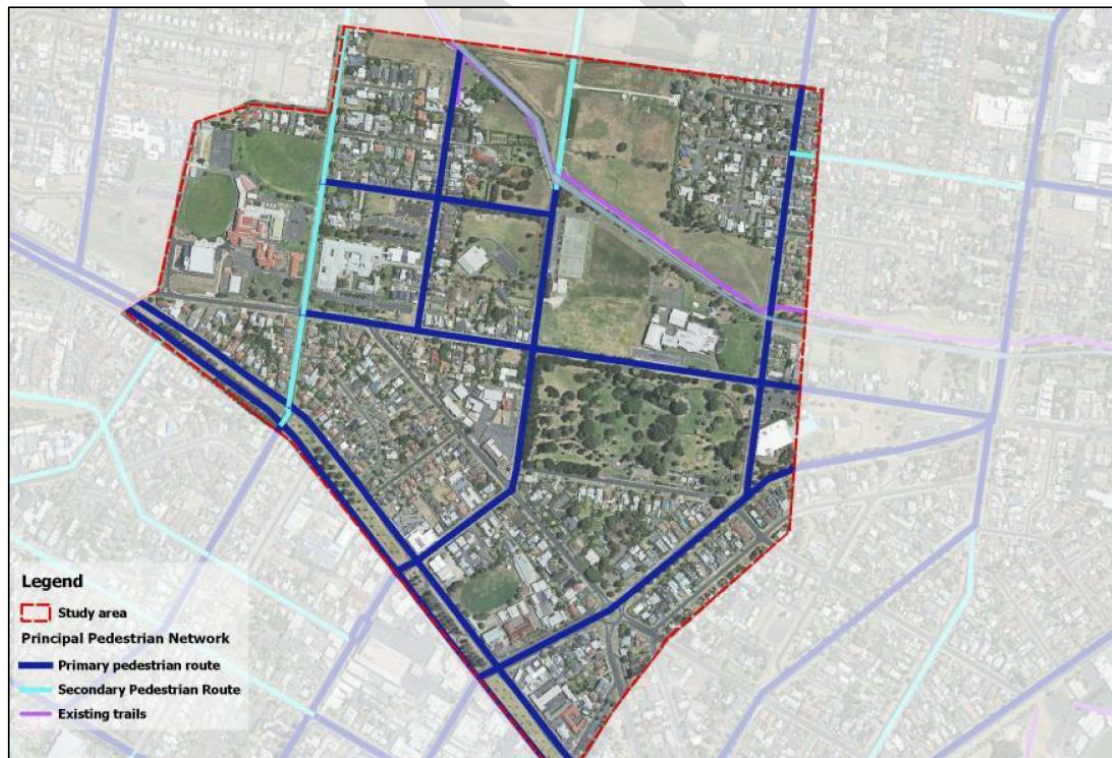


Figure 4: Principal Pedestrian Network



Observations from site investigations relating to the pedestrian network:

- Ardlie Street – secondary route
 - There is no footpath on the east side of Ardlie Street north of the bus stop at Emmanuel College
- Botanic Road – primary route
 - Although a primary route, there is no footpath adjacent to the Botanic Gardens
- Bromfield Road – primary route
 - Although a primary route, there is no footpath on the east side of Bromfield Road north of Botanic Road.
- Raglan Parade – primary route
 - There are no measures to assist pedestrians crossing Ardlie Street (at Raglan Parade)
- Crossing points
 - Aside from school crossings there are limited formal crossing facilities within the study area. Many of the road intersections on the Principal Pedestrian Network are roundabouts, which are typically problematic for pedestrians to navigate, especially children and the elderly.
 - Formal pedestrian crossings are located at:
 - Botanic Road, 60m west of Queens Road, school crossing (St. Joseph's Primary)
 - Ardlie Street, 40m north of Botanic Road, school crossing (Emmanuel College)
 - Bromfield Street, at Barbers Lane, school crossing (St. Joseph's Primary)
 - Jamieson Street, 100m from Raglan Parade, school crossing (Warrnambool Primary)
 - Jamieson Street, near Cockman Street, school crossing
 - Queens Road, at Russell Creek, school crossing (St. Joseph's Primary)
 - Canterbury Road, near Jamieson Street, school crossing (Warrnambool Primary)
 - Spence Street, near Jamieson Street, school crossing (Warrnambool Primary)
 - Russell Creek Trail crossings of Bromfield Street and Queens Road (refuge island only)

3.4.2 Cycle Facilities

A draft 'Principal Bicycle Corridor' (PBC) network for the study area is shown in Figure 5. Within the PBC, primary cycle routes provide a high level of cyclist priority and are a major focus for the implementation of future cycle infrastructure improvements. Secondary cycle routes are also important, but are allocated a slightly lower level of priority for planning purposes.

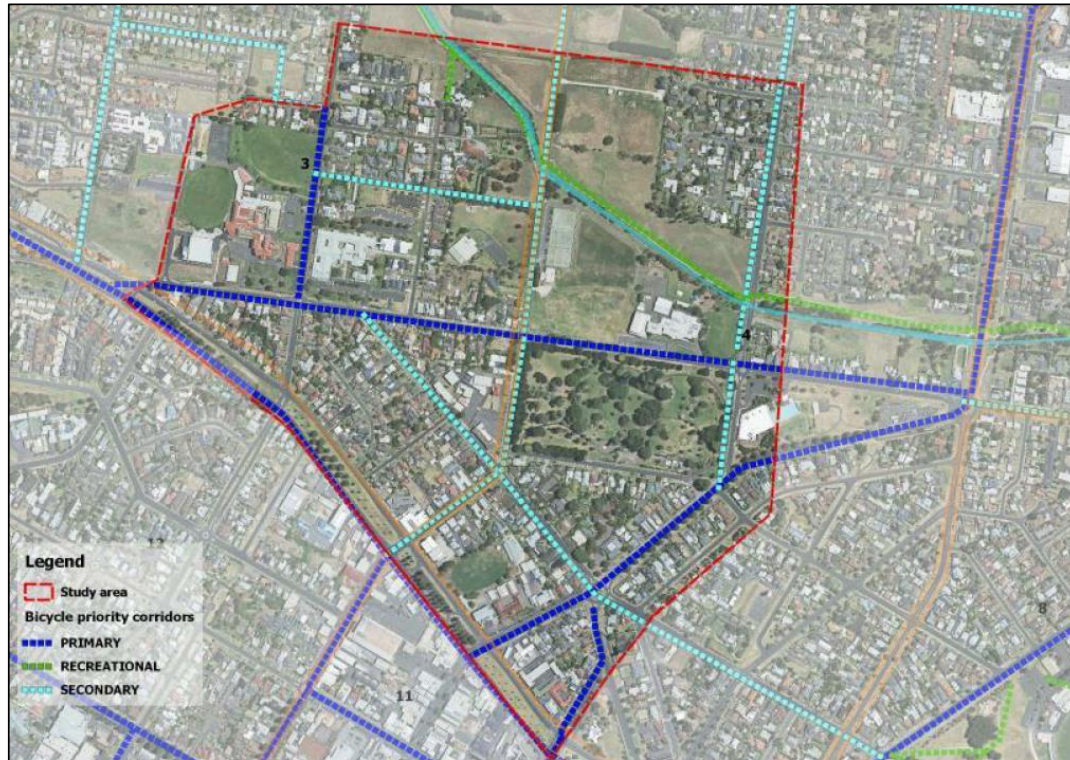


Figure 5: Principal Bicycle Corridor

Observations from site investigations relating to the cycle network:

- Ardlie Street – primary route
 - South of Botanic Road there are cycle lanes, but this section is not shown as a primary cycle route
 - North of Botanic Road is shown as a primary cycle route, although it does not have cycle lanes (or sharrows at the Ardlie Street/Botanic Road roundabout).
- Botanic Road – primary route
 - There are bicycle lanes on both sides for the full length
 - There is a shared path on the north side between Emmanuel College and Ardlie Street
- Bromfield Road – secondary route
 - There are no cycle lanes/paths
- Queens Road – secondary route
 - There are no dedicated facilities for cyclists
- Intersections
 - Many of the road intersections on the Principal Bicycle Network are roundabouts, which are typically problematic for cyclists to navigate. Where provided, cycle lanes do not continue through roundabouts, requiring cyclists to share space with general traffic. Sharrows are provided at some locations



- Cycle storage/parking
 - There are limited public cycle storage facilities within the study area. Some storage is provided at schools and facilities such as Aquazone

3.4.3 Public Transport

The No. 2 bus service – Warrnambool to Gateway Plaza - operates in the study area and links all three schools. It connects with the No.8 bus service - Warrnambool to Port Fairy – on Raglan Parade, local to Warrnambool Primary School. See Figure 6. Bus stops adjacent to the schools do not have bus shelters, except for Ardlie Street southbound adjacent to Emmanuel College.

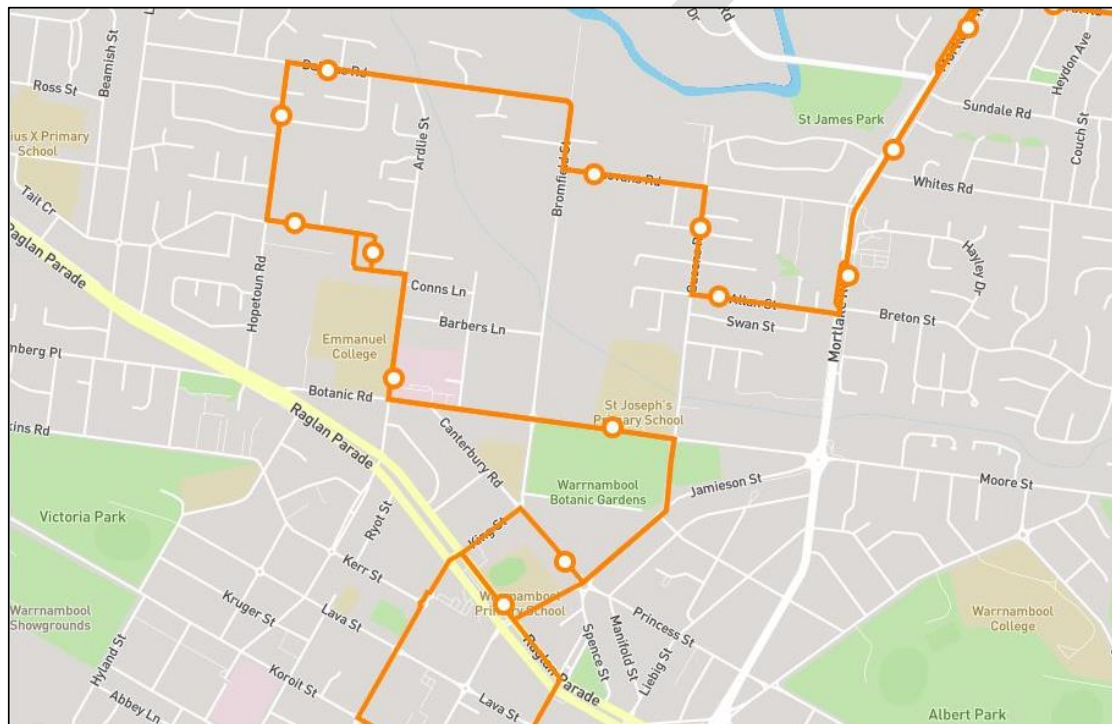


Figure 6: Bus Route (No.2)



3.4.4 Parking

The main parking facilities, including the location, number of parking bays and parking times/restrictions were investigated during the site investigations and parking bay occupancy counts (provided by council) were reviewed. Key points to note from the data and the site inspections are:

- A critical issue is parking capacity (and associated traffic movements) at the three schools in the study area. There is very high demand for parking at school drop-off and pick up times.
 - All parking and stopping areas are fully utilised
 - Vehicles are also stopping inappropriately on the road or roadside. This includes vehicles mounting the kerb to park on the nature strip or stopping at locations signed as 'No Stopping' areas.
 - Parking restrictions (e.g. ¼ hour) are in place at drop-off and pick-up times at some locations, while there are no restrictions in place at some popular drop-off / pick-up locations
 - Parking and traffic movements increase risks for road users and also disrupt traffic flows
 - Other parking facilities, such as facilities at Aquazone, are used for the school run
 - Barbers Lane is a popular pick-up point for Emmanuel College students
 - Bromfield Street including the parking area at the tennis courts is a popular pick-up point for families with children at both Emmanuel College and St Joseph's Primary School
- Students parking in streets during school times also compromise traffic movements and local amenity.

3.4.5 Activity Centres

The Botanic Precinct encompasses several large centres of activity, including:

Educational facilities

- Emmanuel College (Ardlie Street and Canterbury Road campuses)
- St Joseph's Primary School
- Warrnambool Primary School

Leisure facilities

- Botanic Gardens
- Aquazone

Health facilities

- St John of God Warrnambool Hospital

Other

- New Life Christian Church
- VicRoads Customer Service Centre

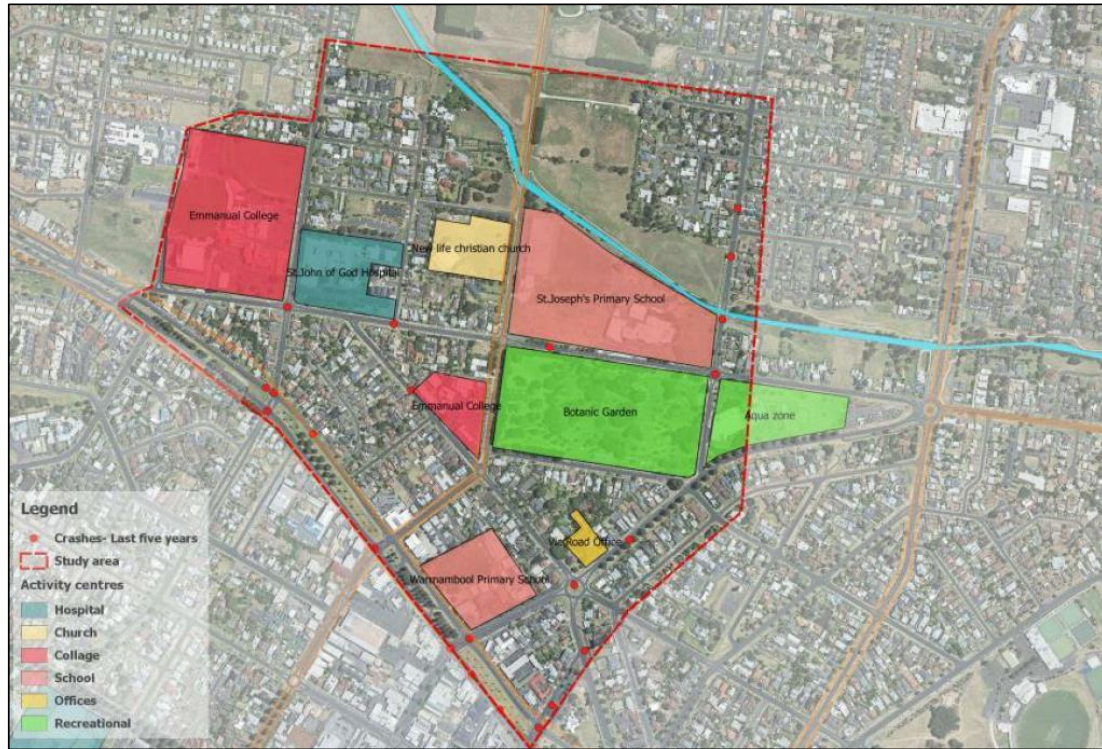


Figure 7: Botanic Precinct Activity Areas

Any traffic management plan must help to improve access, movement, safety and amenity - especially for pedestrians and cyclists. The plan should help to service the needs of the activity centres, as far as possible, whilst helping to integrate the centres into the local environment and community.



4 Community and Stakeholder Consultation

The community was invited to have its say via a survey on the council website, prompted by a letter drop to two hundred residents. Responses included feedback on what is working well, the biggest challenges involved in moving around the neighbourhood and suggestions for improvements.

Two community engagement workshops were also held to explore issues in greater detail:

- Workshop 1 – explained the purpose of the project, invited the community to identify issues that needed to be addressed, and explored potential ways of addressing those issues
- Workshop 2 – discussed potential improvement projects and identified critical success factors, risks and/or any other ideas that merited consideration

Council established a Working Group of internal stakeholders with an understanding of current issues and aspirations for the precinct. This group provided input to the study based on knowledge and experience of managing the network and engaging with the community.

A summary of issues raised in the community engagement, including suggestions for improvement (when provided), is in Appendix B. This information was used to inform development of the recommendations and to align the recommendations as closely as possible with community expectations and aspirations. The main issues related to:

Walking

- Gaps in the footpath network
- Crossing roads safely at mid-block and roundabouts
- Connecting Emmanuel senior and junior campuses

Cycling

- Safety at roundabouts

Driving

- Difficult intersections

Parking

- Parking and stopping for school pick-up and drop-off
- Park and walk facilities
- Inappropriate parking

Public Transport

- Poor bus patronage



5 Issues and Opportunities

This section of the report describes issues and opportunities within the study area. Whilst recommendations are presented in relation to specific objectives (e.g. improve access to school for students) it should be noted that they also deliver broader benefits to the community (e.g. improve safety for all pedestrians).

Recommendations in this section are for a 'preferred' treatment, however alternative treatments may also be available and these are described in Section 6 – Treatments.

5.1 Pedestrian safety and connectivity

5.1.1 Issues

There is a lack of connectivity for pedestrians at some locations. This includes a lack of footpaths on some sections of the Principal Pedestrians Network (PPN), including sections which are already popular drop-off/pick-up points for school.

There are many locations on the PPN where there are no pedestrian crossings. Where there are pedestrian crossings, none give priority to pedestrians at all times of the day.

There are numerous supervised school crossings, however none of these are raised crossings. Raised crossings reduce vehicle speeds at the crossing point, improve visibility of pedestrians and have traffic calming benefits during and outside school times.

There is no safe crossing point on Botanic Road in the vicinity of St John of God Hospital, to facilitate pedestrian movements to the hospital and nearby schools as well as general pedestrian movements.

5.1.2 Opportunities

5.1.2.1 Warrnambool Primary School

There are opportunities to improve safety when crossing roads to access the school and include:

- Upgrade three of the four existing supervised school crossings in the vicinity of the school to raised school crossings on Jamieson Street (x2) and Canterbury Road
- Upgrade the existing school crossing on Spence Street to a raised school crossing and locate the crossing as close to the roundabout as practicable
- Install a new Wombat crossing on Princess Street at the Jamieson Street roundabout
- Install a raised threshold treatment on Nelson Street intersection with Jamieson Street

5.1.2.2 Emmanuel College

There are opportunities to improve safety when crossing roads to access the school, and to improve connectivity between the two campuses. These include the following.

To improve safety and connectivity between campuses:

- Install Wombat crossings on all four legs of Canterbury Road/Bromfield Street/King Street roundabout



- Install Wombat crossing on Canterbury Road north of Somers Road
- Install raised threshold on Canterbury Road at Botanic Road
- Install Wombat crossing on Botanic Road east of Ardlie Street
- Upgrade the roundabout at Ardlie Street/Botanic Road to include enlarged central islands, kerb outstands and raised platforms/speed cushions
- Upgrade the existing supervised school crossing on Ardlie Street to a raised school crossing

To improve connectivity with Barbers Lane, which is a primary pedestrian route and may include 'park and walk' and/or drop-off points:

- Install new footpath on Ardlie Street (east side) between Botanic Road and Barbers Lane
- Install new pedestrian refuge island on Ardlie Street south of Barbers Lane

5.1.2.3 St Joseph's Primary School

There are opportunities to improve safety and connectivity which include:

- Upgrade existing school crossings to raised school crossings on Botanic Road (west of Queens Road) and Queens Road at Russell Creek Trail.
- Install a new Wombat crossing on Botanic Road between Bromfield Street and Queens Road to provide a safe connection to the school for pedestrians walking along Bromfield Street or through the Botanic Gardens.
- Upgrade the existing school crossing to a raised school crossing on Bromfield Street near Barbers Lane

OR

Retain the existing school crossing as is and install a new Wombat crossing at the nearby Russell Creek Trail crossing

OR

Combine the two crossing points and upgrade to a Wombat crossing (dependent on provision of a new path on the east side of Bromfield Street)

- Install new footpath on south side of Botanic Road adjacent to the Botanic Gardens between Bromfield Street and the bus stop west of Queens Road
- Upgrade the roundabout at Bromfield Street and Queens Road to include enlarged central islands, kerb outstands and raised platforms/speed cushions

5.1.2.4 Botanic Road

There are opportunities to improve facilities for pedestrians travelling along Botanic Road who need to cross intersecting roads or Botanic Road itself:

- Upgrade the roundabouts at Ardlie Street, Bromfield Street and Queens Road to include enlarged central islands, kerb outstands and raised platforms/speed cushions
- Install a threshold treatment on Wentworth Street at Botanic Road
- Install raised threshold treatment on Canterbury Road at Botanic Road



- Install a raised pedestrian crossing on Botanic Road between Canterbury Road and Wentworth Street

5.1.2.5 Queens Road

There is an opportunity to connect Aquazone with Botanic Gardens (and St Joseph's Primary School):

- Install a new wombat crossing on Queens Road between Jamieson Street and Botanic Road

5.2 Cyclist safety and connectivity

5.2.1 Issues

There is a general lack of off-road bicycle facilities, and no off-road connections between the Russell Creek Trail and nearby schools and attractions.

Connectivity is lacking at some locations and many intersections on the Principal Bicycle Network are roundabouts, which are typically problematic for cyclists to navigate. All three bicycle related casualty crashes recorded between 2016-20 occurred at roundabouts. Where provided, cycle lanes do not continue through roundabouts, requiring cyclists to share space with general traffic. Sharrows are provided at some locations but not others.

Some cycle lanes are obstructed by parked or queuing vehicles which forces cyclists closer to traffic. This is a particular problem along Botanic Road which is a primary route on the Principal Bicycle Corridor.

5.2.2 Opportunities

5.2.2.1 Shared Paths

There are opportunities to separate cyclists from vehicular traffic and connect with other off-road facilities, particularly on the Principal Bicycle Corridor (PBC). These include:

- Install a new shared path on the east side of Bromfield Street between Botanic Road and Russell Creek Trail

5.2.2.2 On-road cycle facilities

Opportunities to improve on-road cycle facilities include:

- Install on-road cycle lanes (preferably separated) on Ardlie Road from Botanic Road to Barbers Lane and beyond. These would provide a continuation of the cycle lanes from Ardlie Road south of Botanic Road and a connection to the Russell Creek Trail to the north.

5.2.2.3 Intersections

There are opportunities to improve safety for cyclists, these include:

- Install sharrows at roundabouts that do not already have them:



- Botanic Rd/Ardlie St (no sharrows), Botanic Rd/Bromfield St (currently provided on Botanic Rd approaches only), Botanic Rd/Queens Rd (currently provided on Botanic Rd approaches only), and Canterbury Rd/Bromfield St
- Sharrows should be provided on each approach as well as within the circulating carriageway
- Introduce traffic calming measures at roundabouts, including Botanic Road (see 5.1.2.4), Canterbury Road (5.1.2.2) and Jamieson Street (see 5.1.2.1)

5.2.2.4 Parking and Stopping

Opportunities to stop parked vehicles obstructing bike lanes on Botanic Road, include:

- Botanic Road (Raglan Parade to Ardlie Street) – ban parking
- Botanic Road, (Wentworth Street to Bromfield Street) - install indented parking on both sides
- Treatments to improve parking and stopping facilities at the St Joseph's to reduce queuing on the left turn lane (see Section 5.4).

5.3 Traffic and Speed Management

5.3.1 Issues

At school drop-off and pick-up times there is a significant increase in traffic volume, parking, stopping and pedestrian and cycle movements. This causes disruption to traffic flow, localised congestion and an increase in exposure to crash risks. These issues are most noticeable along Botanic Road and where casualty crashes have occurred they have been at the roundabouts – there has been at least one casualty crash (in the five year period 2016-20) at each of the intersections.

Insufficient parking/stopping capacity at school drop-off/pick-up times aggravates congestion and risk issues. Traffic backs up on the left turn lane into St Joseph's Primary School at drop-off/pick-up times, blocking the cycle lane and causing hold ups at Bromfield Street roundabout.

Some manoeuvres at the intersections with Botanic Road are difficult to execute at busy periods:

- Canterbury Road meets Botanic Road at an acute angle, sight distance to the east is restricted due to the crest in Botanic Road and access to St John of God Hospital complicates traffic movements
- Wentworth Street has a steep upgrade approaching Botanic Road and sight distance is compromised by the crest in Botanic Road

Speed compliance is generally good within the study area, although speed data suggests that there may be an issue with speeding on Canterbury Road, which is a connecting route between the two Emmanuel College campuses and is also local to Warrnambool Primary school.



5.3.2 Opportunities

5.3.2.1 Traffic Calming on Botanic Road

There is an opportunity to introduce safer speeds on Botanic Road, which currently has a 60 km/h speed limit along its entire length (excluding time-based 40 km/h school speed zones). Speed data indicates that 85th percentile speeds on Botanic Road are less than 60 km/h between Ardlie Street and Queens Road and are approximately equal to 60 km/h outside this section. A speed limit reduction to 50 km/h or less is proposed to improve safety for the large numbers of vulnerable road users present.

It is noted that a speed limit reduction may result in a small increase in travel times along Botanic Road at certain times, however the close spacing of existing traffic calming devices (roundabouts) together with traffic congestion means that many motorists do not reach the current posted speed limit.

Additional traffic calming measures on Botanic Road will help to smooth traffic flows and achieve safer vehicle speeds, especially at intersections where crash risks have been highest. Also removing some movements onto Botanic Road will reduce disruption to traffic flow and reduce risk. Improvement opportunities include:

- Upgrade the roundabouts at Ardlie Street, Bromfield Street and Queens Road to include enlarged central islands, kerb outstands and raised platforms/speed cushions
- Install raised pedestrian crossings as discussed in 5.1
- Ban right turn from Canterbury Road into Botanic Road (alternative routes are available)
- Ban right turn from Wentworth Street into Botanic Road (alternative routes are available)

A benefit of introducing traffic calming measures along Botanic Road will be that it becomes less attractive as an alternative route to the highway for motorists, particularly drivers of heavy vehicles, whose origins and destinations lie outside the study area. The design of traffic calming devices on Botanic Road and elsewhere will however need to be sympathetic to the needs of the many buses that travel within the precinct.

5.3.2.2 Traffic Calming on Canterbury Road

There are opportunities to introduce safer speeds on Canterbury Road, which has a 50 km/h speed limit east of Bromfield Road and a 40 km/h speed limit west of Bromfield Road. Opportunities include:

- Install treatments as previously listed in 5.1.2.2 - Wombat crossings on all four legs of Canterbury Road/Bromfield Street/King Street roundabout, Wombat crossing north of Somers Road, raised threshold at Botanic Road
- Change 50 km/h speed limit (east of Bromfield Road) to 40 km/h

5.3.2.3 Traffic Calming on Wentworth Street

If Barbers Lane is to be designated a school drop off point (see 5.4.2.5) then an additional safety treatment could include:

- Install a raised intersection at Wentworth Street/Barbers Lane



5.3.2.4 Traffic Calming on Queens Road

There is an opportunity to improve safety on Queens Road by:

- Implementing one way operation on Queens Road. The decision on which direction of travel is permitted should consider traffic volumes, availability of alternative routes, the implications of the vertical grade on Queens Road, and the impacts of other LATM devices to be installed in the vicinity. A review of available data suggests that northbound is the predominant travel direction during both the morning and afternoon peak periods.
- Installing a raised pedestrian crossing (see 5.1.2.5)

5.3.2.5 Parking and Stopping

A critical treatment to improve traffic flow and safety (including at the St Joseph's left turn lane on Botanic Road) is improvement of parking and stopping facilities. These treatments are set out in the section 5.4.

5.3.2.6 Speed Zoning

Victorian speed zoning principles are based on five key themes and there are sound arguments for serious consideration of a speed limit review for the precinct. With a blanket 40 km/h speed limit in mind and looking briefly at each theme:

- Road Safety – reducing speed limits from 50 km/h and 60 km/h to 40 km/h will reduce the likelihood and severity of crashes.
- Transport Network Efficiency – A lower speed limit, over such a small area, will have a minimal impact on door to door journey times. There is a possibility that a lower limit may improve journey times, or at least smooth traffic flows, if there is less stop-start driving and travel behaviours change (e.g. more walking and cycling).
- Road User Expectation – a single speed limit would introduce consistency and would support the expected amenity value of the precinct. However, higher speed limits are the norm on roads of this type and user expectations would have to be managed. During the engagement exercise, the community raised the idea of a 40 km/h speed zone.
- Community Engagement – when determining a change in speed limit, engagement with the affected community and road users should be undertaken so that expectations and impacts are understood and considered.
- Community wellbeing – a 40 km/h speed zone would support active transport and amenity.

There is an opportunity to:

- Undertake a Speed Zoning Review in accordance with Victorian Speed Zoning Guidelines to determine the viability, desirability and extents of a 40 km/h speed zone in the study area.



5.4 Parking

5.4.1 Issues

There is very high demand for parking at school drop-off and pick up times. Whilst the schools have some dedicated parking and stopping facilities they are not sufficient to meet demand. This means that vehicles often stop inappropriately with consequent adverse impacts on traffic flow, safety and general amenity.

Parking restrictions (e.g. ¼ hour) are in place at drop-off and pick-up times at some locations, while there are no restrictions in place at some popular drop-off / pick-up locations. Some drivers are ignoring parking restrictions, including stopping at locations signed as 'No Stopping' areas.

Students and teachers are using some local roads to park during school times, which may also compromise traffic movements and local amenity.

5.4.2 Opportunities

Parking treatments could be introduced to achieve the following aims:

- Enable more efficient and effective school drop-off points and 'Park and Walk' options, which will:
 - encourage more walking and walking along specific routes
 - reduce traffic disruptions and unsafe parking movements by locating parking in appropriate locations
 - reduce traffic disruptions, and disruptions to cycle lanes, using indented parking to keep traffic lanes clear
- Ensure that parking facilities are (generally) used for the purposes intended. For example, students park along the southern boundary of the Botanic Gardens which means that parking is not available for visitors to the Gardens.

The following treatments are recommended.

5.4.2.1 Botanic Road

- Raglan Parade to Ardlie Street – ban parking to stop parked vehicles from obstructing cycle lanes
- Wentworth Street to Bromfield Street - install indented parking on both sides to stop parked vehicles from obstructing cycle lanes
- Bromfield Street to bus stop west of Queens Road – install indented parking and school drop-off parking servicing St Joseph's Primary school (which can also serve Emmanuel College)

5.4.2.2 Canterbury Road

- Botanic Road to King Street – indented parking on one or both sides with school drop-off parking servicing Emmanuel College
- King Street to Jamieson Street – implement school drop-off parking on one or both sides, servicing Emmanuel College and Warrnambool Primary school



5.4.2.3 Queens Road

- Botanic Road to Russell Creek Trail - implement school drop-off parking on west side, servicing St Joseph's Primary school

5.4.2.4 Bromfield Road

- Botanic Road to Barbers Lane - implement school drop-off parking on east side, servicing St Joseph's Primary school

5.4.2.5 Barbers Lane

- Wentworth Street to Bromfield Street – Install indented parking on north side with school drop-off/pick-up time restrictions servicing St Joseph's Primary school and serve Emmanuel College

5.4.2.6 Cockman Street

- North side – Implement parking restrictions (e.g. 2 hour limit) at the eastern end of Cockman Street to deter all day parking and free up spaces for visitors to the Gardens



6 Proposed LATM Scheme

The following maps and tables show all of the proposed treatments described in Section 5 – which together constitute the draft LATM scheme. A few points to note:

- The treatments are shown in Figures 8-10. All three figures show the same treatments.
 - Figures 8 and 9 show a satellite image and a map (respectively), so that the reader can view whichever format is most helpful
 - Figure 10 numbers all of the treatments which are described in more detail in Table 2
- Table 2 describes recommended treatments and also alternative treatments (where appropriate). Generally speaking, the recommended treatments will be the most effective at meeting the objectives of the LATM plan. The identified alternative treatments are considered to be either less effective (but still worthwhile), able to be installed more easily and at lower cost, or unlikely to meet current warrants (eg. Wombat crossings at locations where pedestrian activity occurs largely at school times). In some cases, alternative treatments could be deployed as an interim measure until the recommended treatment is installed.
- Table 3 provides a high-level overview of a number of the proposed treatments, including their advantages and disadvantages.
- Appendix C includes photographic examples of a range of the proposed treatments.
- Treatments have been grouped according to their primary purpose, however all treatments are likely to serve multiple purposes. For example, parking improvements will improve traffic conditions by removing disruption to traffic flow and will promote more active transport.
- Whilst all treatments (individually) will provide benefits, the best results accrue when all/multiple treatments are implemented, because they are complementary.

6.1 Prioritisation of Treatments

The following treatments should be prioritised for implementation:

- Treatments that align with Safe System principles, such as raised pedestrian crossings and intersection treatments that reduce vehicle speeds to levels where the kinetic energy associated with foreseeable crash types is within the tolerable levels of the human body.
- Treatments that serve multiple purposes, such as raised pedestrian crossings which improve pedestrian safety whilst also providing traffic calming benefits.
- Treatments that provide important connections or complete missing links in the principal pedestrian and bicycle networks.
- Treatments that will directly address crash problems within the precinct, such as roundabout upgrades on Botanic Road.

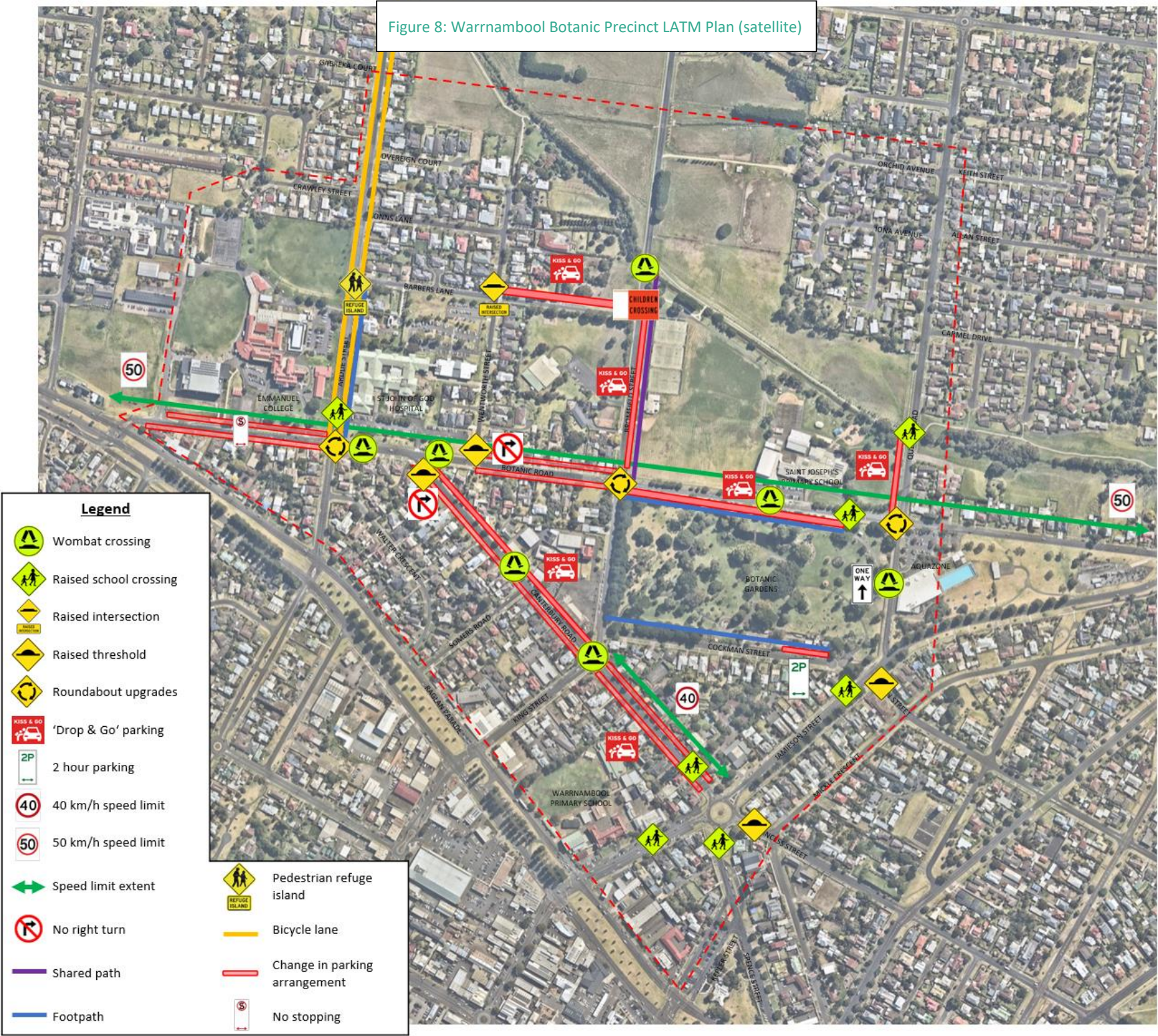
As the proposed treatments are complementary, they should therefore be implemented in packages comprising multiple treatments where possible.

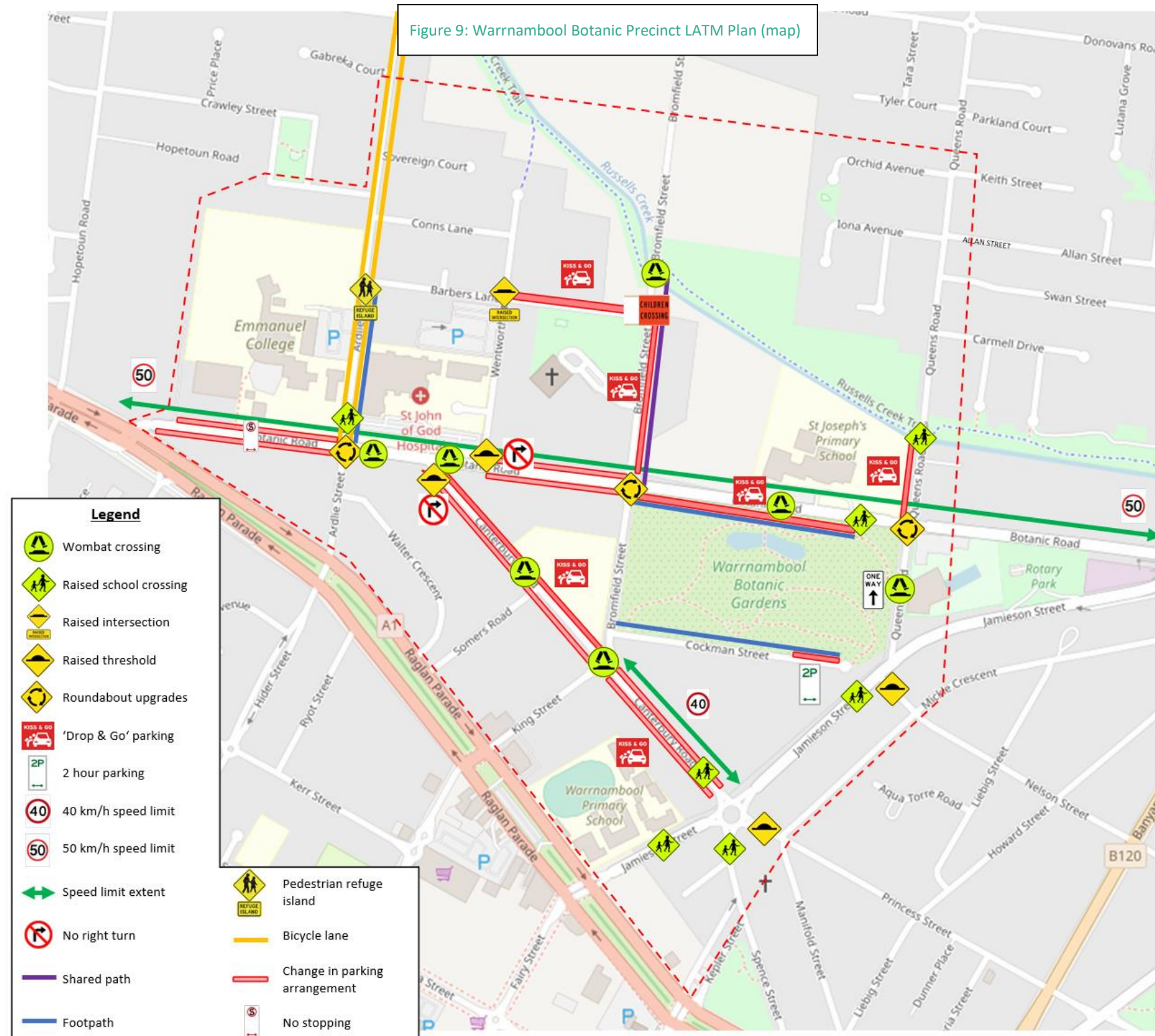


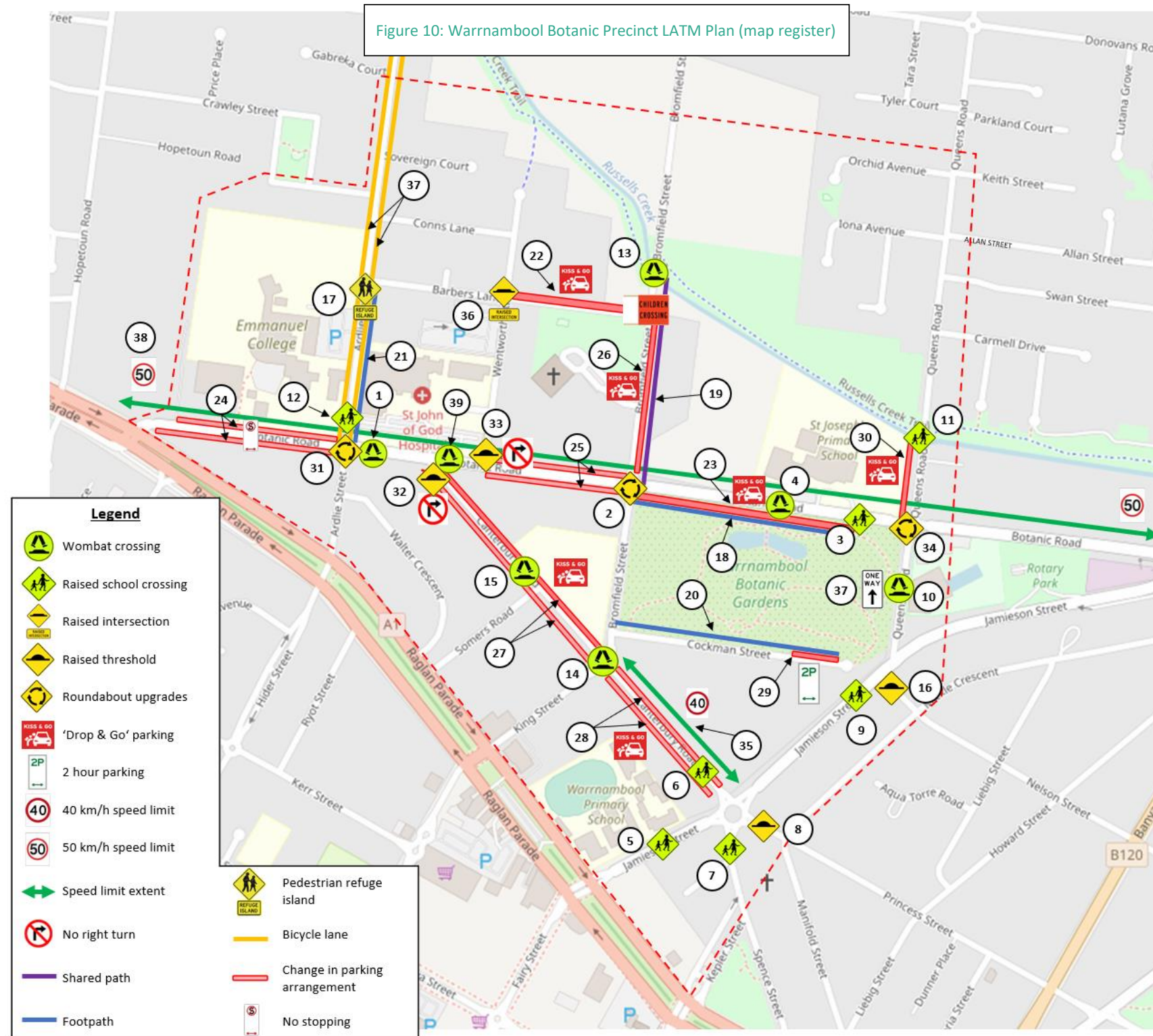
Opportunities to attract external funding may also influence prioritisation of sites and treatment selection. Potential funding sources include the Federal Black Spot, Safe Travel in Local Streets and TAC Local Government Grants for Small Scale Infrastructure programs.

Another consideration is the impact that future changes to the road network and land usage, both within and surrounding the study area, may have on travel patterns and transport modes within the precinct. Such changes include:

- Upgrades to the intersection of Botanic Road and Raglan Parade – currently under investigation by Department of Transport
- Upgrades to the intersection of Ardlie Street and Botanic Road – currently under investigation by Department of Transport
- Future extension of Bromfield to the north in the longer term
- Movements to/from Emmanuel College – potential loop from Hopetoun Road to Botanic Road, relocation of students from Canterbury Road campus
- Potential school drop off zone in Raglan Parade median near Jamieson Street
- Potential upgrades to the intersection of Queens Road and Donovans Road.









Map Ref	Icon	Road	Location	Proposed Treatment	Alternative Treatment
1		Botanic Rd	East of Ardlie St	Wombat crossing - to replace existing pedestrian refuge island (at roundabout)	
39		Botanic Rd	East of Canterbury Rd	Wombat crossing	
2		Botanic Rd	West of Bromfield St	Raised platform or speed cushions	
2		Botanic Rd	East of Bromfield St	Raised platform or speed cushions	
3		Botanic Rd	West of Queens Rd	Raised school crossing – to replace existing school crossing	
4		Botanic Rd	Between Bromfield St and Queens Rd	Wombat crossing – located midblock	Locate crossing closer to Bromfield Street
5		Jamieson St	Between Raglan Pde and Canterbury Rd	Raised school crossing - to replace existing school crossing	
6		Canterbury Rd	North-west of Jamieson St	Raised school crossing - to replace existing school crossing	Wombat crossing if warranted
7		Spence St	South of Jamieson St	Raised school crossing - replace existing school crossing and locate as close to Jamieson St as practicable	Wombat crossing if warranted
8		Princess St	South-east of Jamieson St	Raised platform or speed cushions at/near existing crossing location	Wombat crossing if warranted
9		Jamieson St	South-west of Nelson St	Raised school crossing - to replace existing school crossing	Wombat crossing if warranted
10		Queens Rd	Midway between Jamieson St and Botanic Road	Wombat crossing	Other speed calming treatments on Queens Rd
11		Queens Rd	Russell Creek Trail	Raised school crossing - to replace existing school crossing	Wombat crossing if warranted
12		Ardlie St	North of Botanic Rd	Raised school crossing - to replace existing school crossing	Wombat crossing if warranted
-		Bromfield St	North of Barbers Lane	Retain existing school crossing	Raise school crossing OR Combine with Russell Creek Trail crossing and provide a single wombat crossing
13		Bromfield St	Russell Creek Trail	Wombat crossing – to replace existing crossing with pedestrian refuge	Combine with nearby school crossing and provide a single wombat crossing
-		Barbers Lane	West side of Bromfield St	Retain existing raised threshold treatment	
14		Canterbury Rd	Bromfield St/King St	Wombat crossings on all legs of roundabout	Raised platforms or speed cushions on approaches
15		Canterbury Rd	Somers Rd	Wombat crossing immediately north of Somers Rd	Raised platform or raised intersection at Canterbury/Somers
16		Nelson St	Jamieson St	Raised threshold crossing	
17		Ardlie St	South of Barbers Lane	Pedestrian refuge island	Wombat crossing if warranted
18		Botanic Rd	Bromfield St to bus stop west of Queens Rd	New footpath on south side	
20		Cockman St	Full length	New footpath on north side	
21		Ardlie St	Botanic Rd to Barbers Lane	New footpath on east side	

Table 2: LATM Plan – list of recommended treatments

Map Ref	Icon	Road	Location	Proposed Treatment
19		Bromfield St	Botanic Rd to Russell Creek Trail	New shared path on east side
-		-	<ul style="list-style-type: none"> Botanic Rd/Ardlie Street Botanic Road/Bromfield Street Canterbury Road/Bromfield Street 	Sharrows at roundabouts that do not have them
37		Ardlie St	North of Botanic Rd	On-road cycle lanes on Ardlie St north of Botanic Rd

Map Ref	Icon	Road	Location	Proposed Treatment
22		Barbers Lane	Wentworth St to Bromfield St	Indented parking on north side with school drop-off/pick-up restrictions
23		Botanic Rd	Bromfield St to bus stop west of Queens Rd	Indented parking on south side with school drop-off/pick-up restrictions
24		Botanic Rd	Raglan Pde to Ardlie St	Ban parking to stop parked vehicles obstructing the bike lanes
25		Botanic Rd	Wentworth St to Bromfield St	Indented parking on both sides to stop parked vehicles obstructing the bike lanes
26		Bromfield St	Botanic Rd to tennis courts	Implement school drop-off/pick-up parking zone on east side
27		Canterbury Rd	Botanic Rd to Emmanuel College	Indented parking on one or both sides with school drop-off/pick-up restrictions
28		Canterbury Rd	Jamieson St to King St	Implement school drop-off/pick-up restrictions on one or both sides
29		Cockman St	North side, eastern end	Implement restrictions (eg. 2P) to deter all day parking
30		Queens Rd	Botanic Rd to Russell Creek Trail	Implement school drop-off/pick-up parking zone on west side






Map Ref	Icon	Road	Location	Proposed Treatment	Alternative Treatment
31		Botanic Rd	Ardlie St	Raised platforms on approaches	Speed cushions on approaches
32		Botanic Rd	Canterbury Rd	Raised threshold on Canterbury	
33		Botanic Rd	Wentworth St	Raised threshold on Wentworth	
2		Botanic Rd	Bromfield St	Raised platforms on approaches	Speed cushions on approaches
34		Botanic Rd	Queens Rd	Raised platforms on approaches	Speed cushions on approaches
35		Canterbury Rd	Jamieson St to King St	Implement 40 km/h speed limit	
36		Wentworth St	Barbers Lane	Raised intersection	
37		Queens Road	Jamieson St to Botanic Rd	One way traffic	
38		Botanic Road	Raglan Pde to Hopkins Hwy	Implement 50 km/h speed limit	



Table 3: Overview of treatment options

	Advantages	Disadvantages	Safety Benefit	Cost
<div></div> <div>Wombat Crossing Consists of a raised platform to the same level as the adjacent pedestrian footpaths, with Pedestrian Crossing (Zebra) pavement markings on top. Requires speed hump warning sign and 20km/h advisory speed sign. May include flashing lights and other warning signs such as children crossing if warranted This treatment gives priority to pedestrians at all times.</div>	<ul style="list-style-type: none">Effective at reducing vehicle speeds at crossing pointConsidered a Safe System treatment as it reduces crash severityCan be perceived as providing route continuity and coherenceEnhances visibility of the pedestrian crossingDeterrent to through traffic	<ul style="list-style-type: none">More expensive than standard Pedestrian Crossing (Zebra) (construction, drainage etc.)May increase traffic noiseMay need modifications if on bus or freight routesCan be uncomfortable for cyclists to negotiate	★★★★★	\$\$\$\$\$
<div></div> <div>Raised School Crossing Consists of a platform raised to the same level as the adjacent pedestrian footpaths. Requires speed hump warning, 20km/h advisory speed sign and red and white striped posts for children crossing flags. May include other warning signs, if warranted such as children crossing. Also includes stop lines for vehicles in advance of the crossing. Depending on location, this is usually accompanied by 40km/h school speed zones. This treatment give priority to pedestrians only when flags are displayed.</div>	<ul style="list-style-type: none">Considered a Safe System treatment as it reduces crash severityEffective at reducing vehicle speeds at crossing pointOutside of school times this operates as a speed humpPositively perceived by parentsMay have better visibility than standard children’s crossingCan be perceived as providing route continuity and coherenceDeterrent to through traffic	<ul style="list-style-type: none">Does not give priority outside of school timesMay increase traffic noiseMay need modifications if on bus or freight routesCan be uncomfortable for cyclists to negotiateMore expensive than standard children’s crossing (construction, drainage etc.)Requires recruitment process for supervisors (and funding)	★★★★★	\$\$\$\$\$
<div></div> <div>Pedestrian Refuge Consists of a short stretch of raised median in the centre of the road that creates a staging point for pedestrians. Usually features a walkthrough at pavement level.</div>	<ul style="list-style-type: none">Improves crossing opportunities for pedestrians by allowing them to focus on one direction of traffic at a timeReduces the crossing distance for slower pedestriansWhen used at an intersection (i.e. as a splitter island) it controls vehicle turning movements – both speed and alignmentCan act as a traffic calming measure	<ul style="list-style-type: none">Constrains swept paths/turning envelopes, making it more difficult for vehicles to perform turning movementsReduces usable road width	★★★★★	\$\$\$\$\$
<div></div> <div>Raised Intersection Consists of a raised platform on the intersection and short length of approach roads. Requires speed hump warning, advisory speed sign and may include other warning signs, if warranted such as children crossing. May also need to be lit, depending on location.</div>	<ul style="list-style-type: none">Effective at reducing vehicle speeds at crossing pointConsidered a Safe System treatment as it reduces crash severityRaises awareness levels of drivers	<ul style="list-style-type: none">Can be expensive (construction, drainage etc.)Comfort level for commercial and heavy vehicles can be compromisedDoes not provide priority for pedestrians	★★★★★	\$\$\$\$\$
<div></div> <div>Raised Threshold Consists of a platform raised to the same level as the adjacent pedestrian footpaths. Requires speed hump warning sign, 20km/h advisory speed sign and may include other warning signs, if warranted, such as children crossing. This treatment does not give priority to pedestrians or cyclists.</div>	<ul style="list-style-type: none">An important element for providing continuity of pedestrian/cycle pathsEffective at reducing vehicle speeds at crossing pointConsidered a Safe System treatment as it reduces crash severityDeterrent to through trafficPedestrians are more visible to drivers	<ul style="list-style-type: none">Does not give priority outside of school timesMay appear to path users that they have priorityMay increase traffic noiseCan be unpopular with local residentsMay need modifications if on bus or freight routesCan be uncomfortable for cyclists to negotiate	★★★★★	\$\$\$\$\$
<div></div> <div>Drop Off Points Parking restrictions that allow a two-minute (or similarly short time) stop to drop off children. Driver remains with the car. Must be accompanied by a standard no parking sign to give it legal force.</div>	<ul style="list-style-type: none">Requires indiscriminate parking and stopping to create a more orderly traffic environmentEasy to install and low cost	<ul style="list-style-type: none">Encourages driving over active transportRelies on enforcement to be effective	★★★★★	\$\$\$\$\$



	Advantages	Disadvantages	Safety Benefit	Cost
<div>Roundabout Upgrades Raised platforms or speed cushions on approaches, central island enlargement and kerb realignment to reduce the speed of traffic approaching and travelling through roundabouts. </div>	<ul style="list-style-type: none">• Reduce vehicle speeds and therefore the likelihood and severity of crashes within roundabouts• Improve safety for pedestrians using pedestrian crossing points• Improve safety for cyclists riding through roundabouts• Deterrent to through traffic	<ul style="list-style-type: none">• Can be expensive (construction, drainage etc.)• May need modifications if on bus or freight routes• Reduced comfort level for motorists• Can be uncomfortable for cyclists to negotiate (raised platforms)• Noise	Site-specific	\$\$\$\$\$
<div>Shared Paths Wide paths shared by pedestrians and cyclists, separated from vehicular traffic.</div>	<ul style="list-style-type: none">• Improve safety by separating vulnerable road users from vehicular traffic• Can influence desire lines (i.e. preferred routes), keeping pedestrians and cyclists on safer routes and crossings• Usually provides a more pleasant walking/riding experience, particularly through parks and other vegetated areas	<ul style="list-style-type: none">• Can lead to conflict between cyclists and pedestrians• Off-road sections could be perceived as less safe (e.g. stranger danger)• Very high cost	★★★★★	\$\$\$\$\$
<div>On-Road Bicycle Lanes Dedicated space for cyclists to the left of the traffic lanes, marked by signs and pavement markings.</div>	<ul style="list-style-type: none">• Provide space for cyclists to ride clear of moving traffic• Easy to install and low cost	<ul style="list-style-type: none">• Significant safety risks remain, including car dooring and conflicts between cyclists and vehicles encroaching the bicycle lane	★★★★★	\$\$\$\$\$
<div>Separated Bicycle Lanes Protect cyclists by positioning them between the parking or traffic lane and the footpath, with physical separation from through traffic and/or parked vehicles.</div>	<ul style="list-style-type: none">• Improves safety by preventing vehicular access to the bicycle lane and providing clearances for the opening of car doors• Generally provide a higher level of service for cyclists and promote increased patronage on cycling routes (compared to unprotected on-road bicycle lanes)• Maintain directness of travel and priority at intersections• May be applied in urban areas where parking is prevalent or where there is insufficient space for an off-road path	<ul style="list-style-type: none">• Can be expensive (construction, drainage etc.)• Frequent maintenance is required to ensure that they do not accumulate debris and litter• Difficult to apply where there are frequent driveways or intersections• Require more space than unprotected on-road bicycle lanes	★★★★★	\$\$\$\$\$



Appendix A: Road Network



Road	Section	Hierarchy	Description
Ardlie Street	Raglan Parade Botanic Road	Access	One lane in each direction Cycle lane in each direction Footpath both sides 50 km/h speed limit; 40 km/h school zone
Ardlie Street	Botanic Road Barbers Lane	Collector	One lane in each direction No cycle lanes No footpath on east side for most of length 50 km/h speed limit; 40 km/h school zone
Botanic Road	Ardlie Street Queens Road	Link	One lane in each direction Cycle lane in each direction Footpath both sides, except adjacent to Botanic Gardens 60 km/h speed limit; 40 km/h school zone
Bromfield Street	Canterbury Road Botanic Road	Access	One lane in each direction No cycle lanes Footpaths on both sides 50 km/h speed limit; 40 km/h school zone
Bromfield Street	Botanic Road Barbers Lane	Collector	One lane in each direction No cycle lanes No footpath on east side 50 km/h speed limit; 40 km/h school zone
Cockman Street	Bromfield Street Jamieson Street	Access	One lane in each direction No through road No cycle lanes No footpath on north side (adjacent to Gardens) 50 km/h speed limit
Jamieson Street	Raglan Parade Queens Road	Link	One lane in each direction Cycle lane in each direction Diagonal parking south of Princess Street Parallel parking north of Princess Street Footpath on both sides 50 km/h speed limit; 40km/h school zone
Queens Road	Jamieson Street Botanic Road	Access	One lane in each direction No cycle lanes Footpath both sides 50 km/h speed limit; 40 km/h school zone
Queens Road	Botanic Road Carmell Drive	Collector	One lane in each direction No cycle lanes Footpath both sides 50 km/h speed limit
Canterbury Rd	Botanic Road Jamieson Street	Collector	One lane in each direction No cycle lanes Footpath on both sides Speed limit 40 km/h (west of Bromfield Rd) Speed limit 50 km/h (east of Bromfield Rd); 40km/h school zone
Raglan Parade	Ardlie Street Jamieson Street	Arterial	Dual carriageway, two lanes in each direction Cycle lane in each direction Footpath on both sides 60 km/h speed limit
All other Roads	N/A	Access	
Road Hierarchy Functions are defined in Section 3.1			



Appendix B: Community Engagement Summary of Issues



WALKING –		
Issue	Location and description	Suggestions
Use of footpath	Bromfield Road – no footpath along most of east side.	Install footpath Install shared path
Use of footpath	Ardlie Street north of Botanic Road – no footpath on east side.	Install footpath Install shared path (both sides)
Use of footpath	Botanic Road at St Joseph's – no footpath alongside Botanic Gardens. During school drop-off pick-up times heavy vehicle and pedestrian traffic raises exposure to risks.	Install footpath Install shared path
Use of footpath	Queens Road – concerns about the gradient of the footpath.	
Crossing at mid-block	Ardlie Street – no crossing for students to/from Barbers Lane	Install crossing
Crossing at mid-block	Botanic Road at St Joseph's – crossing during peak times is very difficult/risky.	Install additional crossing or move existing crossing Reduce speed limit to permanent 40 km/h Reduce traffic volumes
Crossing at mid-block	Queens Road – no convenient crossing point to connect Aquazone with Botanic Gardens.	Install crossing Engage support from 'Friends of the Gardens'
Crossing at mid-block	Warrnambool Primary School – children crossing unsupervised and not at school crossing.	
Crossing at intersection	Botanic Road/Queens Road roundabout – difficult to cross (and fast vehicles).	
Crossing at intersection	Botanic Road/Ardlie Road roundabout – perceived risks.	
Crossing at intersection	Botanic Road/Canterbury Road – T-perceived risks.	
Crossing at intersection	Botanic Road/Bromfield Road roundabout – perceived risks.	Install crossings
Crossing at intersection	Bromfield Road/Canterbury Road roundabout – perceived risks and difficulty crossing when traffic backs up.	
Crossing at intersection	Ardlie Road, at Raglan Parade - no pedestrian facilities for crossing Ardlie Road.	Advocate for intersection upgrade
General: <ul style="list-style-type: none"> • School crossings are largely meeting needs • Emmanuel College - need better connection between junior campus and senior campus. • Encourage park and walk (e.g. Café Lava offer discounts) • Raglan road is very hard to cross at Ardlie Street and Botanic Road. • Install a new crossing on Bromfield Street • Bromfield Road culvert over Russell Creek – widen to allow for footpath. Desirable. • Active transport is a culture change (and ongoing maintenance) issue 		



CYCLING		
Issue	Location and description	Suggestions
Mid-block safety	Botanic Road at St Joseph's – pick-up traffic parks in cycle lane.	
Mid-block safety	Botanic and Queens Road – steep gradients.	
Intersections	Roundabouts are perceived as a hazard	Discourage cycle and vehicles from entering roundabouts side by side. Narrow approach and add sharrows.
Cycle parking	Botanic Gardens – no cycle racks.	Install cycle racks at entrance to Botanic Gardens.
Cycling through Botanic Gardens	Some students ride through the gardens in an inappropriate way.	Work with students and friends of the gardens to develop a strategy to assist students moving through the gardens in a safe manner.
General: <ul style="list-style-type: none"> Schools generally well served by bike paths Active transport is a culture change (and ongoing maintenance) issue. 		
DRIVING/RIDING		
Issue	Location and description	Suggestions
Difficult intersections	Canterbury Road/Botanic Road - right turn onto Botanic Road and conflict with traffic entering/leaving St John's Hospital.	
Difficult intersections	Bromfield Road/Canterbury Road roundabout – sightlines are inadequate/obstructed.	
Obstructions to movement	Botanic Road - cars backed up at St. Joseph's left turning lane impedes traffic on Botanic Road and impedes traffic on Bromfield Road approaching the roundabout from the north.	
Obstructions to movement	School crossings – slow up traffic and cause congestion	
Speeding	Jamieson Street, Warrnambool Primary – speeding at school times and sometimes through the school crossing.	Permanent 40 km/h speed limit
General: <ul style="list-style-type: none"> There is confusion around all of the different speed zones – 40/50/60 km/h 		
PARKING		
Issue	Location(s) and description	Suggestions
Insufficient capacity	Emmanuel College – insufficient parking for drop-off and pick-up.	Create a park and walk facility in Barbers Lane between Wentworth Street and Bromfield Street



		Create a park and walk facility along Canterbury Road with parallel parking set-back into nature strip; other opportunities at Somers Road and Spence Street
Insufficient capacity	St. Joseph's Primary School – insufficient parking for drop-off and pick-up. Results in inappropriate stopping and use of Aquazone carpark.	Create a park and walk facility on Queens Road north of Carmell Drive. Create a park and walk facility on Bromfield Street adjacent to Botanic Gardens. Also Mickle Crescent.
Insufficient capacity	Botanic Gardens – is very busy on Sundays. Need more parking.	Install dedicated parking facilities on Bromfield Road. Increase parking at the school oval.
Unsafe manoeuvres	Warrnambool Primary – U-turns, running school crossings.	
Inappropriate parking	Cockman Street – Emmanuel College students park here which is seen as undesirable .	Introduce restricted parking times on Cockman Street and use as drop-off/pick-up zone.
Inappropriate parking	Barbers Lane – parking on verge close to fence impedes pedestrians.	Create dedicated park and walk facility.
General: <ul style="list-style-type: none"> School staff are parking in Canterbury Road Need more park and walk facilities 		
PUBLIC TRANSPORT		
Issue	Location(s) and description	Suggestions
School Bus	There is (or there should be?) a dedicated bus to Warrnambool Primary School. <i>[Check with Nic]</i>	
Tour Bus	Jamieson Street – bus stop at Queens Road is for tour bus, but drivers do not always use it and get lost looking for entrance to Garden's	Communicate with tour bus operator.
General: <ul style="list-style-type: none"> Patronage of buses is poor. Are bus routes appropriate for the journey's people want to make? Active transport is a culture change (and ongoing maintenance) issue. 		
NOTES: <ul style="list-style-type: none"> - Issues and descriptions are a record of community and stakeholder perceptions - Suggestions were not given for all issues - Community feedback on issues outside of the scope of study are not recorded above 		



Appendix C: Examples of Proposed Treatments



Photo 1: Wombat crossing – Koroit Street, between Liebig Street and Banyan Street



Photo 2: Raised school crossing – Merrivale Drive near Merrivale Primary School



Photo 3: Raised local intersection



Photo 4: Raised threshold treatment – intersection of Merri Street and Annes Lane



Photo 5: Roundabout upgrade – intersection of Banyan Street and Merri Street



Photo 6: Sharrows – intersection of Banyan Street and Merri Street

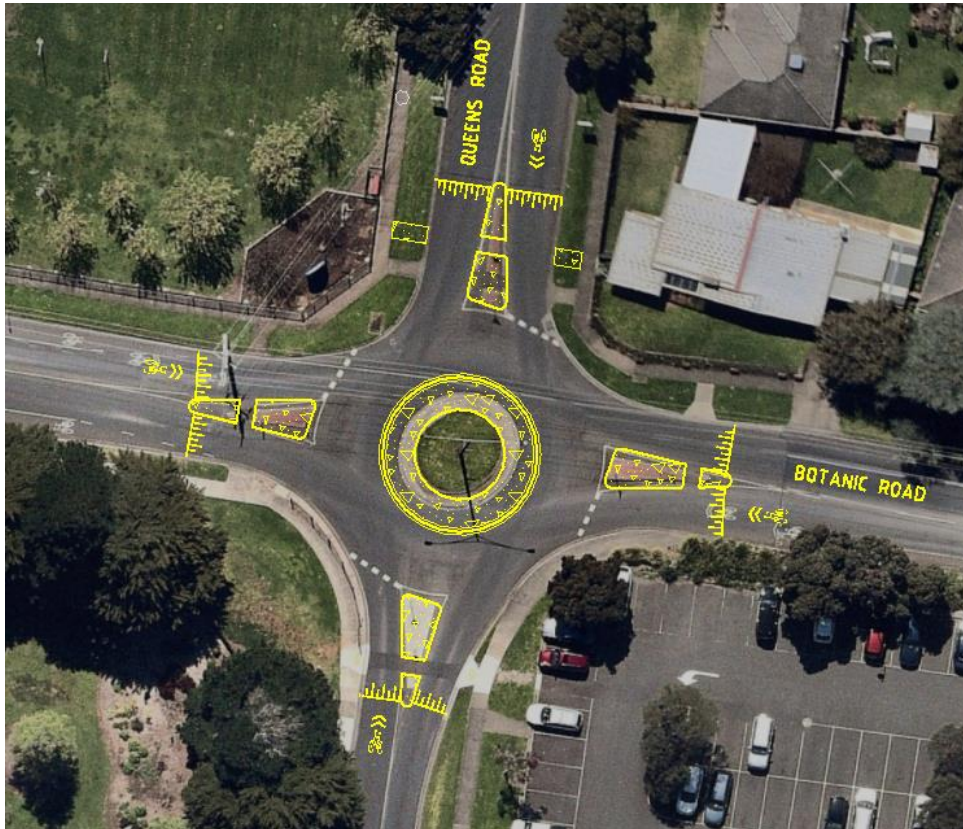


Figure 11: Botanic Road / Queens Road roundabout upgrade concept
(note enlarged central island and splitter islands, raised pavement and sharrow)



Photo 7: Indented parking – Merri Street near Annes Lane



Photo 8: Shared path



Photo 9: Separated bicycle lane



Photo 10: Pedestrian refuge



**EVERYONE WANTS TO GET WHERE THEY NEED TO IN A SAFE AND TIMELY WAY.
AS WARRNAMBOOL GROWS AND GETS BUSIER, THE CHALLENGE WILL BE HOW TO DO THIS.**

Activity	Outcomes	Output
Project information update on website Project Website – www.warrnambool.vic.gov.au/keeping-everyone-moving-inner-north under Public Spaces at www.warrnambool.vic.gov.au/public-spaces	Up-to-date fact sheet ready for presentation for information sessions	Fact Sheet
Information session- Councillors/EMT	Presentation of summary of project	Report
Media Release-	Defining the Botanic LATM, who has been involved, what it hope to achieve, invitation to give feedback	Information on Website Your Say Survey
Residents- flyer drop of invitation to give feedback via Your Say	Summary of project Invitation to make comment on Your Say	Letter Drop
Provide Link to Your Say for the following to distribute- Emmanuel College- Warrnambool PS- St Josephs PS- Aquazone- Friends of Warrnambool Botanic Gardens- St John of God Hospital- Buslines-		Email





WARRNAMBOOL
CITY COUNCIL

BOTANIC LOCAL AREA TRAFFIC MANAGEMENT PLAN (LATM) SUMMARY



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WHY A LATM?

Everyone wants to get where they need to in a safe and timely way. As Warrnambool grows and gets busier, the challenge will be how to do this. Warrnambool is piloting the Local Area Traffic Management Plan (LATM) approach where Council works with the community to develop cost effective solutions to complex traffic challenges.



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WHAT DO WE WANT IN WARRNAMBOOL?

Great Streets- which consider and balance the needs of people walking, cycling, driving and taking the bus. Streets which are designed to benefit everyone; older and younger people, people with limited mobility. Getting this right creates opportunities for social interaction, enabling the wider community to foster independence, social connection, safety and comfort for all.

The Botanic LATM aligns with the W2040 Community Plan:



People- Warrnambool has a safe and connected community



Place- Warrnambool prioritises and encourages sustainable transport



Environment- Zero Warrnambool- a “20 minute city”



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WHAT ARE THE CHALLENGES?

WHAT CHALLENGES ARE WE FACING?

- Space is limited in our streets and for parking
- More people want to go to the same places at the same time
- People are time-poor
- Our reliance on cars
- Some people don't feel safe walking or cycling
- Access to public transport

WHAT DOES THE BOTANIC LATM AIM TO DO?

- Address the travel challenges in collaboration with the people who work, live and go to school in the area:
 1. Improving safety of the road crossings
 2. Reducing speeds of traffic
 3. Improving congestion by dispersing traffic during peak times (Drop Off points, safe crossing to these locations)
 4. Filling gaps in the footpath network
- Be ready to take advantages of external funding opportunities
- Have solutions which are cost effective so can be implemented in a timely manner
- Create safer streets for all road users; especially those walking and cycling

WHO DID WE WORK WITH?

- DOT- Regional Roads Victoria
- Victoria Police
- Moynes Warrnambool Road Share
- Warrnambool Cycling Reference Group
- Emmanuel College
- Warrnambool PS-
- St Josephs PS-
- Aquazone-
- Friends of the Warrnambool Botanic Gardens-
- Residents 2 Pop-Up sessions Botanic Gardens- 32 residents attended
- St John of God Hospital-
- Discussion with the Buslines-
- Discussion with Emergency Services- Ambulance and Fire
- Discussion with Local Laws





Local Area Traffic Management Plan (LATM) approach has provided a suite of solutions which are cost effective to address the complex traffic challenges. These solutions will be supported by behaviour change programs, which will assist people to use the new infrastructure.

To ensure works are within the capacity of Council to achieve they have been weighted against the following criteria to focus our resources in the best way:

NETWORK AND ROAD SAFETY (40%)

How does the location fit into the road and footpath network. What are the real and perceived risks- including crash data, anecdotal evidence, and current infrastructure assessments.

LINKS TO EDUCATION FACILITIES (20%)

The distance from the location to the nearest education facility which is a driver of movement during peak times in the precinct.

LINKS TO SHOPS OR OTHER COMMUNITY FACILITIES (20%)

The distance from the location to the nearest shop or community facility- this includes open space, sporting facilities, off road trails and the Botanic Gardens.

COMMUNITY FEEDBACK (20%)

How the infrastructure issues were identified- by the community, by the consultant, from observations.

KEEP UP TO DATE

<https://www.warrnambool.vic.gov.au/keeping-every-one-moving-inner-north>



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BEHAVIOUR CHANGE

The LATM considers how people move through our streets, whether they walk, cycle or drive a car, we all want to get where we want to go safely.







The following behaviour change programs provide education and skills for everyone to share our streets.












TARGET AUDIENCE	PROGRAM	PARTNERS
Students- Primary School	HEALTHY MOVES program (Sustainable transport promotion, Road Safety)- current	WCC Warrnambool PS St Josephs PS Victoria Police VicHealth
Families-Schools	Change to Walking program (Safe Routes to School, Drop Off Points)- current	WCC Warrnambool PS St Josephs PS Emmanuel College Victoria Police Victoria Walks
Students- Secondary School	Ride2School (Bike Ed, Road Safety, Sustainable Transport, Routes to School)- current	WCC Emmanuel College Victoria Police Ride2School
Children travelling to sport	Bus Buddies- develop	Warrnambool PS St Josephs PS Warrnambool Buslines Warrnambool Stadium
Community Wide	It's a Two Way Street- ("walk, cycle and drive with respect and courtesy")- current	WCC Warrnambool Road Share Victoria Police Everyone



A PRECINCT APPROACH-

Rather than addressing each challenge individually the LATM approach takes a precinct approach. Balancing the travel needs of people who walk, cycling and drive. The following table reviews various infrastructure options which are cost effective.

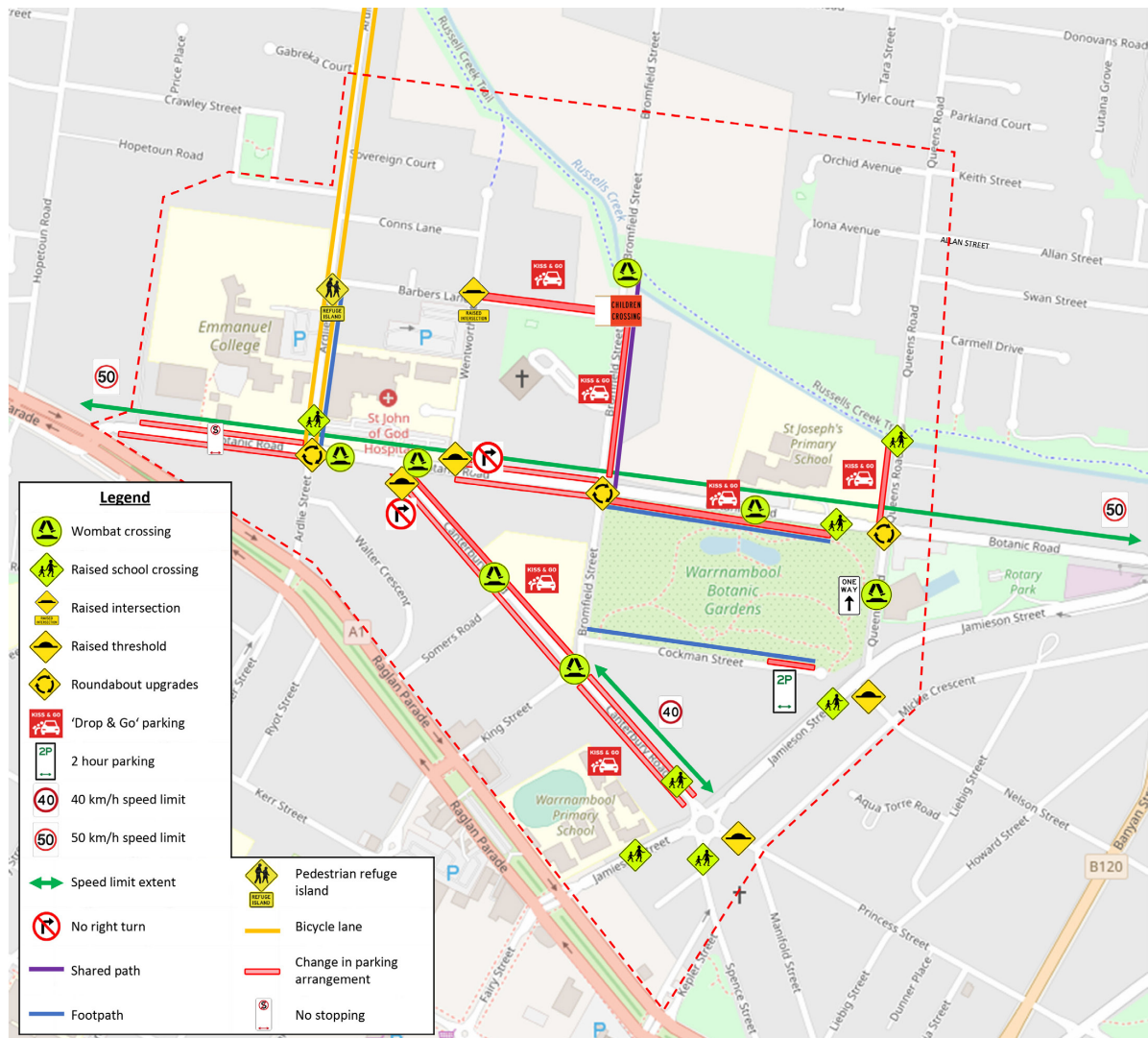
	ADVANTAGES	DISADVANTAGES	SAFETY BENEFIT	COST
Wombat Crossing Consists of a raised platform to the same level as the adjacent pedestrian footpaths, with Pedestrian Crossing (Zebra) pavement markings on top. Requires speed hump warning sign and 20km/h advisory speed sign. May include flashing lights and other warning signs such as children crossing if warranted This treatment gives priority to pedestrians at all times.	<ul style="list-style-type: none"> Effective at reducing vehicle speeds at crossing point Considered a Safe System treatment as it reduces crash severity Can be perceived as providing route continuity and coherence Enhances visibility of the pedestrian crossing Deterrent to through traffic 	<ul style="list-style-type: none"> More expensive than standard Pedestrian Crossing (Zebra) (construction, drainage etc.) May increase traffic noise May need modifications if on bus or freight routes Can be uncomfortable for cyclists to negotiate 		
Raised School Crossing- current school crossings in the precinct. Consists of a platform raised to the same level as the adjacent pedestrian footpaths. Requires speed hump warning, 20km/h advisory speed sign and red and white striped posts for children crossing flags. May include other warning signs, if warranted such as children crossing. Also includes stop lines for vehicles in advance of the crossing. Depending on location, this is usually accompanied by 40km/h school speed zones. This treatment give priority to pedestrians only when flags are displayed.	<ul style="list-style-type: none"> Considered a Safe System treatment as it reduces crash severity Effective at reducing vehicle speeds at crossing point Outside of school times this operates as a speed hump Positively perceived by parents May have better visibility than standard children's crossing Can be perceived as providing route continuity and coherence Deterrent to through traffic 	<ul style="list-style-type: none"> Does not give priority outside of school times May increase traffic noise May need modifications if on bus or freight routes Can be uncomfortable for cyclists to negotiate More expensive than standard children's crossing (construction, drainage etc.) Requires recruitment process for supervisors (and funding) 		
Raised Intersection Consists of a raised platform on the intersection and short length of approach roads. Requires speed hump warning, advisory speed sign and may include other warning signs, if warranted such as children crossing. May also need to be lit, depending on location.	<ul style="list-style-type: none"> Effective at reducing vehicle speeds at crossing point Considered a Safe System treatment as it reduces crash severity Raises awareness levels of drivers 	<ul style="list-style-type: none"> Can be expensive (construction, drainage etc.) Comfort level for commercial and heavy vehicles can be compromised Does not provide priority for pedestrians 		

Raised Threshold <p>Consists of a platform raised to the same level as the adjacent pedestrian footpaths. Requires speed hump warning sign, 20km/h advisory speed sign and may include other warning signs, if warranted, such as children crossing.</p> <p>This treatment does not give priority to pedestrians or cyclists.</p>	<ul style="list-style-type: none"> An important element for providing continuity of pedestrian/cycle paths Effective at reducing vehicle speeds at crossing point Considered a Safe System treatment as it reduces crash severity Deterrent to through traffic Pedestrians are more visible to drivers 	<ul style="list-style-type: none"> Does not give priority outside of school times May appear to paths users that they have priority May increase traffic noise Can be unpopular with local residents May need modifications if on bus or freight routes Can be uncomfortable for cyclists to negotiate 		
Drop Off Points <p>Parking restrictions that allow a two-minute (or similarly short time) stop to drop off children. Driver remains with the car. Must be accompanied by a standard no parking sign to give it legal force. May include indented parking.</p>	<ul style="list-style-type: none"> Requires indiscriminate parking and stopping to create a more orderly traffic environment Easy to install and low cost 	<ul style="list-style-type: none"> Encourages driving over active transport Relies on enforcement to be effective 		
Roundabout Upgrades <p>Raised platforms or speed cushions on approaches, central island enlargement and kerb realignment to reduce the speed of traffic approaching and travelling through roundabouts.</p>	<ul style="list-style-type: none"> Reduce vehicle speeds and therefore the likelihood and severity of crashes within roundabouts Improve safety for pedestrians using pedestrian crossing points Improve safety for cyclists riding through roundabouts Deterrent to through traffic 	<ul style="list-style-type: none"> Can be expensive (construction, drainage etc.) May need modifications if on bus or freight routes Reduced comfort level for motorists Can be uncomfortable for cyclists to negotiate (raised platforms) Noise 	<p>Site-specific</p>	
Shared Path <p>Wide paths shared by pedestrians and cyclists, separated from vehicular traffic.</p>	<ul style="list-style-type: none"> Improve Safety by separating vulnerable road users from vehicle traffic Can influence desire lines (ie. preferred routes), keeping pedestrians and cycling on safer routes and crossings Usually provides a more pleasant walking/riding experience, particularly through parks and other vegetated areas 	<ul style="list-style-type: none"> Can lead to conflict between cyclists and pedestrians Off-road sections could be perceived as less safe (eg. Stranger Danger) Very High Cost 		
On Road Bicycle Lane <p>Dedicated space for cyclists to the left of the traffic lanes, marked by signs and pavement markings.</p>	<ul style="list-style-type: none"> Provide space for cyclists to ride clear of moving traffic Easy to install and low cost 	<ul style="list-style-type: none"> Significant safety risk remain including car-dooring and vehicles encroaching the bicycle lane. 		
Separated Bicycle Lane (FUTURE PROJECTS) <p>Protect cyclists by positioning them between the parking or traffic lane and the footpath, with physical separation for through traffic and/or parked vehicles.</p>	<ul style="list-style-type: none"> Improve safety by preventing vehicular access to the bicycle lane and providing clearances of the opening of car doors. Generally provide a high level of service for cyclists and promote increased patronage on cycling routes (compare to unprotected on-road bicycle lanes) Maintain directness of travel and priority at intersections May be applied in urban areas where parking is prevalent or where there is insufficient space for an off-road path. 	<ul style="list-style-type: none"> Can be expensive (construction, drainage etc.) Frequent maintenance is required to ensure that they do not accumulate debris and litter Difficult to apply where there are frequent driveways or intersections Require more space than unprotected on-road bicycle lanes 		

Map 1.

Possible infrastructure changes to the local streets

The following map identifies opportunities to create Safer Streets for all road users.



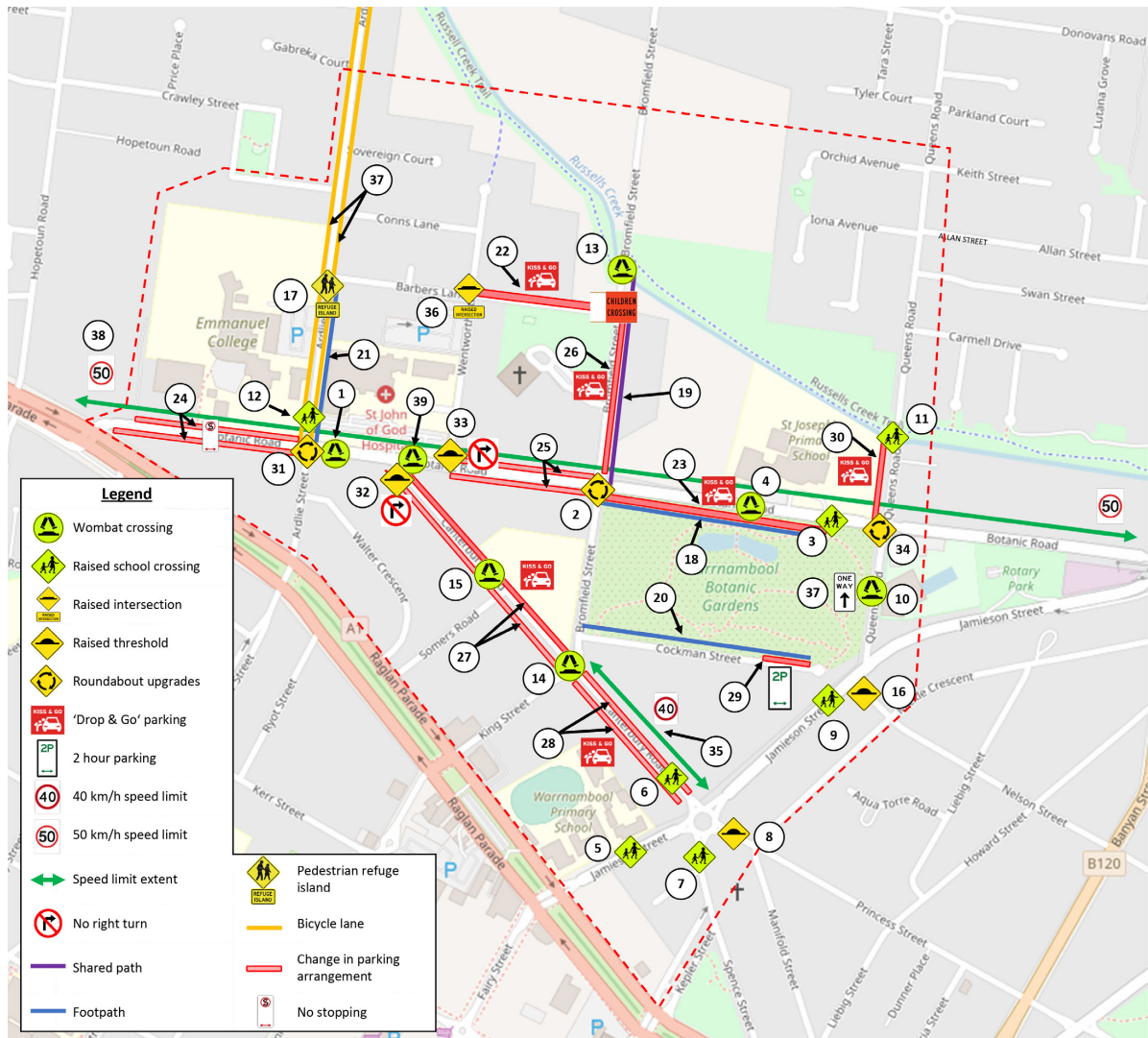
Map 2.






















Satellite Image of proposed changes























Map 3.

Map Register



Map	Icon	Road	Location	Treatment	Safety Benefits	2022 Cost	Possible External Funding	Network and Road Safety	Links to Education Facility	Link to Community Facility	Community Feedback	PPN	Priority
37		Queens Rd	Jamieson to Botanic Road	Investigate One Way	2	\$200	None	-	-	-	-	-	-
2		Botanic Rd	Bromfield St	Raised Platform on approaches. Enlarged central island and instal kerb outstands	5	\$250,000	Medium	5	5	5	3	2	6.6
34		Botanic Rd	Queens Rd	Raised Platform on approaches. Enlarged central island and instal kerb outstands	5	\$250,000	High	5	5	5	3	2	6.6
38		Botanic Road	Length	Implement 50km/h speed limit	5	\$1,000	Apply to DOT	5	5	5	3	2	6.6
32		Botanic Rd	Canterbury Rd	Raised threshold on Canterbury, Ban right turn from Canterbury to Botanic	2	\$45,000	Low	5	5	5	3	2	6.6
9		Jamieson St	South-west of Nelson St	Raised school crossing	5	\$90,000	Medium	5	5	5	3	2	6.6
10		Queens Rd	Midway between Jamieson St and Botanic Road	Wombat crossing	5	\$90,000	Medium	5	5	5	3	2	6.6
39		Botanic Rd	East of Canterbury Rd	Wombat crossing	5	\$90,000	Low	5	5	5	3	2	6.6
1		Botanic Rd	East of Ardlie St	Wombat Crossing to replace existing pedestrian refuge at Roundabout	5	\$100,000	Medium	5	5	5	3	2	6.6
1		Botanic Rd	Ardlie St	Wombat crossings on north/east leg of roundabout. Raised platform on approach, enlarged centre island.	5	\$250,000	Medium	5	5	5	3	2	6.6
-		-	Botanic Rd/Ardlie Street	Sharrows at roundabouts that do not have them	1	\$800	Low	5	5	5	2	2	6.4
			Botanic Road/Bromfield Street	Sharrows at roundabouts that do not have them	1	\$800	Low	5	5	5	2	2	6.4
			Canterbury Road/Bromfield Street	Sharrows at roundabouts that do not have them	1	\$800	Low	5	5	5	2	2	6.4
13		Bromfield St	Russell Creek Walking Trail	Wombat crossing	5	\$90,000	Medium	5	5	5	2	2	6.4
4		Botanic Rd	Between Bromfield St and Queens Rd	Wombat crossing	5	\$90,000	Medium	4	5	5	3	2	6.2
17		Ardlie St	South of Barbers Lane	Pedestrian Refuge. Wombat Crossing if Warrented	5	\$90,000	Medium	5	5	4	2	2	6.2
33		Botanic Rd	Wentworth St	Raised threshold on Wentworth. Ban right turn from Wentworth to Botanic	2	\$45,000	Low	4	5	5	2	2	6
21		Ardlie St	Botanic Rd to Barbers Lane	New footpath on east side	5	\$90,000	None	4	5	4	2	2	5.8
18		Botanic Rd	Bromfield St to bus stop west of Queens Rd	New footpath on south side	5	\$90,000	None	3	5	5	3	2	5.8
3		Botanic Rd	West of Queens Rd	Raised school crossing	5	\$90,000	Low	3	5	5	2	2	5.6
12		Ardlie St	North of Botanic Rd	Raised school crossing	5	\$90,000	Low	3	5	5	2	2	5.6
11		Queens Rd	Russell Creek Walking Trail	Raised school crossing	5	\$90,000	Low	3	5	5	2	2	5.6

Map	Icon	Road	Location	Treatment	Safety Benefits	2022 Cost	Possible External Funding	Network and Road Safety	Links to Education Facility	Link to Community Facility	Community Feedback	PPN	Priority
37		Ardlie St	North of Botanic Rd	On-road cycle lanes on Ardlie St north of Botanic Rd	1	\$2,800	None	3	5	5	2	2	5.6
30		Queens Rd	Botanic Rd to Russell Creek Trail	Implement 'Drop Off Point' indented parking zone on west side	1	\$5000 per bay	None	3	5	5	1	2	5.4
23		Botanic Rd	Bromfield St to bus stop west of Queens Rd	Indented parking on south side with 'Drop Off Point' restrictions	1	\$5000 per bay	None	3	5	5	1	2	5.4
25		Botanic Rd	Wentworth St to Bromfield St	Indented parking on both sides to stop parked vehicles obstructing the bike lanes	1	\$5000 per bay	None	3	5	5	1	2	5.4
26		Bromfield St	Botanic Rd to tennis courts	Drop Off LOOP being implemented by School at the Tennis Courts	1	\$5,000 per Bay	None	3	5	5	1	2	5.4
19		Bromfield St	Botanic Rd to Russell Creek Walking Trail	New shared path on east side	5	\$90,000	None	3	5	4	2	2	5.4
5		Jamieson St	Between Raglan Pde and Canterbury Rd	Raised school crossing	5	\$90,000	Low	3	5	3	2	2	5.2
24		Botanic Rd	Raglan Pde to Ardlie St	Ban parking to stop parked vehicles obstructing the bike lanes	1	\$500	None	1	5	5	2	2	4.8
14		Canterbury Rd	Bromfield St/King St	Wombat crossings on all legs of roundabout	5	\$432,000	Medium	5	5	5	3	0	4.6
8		Princess St	South-east of Jamieson St	Raised Platform or speed cushions at near existing crossing location	5	\$90,000	Low	5	5	5	2	0	4.4
35		Canterbury Rd	Jamieson St to King St	Implement 40 km/h speed limit	5	\$1,000	Apply to DOT	5	4	5	2	0	4.2
-		Barbers Lane	West side of Bromfield St	Retain existing raised threshold treatment	2	\$0	None	4	5	5	2	0	4
6		Canterbury Rd	North-west of Jamieson St	Raised school crossing	5	\$90,000	None	3	5	4	2	0	3.4
15		Canterbury Rd	Near Somers Rd	Wombat crossing	5	\$90,000	None	3	4	5	2	0	3.4
29		Cockman St	North side- 4 parks closest to Jamieson St.	Implement restrictions (eg. 2P at the first 4 carparks closest to the garden gates - Jamieson St) to deter all day parking	1	\$200	None	2	5	5	3	0	3.4
7		Spence St	South of Jamieson St	Raised school crossing	5	\$90,000	None	3	5	4	2	0	3.4
28		Canterbury Rd	Jamieson St to King St	Implement 'Drop Off Point' restrictions on one or both sides	1	\$5,000 per Bay	None	3	4	5	1	0	3.2
22		Barbers Lane	Wentworth St to Bromfield St	Indented parking on north side with 'Drop Off Point' restrictions	1	\$5,000 per Bay	None	3	5	4	1	0	3.2
36		Wentworth St	Barbers Lane	Raised intersection	2	\$45,000	None	2	5	5	2	0	3.2
27		Canterbury Rd	Botanic Rd to Emmanuel College	Indented parking on one or both sides with 'Drop Off Point' restrictions	1	\$5,000 per Bay	None	3	4	4	1	0	3
16		Nelson St	Jamieson St	Raised threshold crossing	2	\$45,000	None	2	4	5	2	0	3
20		Cockman St	Full length	New footpath on north side	5	\$110,000	None	1	4	5	2	0	2.6



LOCATION	RATIONALE	FEEDBACK
Emmanuel Loop from Hopetoun Rd to Botanic Rd	Reduce cars in the precinct, alleviate the need for parents to park in bus stop area	Council to have discussion with Emmanuel about this access. Part of the Master Plan?
Raglan Pde and Botanic Road	Vehicle Access to the precinct- complex intersection, no access across Raglan Pde intersection for people walking. Link to Aitkins Rd precinct (car and walking and cycling)	Already in discussion with VicRoads
Raglan Pde and Ardlie St	Vehicle Access to the precinct- complex intersection, access across Raglan Pde intersection for people walking. Link to Kerr St precinct (car and walking and cycling)	Already in discussion with VicRoads
Raglan Pde and Jamieson St	Possible Drop off in median strip- needs footpath to link parks to the traffic lights.	
Crossing on Moore st near Kiama Av.	Mortlake Road Roundabout does not provide safe access for residents living in the Cramer St area to get to the Russells Creek path walking or cycling	
Possible future access Bromfield St from North		Not going to happen in the short term
Donovan Rd and Queens Rd intersection.	Identified by several residents as a challenge to cross due to traffic volume, speed and concerns for safety of children	Included South Merri precinct plan
Heavy Vehicle movement	Review impact of infrastructure on heavy vehicle movement.	More investigation required
Queens Road one way between Botanic and Jamieson St	To improve the access for people moving from the Botanic Gardens to Aquazone	Traffic Review required to determine the impact



7.10. STATEMENT OF COMMITMENT TO GENDER EQUALITY

DIRECTORATE : Community Development

PURPOSE:

The report provides background to the Gender Equity Act 2020 and makes a recommendation that Council resolve to commit to gender equality through a Statement of Commitment to Gender Equality.

EXECUTIVE SUMMARY

The report provides background to the Gender Equality Act 2020 and the objects of the Act. It provides a summary of Warrnambool City Council's obligations under the Act; and provides statistics and background that supports a commitment to gender equality. It recommends that Council resolves to commit to gender equality through a Statement of Commitment.

MOVED: CR DEBBIE ARNOTT
SECONDED: CR ANGIE PASPALIARIS

That Council resolve to commit to gender equality through a Statement of Commitment to Gender Equality as per the attachment.

CARRIED - 7:0

BACKGROUND

The 2016 Royal Commission into Family Violence showed that Victoria needs to address gender inequality to all forms of violence against women.

In response, the Victorian Government released Victoria's first gender equality strategy, 'Safe and Strong', in December 2016. As part of Safe and Strong, the government committed to legislative change to promote gender equality. The Act is the result of extensive public and stakeholder consultation and reflects the views and experiences of the Victorian community.

The Gender Equality Act 2020 passed through Parliament in February 2020 the Department of Premier and Cabinet began work on implementation and established the Commission for Gender Equality in the Public Sector.

The objects of the Act are to:

- promote, encourage, and facilitate the achievement of gender equality and improvement in the status of women
- support the identification and elimination of systemic causes of gender inequality in policy, programs, and delivery of services in workplaces and communities
- recognise that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation, and other attributes
- redress disadvantage, address stigma, stereotyping, prejudice, and violence, and accommodate persons of different genders by way of structural change
- enhance economic and social participation by persons of different genders
- further promote the right to equality set out in the Charter of Human Rights and Responsibilities and the Convention on the Elimination of All Forms of Discrimination against Women

The Gender Equality Act 2020 promotes gender equality by:

- Requiring the Victorian public sector, local councils and universities to take positive action towards achieving workplace gender equality.
- Requiring these organisations to consider and promote gender equality in their policies, programs, and services.
- Establishing the Public Sector Gender Equality Commissioner to provide education, support implementation and enforce compliance.

Under the Act, Warrnambool City Council's obligations are to:

- develop and implement a Gender Equality Action Plan, which includes:
 - results of a workplace gender audit
 - strategies for achieving workplace gender equality

Council must also publicly report on their progress in relation to workplace gender equality

- promote gender equality in policies, programs and services that impact the public
- complete gender impact assessments.

A workplace Gender Equity Action Committee made up of staff members from across the organization has been working on delivering this plan with support from Croxford Consulting and Women's Health and Wellbeing Barwon Southwest. The report is due to be submitted to the Commission by the end of March.

ISSUES

Key statistics on violence against women in Australia:-

- On average, one woman a week is murdered by her current or former partner.
- 1 in 3 women has experienced physical violence since the age of 15.
- 1 in 5 women has experienced sexual violence since the age of 15.
- 1 in 3 women has experienced physical and/or sexual violence perpetrated by a man they know.
- 1 in 4 women has experienced physical or sexual violence by a current or former intimate partner since age 15.
- 1 in 2 women (53%) has experienced sexual harassment in their lifetime.
- Women are nearly three times more likely than men to experience violence from an intimate partner.
- Almost 10 women a day are hospitalised for assault injuries perpetrated by a spouse or domestic partner.
- Almost one in 10 women have experienced violence by a stranger since the age of 15.
- There is evidence that women with disability are more likely to experience violence. For example, women with disabilities in Australia are around two times more likely than women without disabilities to have experienced sexual violence and intimate partner violence.

The perpetration of men's violence against women is understood to be a manifestation of historically unequal power relations between men and women.

Warrnambool City Council's Gender Equality Action Plan (GEAP) will be the first plan developed by the Warrnambool City Council since the introduction of the Gender Equality Act 2020 and covers the period 2022 to 2026. The plan aims to address the imbalance of power relations between men and women.

Research shows that gender equity in the workplace leads to:

- improved productivity, economic and social outcomes
- improved engagement and wellbeing of staff
- enhanced ability of an organisation to attract talent and retain employees
- enhanced capacity to innovate and to solve complex problems during changing conditions; and
- enhanced ability to engage with Victoria's diverse community.

Warrnambool City Councillors have a key leadership role in committing to resource the delivery of the plan and to supporting initiatives and participating in National and Statewide campaigns that promote equity, diversity, and wellbeing.

The Gender Equality Act 2020 falls under the S5 Instrument of Delegation – Council to CEO. There is however a very important role for Council to:-

- ensure the Plan is adequately funded
- ensure strategic oversight of the Plan and be satisfied that the plans actions are moving to achieve the state outcomes
- support and participate in National and State-wide campaigns that promote equity, diversity, and wellbeing.

The Gender Equality Act 2020 outlines 10 principles of gender equality. As community and civic leaders Councillors might also consider endorsing a Commitment Statement to the principals of Gender Equity to signal to council staff and community the importance and priority that Council places on gender equity.

A draft Commitment Statement Gender Equality is attached – refer **Attachment 1**.

FINANCIAL IMPACT

A required obligation under the Act is to ensure that adequate resources are allocated to developing and implementing the GEAP.

The 2022/2023 budget recommends \$100,000 be committed to support the outcomes of the Warrnambool City Council Gender Equity Plan.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

The Gender Equality Act came into force on 31 March 2021 (part) and 1 July 2021. In addition to the Gender Equity Act the following pieces of legislation are also relevant in addressing equality, reducing discrimination and creating a fairer organisation:

- Fair Work Act 2002 (Cth);
- Equal Opportunity Act 2010 (Vic);
- Charter of Human Rights and Responsibilities Act 2006 (Vic);
- Sex Discrimination Act 1984 (Cth);
- Workplace Gender Equality Act 2012 (Cth);
- Occupational Health and Safety Act 2004 (Vic); and
- WCC Enterprise Bargaining Agreement No. 8 and future Enterprise Bargaining Agreements.

TIMING

N/A

COMMUNITY IMPACT/CONSULTATION

A public commitment to gender equality will draw attention of the impact of gender inequality and presents an important opportunity to influence policy, culture and attitudes across Warrnambool and South West Victoria.

LEGAL RISK/IMPACT

Nil

OFFICERS' DECLARATION OF INTEREST

Nil

CONCLUSION

The perpetration of men's violence against women is understood to be a manifestation of historically unequal power relations between men and women.

A public commitment to gender equality will draw attention of the impact of gender inequality and presents an important opportunity to influence policy, culture and attitudes across Warrnambool and South West Victoria.

ATTACHMENTS

1. DRAFT Gender equality commitment statement [7.10.1 - 1 page]

DRAFT Gender equality commitment statement

Warrnambool City Council is committed to gender equality. Warrnambool City Council commits to ensuring that all employees, regardless of their gender identity are treated with dignity, respect and fairness.

We are committed not simply to the idea of gender equality but to actions that will bring about equality that can be seen, measured and experienced by the people who work at Warrnambool City Council. [We will keep informed of these actions and their progress with structured reporting and communication across Warrnambool City Council.](#)

This Statement of Commitment commits to ensuring that gender equity is considered and prioritised in all current and future Council planning, policy, service delivery and practice, and to participating in regional, state and national initiatives that promote gender equality.

Achieving gender equality supports Council's aim that all forms of gendered violence against women and girls and persons of diverse sexual orientations and gender identities are eliminated.

Council commits that, further to our Council Plan 2021 -2025 and our Councillor Code of Conduct 2021, we are committed to the principles that are at the core of the Gender Equality Act.

These principles are:

- (1) All Victorians should live in a safe and equal society, have access to equal power, resources and opportunities and be treated with dignity, respect and fairness.
- (2) Gender equality benefits all Victorians regardless of gender.
- (3) Gender equality is a human right and precondition to social justice.
- (4) Gender equality brings significant economic, social and health benefits for Victoria.
- (5) Gender equality is a precondition for the prevention of family violence and other forms of violence against women and girls.
- (6) Advancing gender equality is a shared responsibility across the Victorian community.
- (7) All human beings, regardless of gender, should be free to develop their personal abilities, pursue their professional careers and make choices about their lives without being limited by gender stereotypes, gender roles or prejudices.
- (8) Gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes.
- (9) Women have historically experienced discrimination and disadvantage on the basis of sex and gender.
- (10) Special measures may be necessary to achieve gender equity.

7.11. WARRNAMBOOL LEARNING AND LIBRARY HUB - AGREEMENTS**DIRECTORATE : Community Development**

PURPOSE:

This report provides information on operational agreements with SWTAFE and seeks delegation for the CEO to enter into the necessary agreements, as well as any other ancillary matters, to ensure the effective completion and opening of the library.

EXECUTIVE SUMMARY

This report provides background on the Agreements required to enter into a property licence and service level agreement with SWTAFE for the new Learning and Library Hub.

It provides a summary of the key commitments included in the Agreements.

It seeks Council's delegation for the CEO to enter into such agreements, as well as any other ancillary matters, to ensure the effective completion and opening of the library.

MOVED: CR VICKI JELLIE

SECONDED: CR BEN BLAIN

That the CEO be delegated the authority to enter into the necessary agreements, as well as any other ancillary matters, to ensure the effective completion and opening of the library.

CARRIED - 7:0

BACKGROUND

In 2014 Council endorsed the proposed joint use library project, developed in partnership with SWTAFE.

In 2019 a Business Case for a new library was finalised and subsequently funded by the Victorian State Government with a \$16.25million contribution with \$2.75million contribution from Warrnambool City Council and \$370,000 philanthropic contribution.

A Memoranda of Understanding to enter into a joint project was signed in 2019.

A Project Delivery Agreement that committed Council to the construction project was signed in 2020.

Construction is well under way and is expected to be completed by September 2022.

The operation of the library as a joint public and TAFE library will be the responsibility of Warrnambool City Council. The building will remain the property of SWTAFE under licence to Warrnambool City Council for a 30 year term, at peppercorn rent. The Agreements that form the basis of the arrangements between SWTAFE and Warrnambool City Council are an Occupancy and Operation Agreement and a Library Services Agreement (or Service Level Agreement). Council and SWTAFE have been in negotiation around the terms of these documents for many months but are now close to reaching agreement.

As part of the original Business Case and the MOU, SWTAFE will contribute \$359,000 plus CPI towards the operational cost of the library service.

ISSUES

Delegation to enter in Agreement

Given the value of the contract and the length of term of the contract delegated authority from Council is required for the CEO to enter into these Agreements as well as any other ancillary matters to ensure the effective completion and opening of the library.

Occupancy and Operating Agreement – Summary of key terms and objectives

The parties acknowledge and agree that their objectives in entering into this Occupation and Operating Licence are:

- a) to provide for the Permitted Use of the Hub and the Site by Council, Council's Personnel and the Municipal Community; (*permitted use being for the delivery of library services*)
- b) to create a framework for the effective and mutually beneficial operation and maintenance of the Hub by Council in accordance with the Library Services Agreement;
- c) to ensure the Hub is used, operated and maintained safely, and in accordance with all relevant Laws; and
- d) to achieve these joint objectives through a culture of mutual respect, cooperation and good faith.

The parties must exercise all of their obligations under this Occupation and Operating Licence in furtherance of these objectives.

The Terms specify that Council must:

- a) perform all its activities under this Occupation and Operating Licence safely so as to protect persons and property;
- b) use the Site and the Hub in an appropriate manner and keep the Site and Hub in good condition except for fair wear and tear including carrying out any repairs or maintenance to any superficial damage to the inside of the Hub in accordance with ***Annexure C**.
- c) at its own cost, comply with all relevant Laws in relation to Council's rights and obligations under this Occupation and Operating Licence;

It is expected that ***Annexure C** will specify that:

- Council will be responsible for the maintenance and renewal of internal fixtures, fitting and furnishings.
- SWTAFE will be responsible for the maintenance and renewal of structural and mechanical services.

The initial term is specified as 30 years from commencement date.
Licence fee is specified as \$10.00 per annum if demanded.

Library Services Agreement – – Summary of key terms and objectives

This Agreement sets out the nature and extent of the services which Council will provide to SWTAFE (and its students and staff) from the Learning and Library Hub.

The Agreement states that Council agrees to operate the library, including the delivery of the Services for SWTAFE staff and students. The Hub will be accessible by all Members regardless of being a Municipal Community Member or a TAFE Member.

The Terms specify that the Council operated service:

- a) will be accessible to students and staff of SWTAFE and the Municipal Community during the opening hours and out of hours as agreed to by both Parties in writing;
- b) is managed by the Library Manager, and staffed by persons employed by Council;

- c) has a collection of books and other materials (whether in print, audio, audio-visual, digital or other form) which are available for loan and use by SWTAFE students and staff and Municipal Community; and
- d) will provide a range of programs and services to the Municipal Community and visitors; and
- e) provides SWTAFE library services for staff and students as set out in ***Schedule B**.

***Schedule B** outlines basic TAFE library services limited to the extent that they are currently provided.

Council will enter into an operating licence for area detailed in the Occupation and Operating Licence as the Skills and Jobs Centre with SWTAFE

Council will manage the sublet of the Café at the Learning and Library Hub through a qualified service provider and if possible, Council and SWTAFE will undertake a joint procurement process to select the café vendor which would ideally see that same vendor be appointed to the café in the Hub and the existing café within SWTAFE (SWTAFE Café).

FINANCIAL IMPACT

The Agreements commit Council to the ongoing delivery of TAFE library services for the term of the Agreement.

The Agreements commit Council to receive \$359,000 per annum plus CPI from SWTAFE for the term of the Agreement.

The Agreements stipulate that the cost to Council to enter into the Occupancy Agreement (Property Licence) is \$10 per annum, if demanded.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

5.1 Leadership and governance: Council will be a high-functioning team committed to respectful relationships, collaboration and ongoing engagement. It will provide strong, effective leadership, sound governance and informed decision-making

5.5 Organisational and financial sustainability: Council will ensure organisational and financial sustainability through the effective and efficient use of Council's resources and assets.

TIMING

The Agreements are expected to be finalised in coming weeks.

COMMUNITY IMPACT / CONSULTATION

n/a

LEGAL RISK / IMPACT

Nil

OFFICERS' DECLARATION OF INTEREST

Nil

CONCLUSION

While Council has already committed to the operation of the occupancy and operation of the library through previous agreements, approval and delegation is sought to enter into the ongoing contractual and financial agreements as required to ensure the effective completion and opening of the library.

ATTACHMENTS

Nil

7.12. INFORMAL MEETINGS OF COUNCIL REPORTS

PURPOSE

The purpose of this report is to provide Council with copies of Informal Meetings of Council (previously known as “Assembly of Councillor Records”) as previously required under section 80A(2) of the Local Government Act 1989.

BACKGROUND INFORMATION

Section 80A(2) of the Local Government Act 1989 required the record of an Assembly of Councillors to be reported at an ordinary Council meeting.

Assembly of Councillor Records are no longer a requirement in the Local Government Act 2020 as of 24 October 2020. However, under Council’s Governance Rules, a summary of the matters discussed at the meeting are required to be tabled at the next convenient Council meeting and recorded in the minutes of that Council meeting.

REPORT

The record of the following Informal Meetings of Council are enclosed:-

- Monday 14 February 2022 – refer **Attachment 1**
- Monday 21 February 2022 – refer **Attachment 2**
- Monday 28 February 2022 – refer **Attachment 3**

ATTACHMENTS

1. Assembly of Councillors Record 14 February 2022 [7.12.1 - 2 pages]
2. Assembly of Councillors Record 21 February 2022 [7.12.2 - 2 pages]
3. Assembly of Councillors Record 28 February 2022 [7.12.3 - 2 pages]

AMENDMENT

MOVED: CR BEN BLAIN
SECONDED: CR VICKI JELLIE

On the record of the 28 February there is “RO” Ziegeler and I would like the “O” knocked out.

The Amendment then became the motion.

That the record of the Informal Meetings of Council held on 14, 21 and 28 February 2022 be received, with the proposed amendment.

CARRIED - 7:0

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	14 February 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch- Virtual via Zoom platform Cr. D. Arnott Cr. B. Blain Cr. V. Jellie AM Cr. A. Paspaliaris Cr. M. Taylor
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Lauren Schneider, Co-ordinator Natural Environment Luke Coughlan, Acting Manager City Strategy & Development Nicole Wood, Travel Smart Officer Ali Kemp, Manager Recreation & Culture Julie Anderson, Manager Governance, Projects, Property & legal Aaron Huttig Manager Facilities and projects Petr Mc Ardle Acting manager City Amenity Ashish Sitoula Manager Strategic Community Planning & Policy
Other persons present:	Josh Chikuse, Parks Victoria Michael Smith, Parks Victoria Rob Croxford, Croxford Consulting Emma Mahoney, CEO Women's Health & Wellbeing Barwon South West
Apologies	
Matters Considered:	<ul style="list-style-type: none"> • Belfast Coastal Reserve Management Plan Review • TAC Funded Botanic LATM Project • Gender Equity Action Plan 2022-2026 • Capital Projects Report Quarter 2 – 2021-2022 • Waste Strategy Adoption • McGennan's Car Park Change facilities • Naming of new Pavilion at Reid Oval redevelopment • Warrnambool Livestock Exchange – Financing Options • Council Plan and Council Budget community consultation
Other Matters Considered	<ul style="list-style-type: none"> • Mayoral debrief of State Parliament • Foreshore facility issues • Liaison with Senior citizens re occupancy discussions • Crisis accommodation issues in the city • Staff councillor protocol interactions • Future economic development update requested • Local amenity issue regarding soil processing • Update requested on future joint council meeting requested
Councillor Conflicts of interest Disclosures:	
Councillor /officer Name	

<ul style="list-style-type: none">• Cr. Vicki Jellie AM – TAC Funded Botanic LATM Project – General Conflict – Left the room during this item.	
Meeting close time:	7:05pm
Record Completed by:	Peter Utri Director Corporate Strategies

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	21 February 2022
Time Meeting Commenced:	2:59pm
Councillors in Attendance:	Cr. D. Arnott - Chairman Cr. O. Akoch Cr. B. Blain (entered meeting at 3:12pm) Cr. A. Paspaliaris Cr. M. Taylor
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Julie Anderson, Manager Governance, Projects, Property & Legal Luke Coughlan, Manager Strategic Planning and Development (3:30pm - 4:19pm) James Phillips, Coordinator Statutory Planning (3:30pm - 4:19pm)
Other persons present:	Adam Bester, CEO, Glenelg Hopkins CMA Chris Solum, Executive Manager Waterways, Glenelg Hopkins CMA Steve Ryan, Senior Waterways Officer, Glenelg Hopkins CMA
Apologies	Cr. Richard Ziegeler Cr. Vicki Jellie AM
Matters Considered:	<ul style="list-style-type: none"> GHCMA Presentation Waterway catchments (<i>Merri River and Bromfield Weir</i>) (3:01-3:38pm) Dart & Marlin Application to Amend Permit PP2015-0185 (3:38-4:00pm) Planning Permit PP2021-0233, 127-145 Fairy Street, Warrnambool (4:00pm-4:19pm) Foreshore Carnival (4:19-4:23pm) Local Councils Outdoor Eating & Entertainment Package update & COVID Safe Outdoor Activation Fund (4:23-4:40pm) Upgrades to unsealed roads and laneways in urban areas (4:40pm-4:49pm) Naming of new pavilion at Reid Oval redevelopment (4:49-4:52pm) Mayoral diary update (4:52-4:53pm)
Other Matters Considered	<p>Items Raised by Councillors (4:53pm-5:29pm)</p> <p>Cr Paspaliaris –</p> <ul style="list-style-type: none"> facility naming - Wolves traffic flow report for the CBD <p>Cr Taylor</p> <ul style="list-style-type: none"> CRM - Development 159 Mortlake Road CRM - Reid Oval old practice nets investigated request. <p>Cr Akoch</p> <ul style="list-style-type: none"> Potential for disability swing - following up on this matter <p>Cr Arnott</p>

	<ul style="list-style-type: none"> Colts Cricket - CRM on Country Cricket week RE cleanliness of toilet facilities. <p>Cr Blain</p> <ul style="list-style-type: none"> Glass trial bin recipients have not had their red bins replaced as yet. MP visits questions and Councillor attendance CEO attendance at Japanese Ambassador Birthday Reporting of data breach from last week Commonwealth Games <p>CEO Update (5:29- 5:38pm)</p> <ul style="list-style-type: none"> Lift at Pavilion Commitment statement for Councillors on Gender Equity Gender Equity information request.
Councillor Conflicts of interest Disclosures:	
Councillor /officer Name	
<ul style="list-style-type: none"> Nil. 	
Meeting close time:	5:38pm
Record Completed by:	Julie Anderson, Manager Governance, Property, Projects and Legal

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	28 February 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. D. Arnott Cr. O. Akoch Cr. B. Blain Cr. V. Jellie, AM Cr. A. Paspaliaris (arrived at 3:10pm) Cr. M. Taylor
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Julie Anderson, Manager Governance, Projects, Property & Legal (entered meeting at 3:34pm) Ali Kemp, Manager Recreation & Culture (left meeting at 3:45pm) Lauren Schneider, Co-ordinator Natural Environment (3:35 – 3:50pm) James Phillips, Co-ordinator City Development (3:35 – 4:17pm) Julie McLean, Co-ordinator City Strategy (4:02 – 4:22pm) David Harrington, manager Financial Services (4:18 – 4:53pm) Nick Higgins, Manager Communications (4:25 – 5:08pm)
Other persons present:	Nil
Apologies	Nil
Matters Considered:	<ul style="list-style-type: none"> Activities & Initiatives 2021-2022 : October- December (Quarter2) Statement of Commitment to Gender Equity Warrnambool Learning & Library Hub Agreements Small Infrastructure Fund Project Update – Warrnambool BMX Track upgrade Middle Island Project Committee Appointment of Community Representative - CONFIDENTIAL Planning Application PP2021-0197 – KFC Convenience restaurant Rezoning Request – 119 Bridge Road, Bushfield January 2022 Monthly Finance Report Customer Service and Community Engagement Report
Other Matters Considered	<ul style="list-style-type: none"> Onsite inspection of McGennans Car Park North and South of the Merri Precinct plans for footpaths Saleyards design and construction for roof tender has gone out Commonwealth Games media Food and Fibre Great South Coast International Women's Day invitation
Councillor Conflicts of interest Disclosures: Nil	
Councillor /officer Name	
<ul style="list-style-type: none"> Nil 	
Meeting close time:	5:28pm
Record Completed by:	Julie Anderson

	Manager Governance, Projects, Property & Legal
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7.13. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT**PURPOSE**

This report summarises Mayoral and Chief Executive Officer Council activities since the last Ordinary Meeting which particularly relate to key social, economic and environmental issues of direct relevance to the Warrnambool community.

REPORT

Date	Location	Function
8 February 2022	Warrnambool	Chief Executive Officer – Virtual meeting of the Deakin University Warrnambool Clinical School & Western Victoria Regional Training Hub – Community Advisory Board.
10 February 2022	Melbourne	Mayor & Chief Executive Officer - SouthWest Victoria Alliance Group meetings in Melbourne with various politicians regarding the regional priorities 2021/22.
11 February 2022	Camperdown	Chief Executive Officer – South West Victoria Alliance CEO's meeting.
15 February 2022	Hamilton	Mayor & Cr Blain - Attended the Great South Coast Food & Fibre – Sustainable Water Forum held in Hamilton.
17 February 2022	Warrnambool	Mayor & Chief Executive Officer – Regional Cities Victoria meeting – virtual.
18 February 2022	Melbourne	Chief Executive Officer – Japanese Consul-General reception for Emperor of Japan's 62 nd Birthday.
	Warrnambool	Chief Executive Officer – Hon. Gayle Tierney PM Learning & Library Hub development visit and Warrnambool Advocacy Plan discussion.
19 February 2022	Warrnambool	Deputy Mayor – Presentation at the finish of the Melbourne to Warrnambool Cycling Road.
25 February 2022	Port Campbell	Mayor & Chief Executive Officer – Tourism roundtable with The Hon. Dan Tehan MP, Member for Wannon and Minister for TRADE, Tourism and Investment and Managing Director Tourism Australia, Ms. Phillipa Harrison.
26 February 2022	Port Campbell	Mayor & Chief Executive Officer – Great South Coast Group (SouthWest Victoria Alliance) Board meeting.
	Warrnambool	Mayor & Chief Executive Officer – Official visit to Flagstaff Hill by Portuguese Ambassador to Australia, His Excellency Mr Antonio Pedro Rodrigues da Silva.
27 February 2022	Warrnambool	Mayor & Chief Executive Officer – Portuguese Festival Gala dinner.
		Mayor & Chief Executive Officer - Portuguese Festival.

MOVED: CR DEBBIE ARNOTT

SECONDED: CR VICKI JELLIE

That the Mayoral & Chief Executive Officer Council Activities – Summary Report be received.

CARRIED - 7:0

8. NOTICE OF MOTION

No Notices of Motion have been received.

9. GENERAL BUSINESS**9.1 CR. BLAIN**

- a) The trial area of the glass bins – when that was first rolled out, I think it was 2 years ago, received new lids and everyone else as we have rolled it out across the City has received new bins, so why hasn't the trial area had their bins replaced?

The Director City Infrastructure advised that as was explained at the Informal Meeting, that should have happened and we have taken it up with the contractor and it is being rolled out as we speak with the new bins to be rolled out and some communication provided to each resident that they leave their bin out to be replaced with a new bin.

- b) On 1/2/2021, this motion was moved *"That Council adopts the revised Street Tree Planting and Management Policy & associated Guidelines and that Council commits to a review of the policy within 12 months"*. It is interesting seeing the articles that have been going on recently, especially in relation to Mr Hulin about the trees. It has been over 12 months, we are in March now and the motion was very clear. I did question this Monday night and it was made clear that we were struggling to have the resources in order to complete this work and then a few days I had the CEO who emailed me and said it could be done so I am just asking the CEO why hasn't this been done already and when will this work be completed.

The Chief Executive Officer responded that the work was resolved by Council back in February 2021 and the advice that I was given is that there were some resourcing issues in relation to that matter and some staff changes. After the meeting on Monday, I had a meeting with the Director City Infrastructure and we worked out a plan so that we can have this done and completed by May.

10. URGENT BUSINESS

Nil.

11. CLOSE OF MEETING

The meeting closed at 7.29pm.

CHAIRMAN

I certify that these minutes were confirmed at a subsequent meeting of Council.

**CR. VICKI JELLIE AM
MAYOR**