MINUTES

SCHEDULED COUNCIL MEETING
WARRNAMBOOL CITY COUNCIL
5:45 PM - MONDAY 6 DECEMBER 2021

WARRNAMBOOL
CITY COUNCIL

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 ORDINARY MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN THE LIGHTHOUSE THEATRE STUDIO, LIGHTHOUSE THEATRE, TIMOR STREET, WARRNAMBOOL ON MONDAY 6 DECEMBER 2021 COMMENCING AT 5:45 PM

PRESENT:
Cr. Richard Ziegeler, Mayor/Chairman
Cr. Otha Akoch
Cr. Debbie Arnott
Cr. Ben Blain
Cr. Vicki Jellie, AM
Cr. Angie Paspaliaris
Cr. Max Taylor

IN ATTENDANCE:
Mr Peter Schneider, Chief Executive Officer
Mr Peter Utri, Director Corporate Strategies
Mr David Leahy, Director City Infrastructure
Mr Andrew Paton, Director City Growth
Ms. Jodie McNamara, Acting Director Community Development
Ms. Julie Anderson, Manager Governance Property & Projects
Ms. Wendy Clark, Executive Assistant

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, present and emerging.

2. APOLOGIES

Nil.

3. CONFIRMATION OF MINUTES

MOVED: CR MAX TAYLOR
SECONDED: CR VICKI JELLIE

That the Minutes of the Scheduled Council Meeting held on 1 November 2021, 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. Paspaliaris Item No. 7.11 – Tender- Supply and Installation of Solar Panels -. Direct Interest.

5. MAYORAL PRESENTATION

- It was a big weekend starting on Friday with the Mayoral duties which involved quite bit of activity especially around the Friendly Societies area.
- There were a lot of people there at the Warrnambool Gift which I attended and presented trophies.
- An even bigger event at the Showgrounds with the Warrnambool Rodeo – 4,200 people turned up there; people enjoyed themselves; there were some protestors. There were very few incidents, there was one man that was injured as I understand, an elderly gent who as part of the crew that was entertaining the audience.
- On Sunday there was the Celebrage at the Art Gallery which Cr Jellie and myself attended, another very interesting presentation. A presentation was made to recognize the efforts in the community of our good friend Uncle Locky Eccles who was recognized for his efforts in the community and for his efforts especially in terms of revitalizing local Aboriginal languages.
- In terms of Warrnambool it was a great weekend for tourists, a great weekend for the weather.
- It was a very special weekend it shows that a way of living with Covid has shown itself and we are making the most of it.

6. PUBLIC QUESTION TIME

Nil.

7. REPORTS

7.1. CEO EMPLOYMENT AND REMUNERATION POLICY

DIRECTORATE : Executive Services

PURPOSE:

The purpose of this report is to present the amended CEO Employment and Remuneration Policy and the CEO Employment Matters Advisory Committee Terms of Reference to Council for consideration.

EXECUTIVE SUMMARY

The CEO Employment and Remuneration Policy is a requirement under section 45 of the Local Government Act 2020

The CEO Employment and Remuneration Policy outlines the role of a CEO Employment Matters Advisory Committee is supporting the Council with the development and monitoring of the CEO Performance Plan.

Due to proposed changes to the membership structure of the CEO Employment Matters Advisory Committee, a review of both the Policy and the Committee's Terms of Reference was triggered.

The amended Policy and Committee Terms of Reference are now presented to Council for consideration and they are recommended for adoption.

MOVED: CR VICKI JELLIE
SECONDED: CR BEN BLAIN

That Council:

1. **Adopt the CEO Employment and Remuneration Policy as at Attachment 1; and**
2. **Adopt the CEO Employment Matters Advisory Committee as at Attachment 2.**

CARRIED - 7:0

BACKGROUND

Section 45 of the Local Government Act 2020 requires Councils to develop, adopt and keep in force a CEO Employment and Remuneration Policy.

The Act states that:

A Chief Executive Officer Employment and Remuneration Policy must—

(a) provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and
(b) provide for the following—
(i) the recruitment and appointment process;
(ii) provisions to be included in the contract of employment;
(iii) performance monitoring;
(iv) an annual review; and
(c) include any other matters prescribed by the regulations.

Within the Policy, and to assist the Council with the above listed requirements, a CEO Employment Matters Advisory Committee is provisioned. The Committee is designed to support the Council and CEO in ensuring fair and reasonable performance planning and monitoring.

A proposed changed to the membership structure of the CEO Employment Matters Advisory Committee triggered a review of both the Policy and the Committee's Terms of Reference as both contained information relating to membership of the Committee.

Along with changes to membership sections of both documents, the opportunity has been taken to review the entirety of both documents with additional information and minor adjustments made to improve the Policy and Terms of Reference.

ISSUES

The proposed changes to the membership of the CEO Employment Matters Advisory Committee has triggered the review of both the CEO Employment and Remuneration Policy and the Committee's Terms of Reference. If no change to the membership is adopted by the Council, these amendments to the appendix's documents will need to be corrected prior to adoption.

FINANCIAL IMPACT

Nil.

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

TIMING

The Officer's Report appointing Councillors to Committees is being presented to the 6 December 2021 Council Meeting. In accordance with the proposed changes to the CEO Employment Matters Advisory Committee, the CEO Employment and Remuneration Policy and the Committee's Terms of Reference are also being presented at the 6 December 2021 Council Meeting.

COMMUNITY IMPACT / CONSULTATION

Nil.

LEGAL RISK / IMPACT

Nil.

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

The CEO Employment Matters Advisory Committee Terms of Reference and the CEO Employment and Remuneration Policy have been amended and are now put to Council for their consideration. Officers recommended the adoption of both documents.

ATTACHMENTS

1. DRAFT - Chief Executive Employment and Remuneration Policy - Nov 2021 [**7.1.1** - 10 pages]
2. DRAFT CEMAC Terms of Reference ToR November 2021 [**7.1.2** - 3 pages]

WARRNAMBOOL
CITY COUNCIL

CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY

APPROVAL DATE: **December 2021**
REVIEW DATE: **December 2023**

CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

DOCUMENT CONTROL

Document Title:	*Chief Executive Employment And Remuneration Policy*
Policy Type:	*Council*
Responsible Branch:	*Governance & Property*
Responsible Officer:	*Manager Governance, Property, Projects and Legal*
Document Status:	*ADOPTED*
Approved By:	*Council*
Adopted Date:	*December 2021*
Review Date:	*December 2023*

CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

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CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

1. INTRODUCTION

1.1. PURPOSE

The Council is responsible for the appointment of the Chief Executive Officer ('the CEO'), determining the CEO's Performance Plan, assessing the CEO's performance against that plan and determining the remuneration of the CEO.

This policy has been developed to assist Council in fulfilling its responsibilities relating to the Chief Executive employment and performance matters and to fulfil the requirements of the Local Government Act ('the Act').

This policy, in accordance with section 45 of the Local Government Act 2020, provides for:

- The recruitment and appointment of the Chief Executive Officer;
- Provisions included in and approval of the Contract of Employment entered into between the Council and the Chief Executive Officer;
- The monitoring of the Chief Executive Officer's performance both ongoing and the annual review;
- The appointment of an Acting Chief Executive Officer for periods over 28 days;
- The provision of independent professional advice in relation to matters dealt with in the Policy;
- Determining the Chief Executive Officer's remuneration.

The Council recognises the importance of having sound governance practices and systems for the employment of a CEO so as to apply good governance, transparency and fairness in all matters relating the employment, management and remuneration of the CEO.

1.2. SCOPE

This policy applies to the employment of the CEO, including activities involving the Chief Executive Officer Employment Matters Advisory Committee and any independent consultation undertaken in relation to matters dealt with under this policy.

In the event of any inconsistency between this policy and the CEO's Contract of Employment, the provisions of the Contract of Employment shall prevail to the extent of the inconsistency.

In accordance with section 45(3) of the Local Government Act 2020, the Council has given regard to any Determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 relating to remuneration bands for executives employed in public service bodies in the development of this Policy.

1.3. DEFINITIONS

Term	Definition
Act	Local Government Act 1989 and/or the Local Government Act 2020
CEO	Chief Executive Officer
CEEMAC / Committee	Chief Executive Officer Employment Matters Advisory Committee
Council	Warrnambool City Council

CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

Observer	Observers may be at a meeting "in attendance", or "by invitation". As they are not Committee members, observers do not have voting rights and do not normally have speaking rights (though the Chair may invite them to speak in appropriate circumstances).
Recruitment Consultant	Consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles

1.4. REFERENCES

Category	Document
Legislation	Local Government Act 2020 Improving Parliamentary Standards Act 2019
Australian Standards / Guidelines	Victorian Government Public Entity Executive Remuneration Policy (PEER policy)
Related Policies/Procedures	CEO Employment Matters Committee – Terms of Reference.

2. POLICY

Principles

The Council will carry out its functions relating to the appointment, remuneration and performance appraisal of the CEO in accordance with a number of leading practice principles:

- Decision-making processes that are fair, accessible and applied consistently in comparable circumstances;
- Decision-making criteria that are relevant, objective and transparent;
- Decisions and actions that are conducive to ongoing good governance;
- Documentation that is sufficiently clear and comprehensive to render decisions transparent and capable of effective review;
- Employment decisions, including the reappointment of the incumbent CEO under a new Contract of Employment, that are based on the proper assessment of an individual's work related qualities, abilities and potential against the genuine requirements of the role;
- Decisions to appoint a new CEO are based on competitive selection and open processes;
- Remuneration that is fair, reasonable and competitive having regard for market forces and Council's financial position.

The responsibility for assisting the Council with its obligations regarding CEO employment and performance matters shall be delivered through the establishment of a CEO Employment Matters Advisory Committee and supported by the Manager Governance, Property, Projects and Legal.

CEO EMPLOYMENT MATTERS ADVISORY COMMITTEE

The Council shall establish an Advisory Committee to be known as the CEO Employment Matters Advisory Committee (the Committee).

CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

Role

The Committee's role is to assist and advise the Council on matters including:

- Recruitment of the CEO;
- Determining the Performance Plan of the CEO;
- Monitoring the CEO's achievement of the Performance Plan; and
- Preparing an Annual Review Report on the CEO's performance and key terms of employment.

Membership

The membership of the Committee will comprise an Independent Chair, the a majority of Councillors, as determined by the Council in accordance with the Committee Terms of Reference.

Observers

Any Councillor who is not a member of the Committee, may, subject to the consent of the Independent Chair, attend a meeting of the Committee as an Observer.

CEO RECRUITMENT AND APPOINTMENT PROCESS

Recruitment of CEO

Where a recruitment process is to be undertaken, the Council shall:

a) Engage a recognised Recruitment Consultant to run the recruitment process, on Council's behalf.
b) Agree on the general framework for the terms of employment of the CEO.
c) Give final approval for the recruitment process to proceed having considered any advice from the Committee and the Recruitment Consultant.
d) Identify suitable candidates for appointment and conduct interviews.

Appointment of CEO

In accordance with section 44(3) of the Local Government Act 2020, the Council will consider the option of extending an offer of re-appointment under a new Contract of Employment to the incumbent CEO approximately six (6) months before the conclusion of their current Contract of Employment.

Where the Council go out to recruit a CEO, the Council will authorise the implementation of the recruitment process and subsequently conduct interviews with selected candidates.

The Council must decide on a preferred candidate and negotiate the Contract of Employment within the general framework for the terms of employment as agreed by the Council.

The appointment of the CEO must be made by a resolution of the Council.

Contract of Employment

The following provisions must be included in the Contract of Employment:

a) Term of employment – no greater than five (5) years;

b) The responsibilities and duties of the position including compliance with the Act and the Code of Conduct;
c) Total Remuneration Package (including salary, cost to employer of motor vehicle, superannuation and other employment benefits, including associated fringe benefits tax);
d) Additional expenses payable by Council;
e) Annual review of performance;
f) Annual review of the Total Remuneration Package;
g) Leave entitlements;
h) Ownership of intellectual property;
i) Performance criteria;
j) Conduct matters;
k) Suspension, redundancy and termination of contract provisions;
l) No compensation for termination of a contract beyond pay in lieu of notice and accrued leave;
m) Employment notice provisions; and
n) Dispute resolution procedure, to deal with disputes arising out of the contract

Total Remuneration Package

In determining the CEO's Total Remuneration Package, on appointment and in subsequent reviews, the Council must have regard to the principles in the Government of Victoria's Policy on Executive Remuneration in Public Entities.

CEO PERFORMANCE PLAN AND MONITORING

The Council shall:

a) Engage a Facilitator to assist the Committee to develop and monitor the CEO Performance Plan.
b) Approve the CEO's annual Performance Plan (which shall contain Performance Objectives and appropriate Measures of Achievement).

The Committee's role is to:

a) in consultation with the Council, identify key performance indicators and activities that the CEO should work towards achieving over a 12-month period
b) ensure that the CEO is consulted on during the development of the Performance Plan and advised of the process
c) Recommend a final draft annual Performance Plan to Council for Council's consideration.
d) ensure that the CEO is given the opportunity to present their self-assessment to the Council in regard to the Performance Plan
e) inclusively have the opportunity to provide comments of appraisal on the CEO performance
f) provide the collection and collation of feedback in relation to the CEO performance as measured against the Performance Plan to Manager Governance, Property, Projects and Legal.
g) Where deemed necessary, seek expert advice on facilitation and criteria for the preparation and ongoing management of the Performance Plan and its review.
h) Regularly monitor the CEO's performance against the Act and the Performance Plan.

CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

Annual Review

The Council shall:

a) Make a final assessment of the CEO's annual performance against the Performance Plan upon receiving Annual Review Report from the Committee.
b) Review the CEO Total Remuneration Package.
c) Advise the CEO of the outcomes of the annual review process.

The Committee's role is to:

a) Conduct an annual review of the CEO's performance.
b) Submit an Annual Review Report to the Council, including recommendations on:
    i. Whether the CEO meets the Performance Plan criteria;
    ii. To vary any Performance Plan criteria;
    iii. To vary the Total Remuneration Package; and/or
    iv. Other terms and conditions of the contract.

The Council must receive and consider the Committee's Annual Review Report recommendations within 3 weeks of the anniversary date of the CEO's date of commencement of employment.

Within one month of receiving the Committee's Annual Review Report the Council must complete:

a. The review of the Total Remuneration Package.
b. Setting the Performance Plan for the next 12 months.
c. Agree on a Professional and Personal Development Plan, where necessary.
d. Address and any other matters referred by the Committee.

Written notification from the Mayor to the CEO on the outcome of the Council's resolution on the Annual Review must be sent within one week after the Council meeting at which the decisions of the Council are made.

CEO LEAVE AND APPOINTMENT OF ACTING CEO

Leave approval Chief Executive Officer

An application for annual leave, long service leave, personal leave or an extended absence made by the CEO is to be approved by the Mayor on behalf of Council.

Appointment of a person as Acting CEO

If the period of leave is 27 days or less, then the CEO is able to make the appointment under delegation.

If the period of leave is to exceed four weeks in a continuous period, then Council must appointment the Acting CEO by formal resolution.

Council could appoint either of the following to the position of Acting CEO:

- one of the Directors of Council
- a suitably qualified and experienced individual as a short term contract.

CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

PROVISION OF INDEPENDENT ADVICE

In accordance with section 45 of the Local Government Act 2020, this policy must provide for Council to obtain independent professional advice on relation to the matters dealt with in this policy.
These matters include:

- Recruitment and shortlisting of CEO candidates
- conducting psychometric testing
- CEO Contract of Employment and remuneration
- the preparation of a CEO Performance Plan, performance monitoring and management
- Any other matter dealt with under this policy.

Where in direct relation to the above, the Manager Governance, Property, Projects and Legal will engage the professional advice in accordance with the support role in CEO employment matters.

Where in accordance with this policy, but not included for directly by this policy, a resolution of Council approving the independent advice will be required.

Integrity of the Processes

All information relating to the recruitment, selection and review processes must be kept strictly confidential. Councillors and staff involved in the processes must take all reasonable steps to maintain confidentiality and respect the privacy of all persons involved.

Any breaches of confidentiality may constitute a breach of the Councillor or Staff Code of Conduct.

3. GOVERNANCE

Owner

The Manager Governance, Property, Projects and Legal shall monitor the currency and viability of this Policy regularly and where appropriate make recommendations to the CEO Employment Matters Committee to amend the policy.

Review

This policy shall be reviewed, in consultation with the CEO Employment Matters Advisory Committee, at least every two (2) years.

Compliance Responsibilities

Council

(a) Appoint/reaffirm the Councillor members of the Committee in November each year.

(b) Read Committee Meeting minutes upon their presentation to Council through a Council Meeting agenda, and to consider and make decisions on any recommendations of the committee made to the Council.

Chief Executive Employment Matters Advisory Committee

CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

(a) To make recommendations to Council on contractual matters relating to the Chief Executive Officer or the person appointed to act as the Chief Executive Officer including the following—
   I. the appointment of the Chief Executive Officer;
   II. remuneration and conditions of appointment of the Chief Executive Officer;
   III. any extension of the appointment of the Chief Executive Officer

(b) To conduct performance reviews of the Chief Executive Officer including:-
   i. Conduct an annual review of the performance of the CEO.
   ii. Participate actively and in good faith in the process of reviewing the performance of the CEO, ensuring that the CEO is both consulted and advised of the process.
   iii. Recommend to Council on the annual Draft Performance Plan. Take into account feedback from the CEO on the previous year's review and to what extent former recommendations have been acted upon.
   iv. Ensure that recommendations are in accord with Council's Council Plan and other strategic plans.
   v. Ensure that all Councillors are invited to provide written comments of appraisal of the CEO's performance to the Panel and that sufficient time is allowed for members to provide such comments to the Panel.

Independent Chairperson

(a) Chair all meetings of the Chief Executive Employment Matters Committee.
(b) Convene meetings of the Committee throughout the appraisal process.
(c) Report to Council at appropriate intervals during the process.
(d) Ensure records of meetings are true and correct.

Mayor

(a) Meet with the CEO informally at least once between each formal review to discuss targets and any issues, and present a brief report to Committee.

Chief Executive Officer

(a) Participate actively in the review process as required by the Committee.
(b) Make use of constructive feedback from Councillors and the Committee.

Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).

CEO Employment Matters Advisory Committee

Responsible Officer:	Manager Governance, Property, Projects and Legal
Due for Review:	November 2022

1. Function/Purpose

The Chief Executive Officer Employment Matters Advisory Committee (the Committee) is established in accordance with the CEO Employment and Remuneration Policy.

The membership of the Committee and these Terms of Reference will be approved by resolution of the Council.

The purpose of the Committee is to assist and advise the Council on matters related to the recruitment; employment; performance planning, management and assessment; and remuneration of the Chief Executive Officer ('CEO")

In carrying out its role, the Committee must have full regard for the directions set out in the CEO Employment and Remuneration Policy.

2. Role

The Committee's role is to assist and advise the Council on matters including:

- Recruitment of the CEO or the person to act as the CEO;
- Assisting with the development of the CEO Performance Plan;
- Monitoring the CEO's achievement of the Performance Plan;
- Assisting the Council with any formal performance management discussions needed; and
- Preparing an Annual Review Report on the CEO's performance and key terms

3. Powers and Responsibilities

The Committee is advisory in nature and hold no delegated power or decision making authority. The Committee may make recommendations to the Council for consideration.

4. Membership

The Committee shall be comprised of:

- Independent Chair; and
- A majority of Councillors, being a minimum of half plus one of the total number of Councillors of the Council, equating to at least four Councillors.

Councillor membership of the Committee will be determined annually by Council resolution.

Any Councillors who are not appointed to the Committee may attend Committee meetings as an observer. In this case, they are not to participate in the meeting unless called upon by the Chair.

Appointment of the Chair

An expression of interest recruitment process will be undertaken every four years to attract suitable candidates for the position of Independent Chair.

Key competencies for the appointment of the Independent Chair include:

- Demonstrated human resource management skills, senior business experience and/or local government experience and/or employment law background;
- Demonstrated ability in relation to performance management and development of executive level staff; and
- Previous experience working with executive, governance bodies, boards or committees in a membership or facilitation capacity.

An Independent Chairperson will be appointed to the Committee by Council Resolution and may be appointed for a period of up to 4 years.

5. Role of Individual Members

The role of the individual member of the Committee includes:

- Appreciation of the significance of the role as a member of the Committee.
- A broad understanding of role of the Committee and the responsibilities of members.
- Where sought, active participation in any CEO recruitment process and development of the annual Performance Plan.
- Reviewing the progress of the Performance Plan by the CEO.
- Committement to, and active involvement in, the development of the Annual Performance Report.
- Ensuring the requirements of section 46 of the Local Government Act 2020 are being met by the CEO.
- Consideration of ideas and issues raised by the CEO, the Chair and other Committee members
- Contributing the time needed out-of-session to study and understand the papers provided
- Applying good analytical skills, objectivity and good judgement
- Expressing opinions frankly and asking questions that go to the fundamental core of any relevant CEO employment matters.
- Respecting the confidential nature of information discussed and provided by:
    - Maintaining the confidentiality of the information to which members have access and taking reasonable precautions to prevent its unauthorised dissemination or use.
    - Not using any confidential information for the purposes other than those necessary to performance of the Committee membership role, and, not allowing any other person access to the confidential information.

6. Decisions

The Committee is an advisory body to Council in management of CEO employment matters. A key function of the Committee is to provide advice and feedback on a variety of issues affecting the management of CEO employment matters. It is not necessary that consensus be reached by Committee members on all matters. Where Committee members hold a range of perspectives on a particular issue, the different viewpoints will be noted and taken into consideration by Council in any subsequent deliberation that may be required. Where information of a more technical nature needs to be provided to the Committee, independent experts may be invited to present or participate at a meeting.

7. Convenor/Chair

The Independent Chair shall convene the Committee meetings utilising a pre-determined schedule for meetings where possible. The Committee meetings will be chaired by the Independent Chair.

If the designated Chair is not available, then the Committee Meeting will be rescheduled, or where rescheduling is not possible a vote will be taken at the beginning of the meeting of the members present with one being selected to be responsible for convening and conducting that meeting. Where a vote is required, the vote will be conducted by the Officer supporting the Committee.

8. Frequency and Attendance at Meetings

The Committee shall meet at least quarterly or as agreed from time to time.

Meetings will take no longer than three (3) hours unless otherwise agreed to by members.

Additional meetings may be convened as required with members being provided with at least two (2) weeks' notification of meeting where possible.

Attendance at meetings may be completed by teleconference.

9. Minutes and Meeting Papers

The Manager Governance, Property, Projects and Legal will coordinate the preparation and distribution of minutes of each Committee meeting.

Minutes will be taken by Manager Governance, Property, Projects and Legal at each meeting. Copies of the minutes will be distributed to all members by email and issued to a subsequent Council Meeting.

10. Committee Support

Support for the Committee is assigned to the Manager Governance, Property, Projects and Legal. The function includes providing:

- Information and any necessary training for members in relation to their responsibilities under the Terms of Reference and the Act;
- Preparation of meeting agendas and minutes;
- Advice in respect to matters before the Committee; and
- Secretarial and logistical support to the Committee.

11. Invitees

In addition to the Committee members, other people can be invited as guests to attend and/or report to meetings as required. These may include the CEO, consultants or contractors.

12. Quorum

Quorum is considered to be one half of the total number of members plus one.

If a quorum is not present within 20 minutes of the time appointed for the commencement of the meeting, the meeting shall lapse.

Business that is unfinished at the completion of a meeting may at the discretion of the Chair be referred to the next meeting of the Committee.

13. Conflicts of Interest

If a member of the Committee has a conflict of interest relating to any item on a meeting agenda, the member must disclose the type and nature of the conflict of interest immediately before consideration of the matter in question.

Where a Committee member has declared a conflict of interest, they will need to leave the meeting for the duration of discussion on that matter.

The conflict of interest declaration will be detailed in the minutes of the meeting.

14. Term

Individual terms of members are outline in section 4.

15. Document History

Version	Document History	Approved by – Date
1	*Template created*	*November 2021*

7.2. APPOINTMENTS TO ADVISORY COMMITTEES & EXTERNAL BODIES

PURPOSE:

This report considers Council representation on the various Council Advisory Committees and external bodies with which Council is associated for the 2021-2022 Council year.

EXECUTIVE SUMMARY

- To appoint Council representatives to the various Council advisory bodies and external committees for 2021-2022 Council year.

MOVED: CR MAX TAYLOR
SECONDED: CR ANGIE PASPALIARIS

That Council representatives and delegates to the Advisory Committees and external committees for the 2021-2022 Council year be approved as per Attachment 1 to this report, and that relevant advisory bodies and external committees be advised accordingly.

AMENDMENT:

MOVED: CR BEN BLAIN
SECONDED: CR ANGIE PASPALIARIS

1. **That Council representatives and delegates to the Advisory Committees and external committees for the 2021-2022 Council year be approved as per Attachment 1 to this report, and that relevant advisory bodies and external committees be advised accordingly.**
2. **That the current terms of Reference for the Livestock Exchange Advisory Committee, be amended to provide for a Councillor to be the Chair of the Livestock Exchange Advisory Committee.**

The Amendment then became the motion and was CARRIED – 7:0

BACKGROUND

As in the past, there is a significant range of advisory, semi-external and external committees and organisations where the constituted membership includes representation from Warrnambool City Council.

Whilst the majority of these committees tend to be ongoing, they may also be subject to evolutionary change and in some cases may be established for a specific project ie; with “sunset” provisions.

For various committees, members of Council staff are already members and/or may attend to assist a Councillor representative. Generally, for committees of a more technical/operational nature, it is suggested that members of Council staff can best assist in sharing the overall representation workload, with appropriate reporting mechanisms to Council and/or briefing of Councillors according to representation or special interest areas.

Other relevant matters to consider in this area are:-

- The need for committees which are established by Council to fit into an efficiency “hierarchy” of overall advisory, consultative and networking processes, particularly having regard to the best use of resources from within and outside the organisation.

- As above, the need for Councillors' time and energy to be primarily focused on policy development, business strategies and monitoring of performance.
- As a major service organisation, the need to have effective service standards and response mechanisms without placing reliance on Councillors to handle requests from residents and service users, as is the situation with members of other statutory agencies providing direct regional or local service delivery functions eg; hospitals, community health centres, various not-for-profit social/welfare agencies, water authorities, transport authorities etc.
- In some cases a "contact" function may be most appropriate rather than actual representation, particularly when the relevant committee is not directly relating to a municipal function.
- The need for good relationships, but of an independent arms-length type with any groups or organisations where Council has a contractual relationship, to avoid any possible conflict of interest.
- To use officer resources in an effective manner bearing in mind significant direct and indirect costs of committees servicing or representation.

ISSUES

Attachment 1 shows the various bodies/committees under various headings according to the "function" of the body or committee, from Council's perspective. Obviously, such arrangements can be reviewed from time to time, but in any case, would need to be fully reviewed at the commencement of each Council Year.

FINANCIAL IMPACT

Nil.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

Not Applicable

TIMING

To be implemented as from adoption at Council meeting.

COMMUNITY IMPACT/CONSULTATION

N.A.

LEGAL RISK/IMPACT

Nil.

ATTACHMENTS

1. 2021 22 Appointment of councillor reps on Advisry bodies [DLDP] [**7.2.1** - 2 pages]

ADVISORY BODY/EXTERNAL COMMITTEE	MEETING FREQUENCY	COUNCILLOR REPRESENTATIVE(S) 2021/22	OFFICER MEMBERSHIP/ ATTENDANCE
NATIONAL / STATE /REGIONAL BODIES			
a) Great South Coast Board	Bi-monthly	**Mayor**	CEO
b) Municipal Association of Victoria	Twice yearly	**Mayor**	CEO
c) Regional Cities Victoria	Bi-monthly	**Mayor**	CEO
d) Regional Capitals Australia	Monthly	**Mayor**	CEO
e) Barwon South West Waste & Resource Recovery Group		**Cr. Ziegeler**	DCI MCA SWMO
f) Alliance of Councils for Rail Freight Development	Quarterly	**Cr. Akoch**	Manager Economic Development
CORPORATE / GOVERNANCE COMMITTEES			
a) Audit & Risk Committee	Quarterly	**Cr. Blain** **Cr. Paspaliaris**	CEO, DCS, MFS, Internal Auditor
b) Chief Executive's Employment Matters Committee	As required	**All Councillors**	CEO MGPP
c) Closed Additional Meetings of Council	As required	**All Councillors**	Senior Officers
COUNCIL LOCAL ADVISORY COMMITTEES			
a) Community & International Relations Advisory Committee	Quarterly	**Cr. Akoch - Chair**	DCG, MVE
b) Economic Development and Tourism Advisory Committee	Quarterly	**Cr. Arnott - Chair** **Cr. Taylor**	DCG, MTS, MVE
c) Environment & Sustainability Advisory Committee	Quarterly	**Cr. Arnott - Chair**	DCG, MCS
d) Planning Advisory Committee	Quarterly	**Cr. Paspaliaris - Chair**	
e) South West Victorian Livestock Exchange Advisory Committee	Quarterly	**Cr. Blain – Chair** **Cr. Jellie AM**	DCS, SS

ADVISORY BODY/EXTERNAL COMMITTEE	MEETING FREQUENCY	PROPOSED COUNCILLOR REPRESENTATIVE(S) 2021/22	OFFICER MEMBERSHIP/ ATTENDANCE
OTHER COMMITTEES – COUNCIL FACILITIES/SERVICES			
a) Municipal Emergency Planning Committee	Twice yearly	**Cr. Jellie AM**	CEO, DCI, DCD, MHLL, MIS
b) Bicycle Users Reference Group	Quarterly	**Cr. Paspaliaris**	DCI
c) Warrnambool Airport Reference Group	Quarterly	**Cr. Taylor**	DCI
d) Learning & Library Hub PCG		**Cr. Jellie AM**	DCD
e) Middle Island Reference Committee		**Cr. Ziegeler**	DCG
f) Harbour Reference Group		**Cr. Ziegeler - Chair** **Cr. Blain** **Cr. Taylor**	DCI
g) CCTV Steering Committee		**Cr. Arnott** **Cr .Paspaliaris**	DCI
h) Reid Oval PCG		**Cr. Arnott - Chair**	DCI

Notes:

1. Whenever a Council representative fulfils a role of a director of a company or member of the executive committee for an incorporated association, the relevant articles of association should be obtained to ascertain the duties/responsibilities involved, also to ensure there is not likely to be any possible conflict of interest.
2. This schedule does not necessarily include all project steering committees or working groups (however named) which typically operate on a "sunset" basis. In addition, this schedule does not show the names of community members on various advisory bodies or committees; such appointments typically do not correlate with the Council year and are the subject of separate, specific Council decisions.
3. Legend, Officer Titles-CE (Chief Executive), DCS (Director Corporate Strategies), DCD (Director Community Development), DCG (Director City Growth), DCI (Director City Infrastructure),MHLL (Manager Health & Local Laws), MFS (Manager Financial Services), SS (Saleyards Superintendent), MIS (Manager Infrastructure Services), MCS&D (Manager City Strategy and Development), MCA (Manager City Amenity), MR&C (Manager Recreation & Culture), MOD (Manager Organisation Development), MCD (Manager Community Support), MFS (Manager Family Services), MTS (Manager Tourism Services), FPO, Manager Economic Development (MED), (Fire Prevention Officer), DDE (Design Development Engineer), MVE (Manager Visitor Economy), DAG (Director Art Gallery), SWMO – Strategic Waste Management Officer

7.3. DRAFT ADVOCACY PLAN

DIRECTORATE : Corporate Strategies

PURPOSE:

For Council to review/adopt the Draft Advocacy Plan 2021-2025.

EXECUTIVE SUMMARY

Under the Local Government Act 2020 Council must give effect to a number of governance principles including:

- achieving the best outcomes for the community;
- promoting the economic, social and environmental sustainability of the municipality; and,
- pursuing innovation and continuous improvement.

Advocating on behalf of the community is an expectation of local government and a way in which support, usually in the form of funding from other levels of government, is obtained for key projects which are beyond the funding capacity of an individual Council.

Advocacy on behalf of the community is one of the perceptions measured in the annual Local Government Community Satisfaction Survey coordinated by the Department of Jobs, Precincts and Regions on behalf of Victorian councils.

In line with the legislative principles and obligations to the community, Council has prepared a Draft Advocacy Plan, which informs the community, and other levels of government, the projects Council has identified as community priorities – refer **Attachment 1**.

The draft Advocacy Plan was prepared in light of feedback received from the community during the engagement process for the Council Plan and at a subsequent Councillor workshop.

The advocacy priorities are:

1. A new community aquatic and fitness centre
2. A safer Port of Warrnambool
    a. Breakwater repair
    b. Safer boat launching
3. Warrnambool Surf Life Saving Club
4. Rail – faster, more frequent, more accessible
5. Flagstaff Hill – future directions
6. A new building for the Warrnambool Art Gallery
7. Brierly Park Master Plan
8. Bushfield-Woodford Structure Plan
9. Small Town Sewerage Upgrades
10. Raglan Parade Pedestrian Safety

In prioritising projects Council has taken into consideration the anticipated population growth and lead times required for some projects such as a new aquatic and fitness centre (AquaZone).

This proposed draft replaces the current Advocacy Strategy 2019-2023.

MOVED: CR DEBBIE ARNOTT
SECONDED: CR ANGIE PASPALIARIS

That Council adopt the Advocacy Plan 2021-2025.

CARRIED - 7:0

BACKGROUND

Warrnambool City Council has, over the past decade been successful in advocating for its community.

This has included funding for the city centre renewal ($10 million); the new library ($16.3 million), Reid Oval ($7 million); Flagstaff Hill ($1.95 million); Port of Warrnambool boat ramp ($3.5 million); Jetty Flat upgrade ($500,000) and many other grants for fishing facilities, other sports ground upgrades and accessibility improvements (eg Lake Pertobe Changing Places facility).

In a number of instances Council has supported projects and initiatives that are led by other organisations including:

- Deakin University Hycel Research Centre ($20 million);
- Warrnambool Rail Line improvements ($260 million)
- Stage 2 of the Warrnambool Base Hospital redevelopment ($384 million)

Under the Local Government Act Council has the following roles aligned to advocating on behalf of the community:

- achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- the municipal community is to be engaged in strategic planning and strategic decision making;
- innovation and continuous improvement is to be pursued;
- collaboration with other Councils and Governments and statutory bodies is to be sought;
- the ongoing financial viability of the Council is to be ensured;
- regional, state and national plans and policies are to be taken into account in strategic planning and decision making;

Council has also identified advocacy as a focus in its Council Plan 2021-2025 and perception of how well Council lobbies on behalf of the community are measured in the Annual Local Government Community Satisfaction Survey.

FINANCIAL IMPACT

A number of projects described in the Advocacy Plan will require a financial contribution from Council.

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

5.3 Customer-focused services: Council will continue to develop a program of Council services that are delivered to the community's satisfaction.

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.

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.

5.8 Regional role and 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.

TIMING

Advocacy itself is a priority with a number of projects requiring considerable lead time before they can be implemented. Finalising the priorities ahead of budget cycles for all levels of government is advantageous.

COMMUNITY IMPACT/CONSULTATION

The Draft Advocacy Plan has been informed by feedback Council received during community engagement for the Council Plan.

LEGAL RISK/IMPACT

N/A

OFFICERS' DECLARATION OF INTEREST

Nil.

CONCLUSION

The preparation and adoption of a set of advocacy priorities sends a strong message to the community and other levels of government about the community's aspirations and needs and where funding efforts should be directed.

ATTACHMENTS

1. 3048 advocacy plan [**7.3.1** - 22 pages]

WARRNAMBOOL
CITY COUNCIL

Warrnambool City Council

Advocacy Plan 2021-2025

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10. Raglan Parade Pedestrian Safety

Delivering major projects

Council commitment to advocacy

Under the Local Government Act 2020 Council must give effect to a number of governance principles including:

- achieving the best outcomes for the community;
- promoting the economic, social and environmental sustainability of the municipality; and,
- pursuing innovation and continuous improvement.

Council is cognisant of these principles and has prepared this Advocacy Plan in line with meeting these obligations to our community.

About Warrnambool

Warrnambool is a thriving city of 35,500 people and growing.

The municipality of 120 sqkm is situated within Victoria's most productive farming region and also contains the small towns of Allansford, Woodford and Bushfield.

Aboriginal people have lived in Warrnambool and the South West for more than 40,000 years while archaeological evidence at Moyjil/ Point Ritchie suggests this connection to Country could have endured for more than 80,000 years. In 1918 Warrnambool was declared a city.

In recent years Warrnambool's population has grown rapidly. Warrnambool City Council is planning for a population that could reach 50,000 by 2036. In 2020/21 Warrnambool reported unprecedented levels of residential building activity broadly double the historical annual average with latent demand for more housing. These indicators suggest a further rise in Warrnambool's population growth in coming years. Warrnambool has more than 2,800 registered businesses and significant employment sectors commensurate with a growing regional city which include health and social assistance (19.69 per cent of those employed), retail (14.23 per cent), education and training (10.07 per cent), accommodation and food services (9.2 per cent) and construction (7.75 per cent).

There are 16,653 jobs in Warrnambool and the municipality's annual economic output is $4.7 billion. The Construction industry sector makes the greatest contribution to economic output in the region, which at $599.5 million accounts for 12.82% of total output. Source: REMPLAN, September 2021.

Warrnambool is a major employment base for the food and fibre sector with significant dairy and meat industries along with an extensive supply chain which services agricultural enterprises.

Tourism is another major driver of the city's economy with the city positioned within the Great Ocean Road region and home to the award-winning Flagstaff Hill Maritime Village. Pre-pandemic Warrnambool hosted more than 700,000 visitors annually. Tertiary education providers Deakin University and South West TAFE have campuses in Warrnambool which, along with bringing students to the city, provide local people with opportunities to pursue education and vocational training without having to leave the region.

Warrnambool City Council is a major employer and provides a range of community services and also owns and manages community assets including the aquatic centre AquaZone, Warrnambool Art Gallery, Warrnambool Stadium, the Lighthouse Theatre, Surfside Holiday Park and major tourist attraction Flagstaff Hill Maritime Village. Each year Warrnambool City Council manages operating budgets of between $85 million and $95 million, depending on the capital works projects being undertaken.

Warrnambool by numbers

Population: **35,000**

Area: **120sqkm**

Rivers: **the Hopkins and the Merri**

Tertiary education: **South West TAFE and Deakin University**

Health: **Warrnambool Base Hospital, Warrnambool Cancer Centre**

Businesses: **2,800-plus**

Unemployment rate: **3.9% (as at June Quarter 2021)**

Distance from Melbourne: **270km**

Transport infrastructure

Air: Warrnambool Regional Airport
Rail: four daily return services to Melbourne
Road: Princes Highway

Climate:

Statistics	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean maximum temperature (°C)	24.8	24.8	23.1	20.0	16.5	14.1	13.4	14.3	16.0	18.1	20.6	22.6	19.0
Mean minimum temperature (°C)	11.8	12.4	11.0	9.0	7.5	5.8	5.5	5.8	6.7	7.4	9.2	10.2	8.5
Mean rainfall (mm)	36.7	31.2	47.3	53.8	76.4	77.6	84.9	93.3	74.5	65.1	51.8	2	732.1
Mean number of days of rain ≥ 1 mm	4.9	4.6	6.8	8.3	12.8	12.0	15.1	14.8	11.9	10.7	7.7	6.9	116.5

The region we service – South-West Victoria

South-West Victoria covers 23,000sqkm and is home to more than 120,000 people.

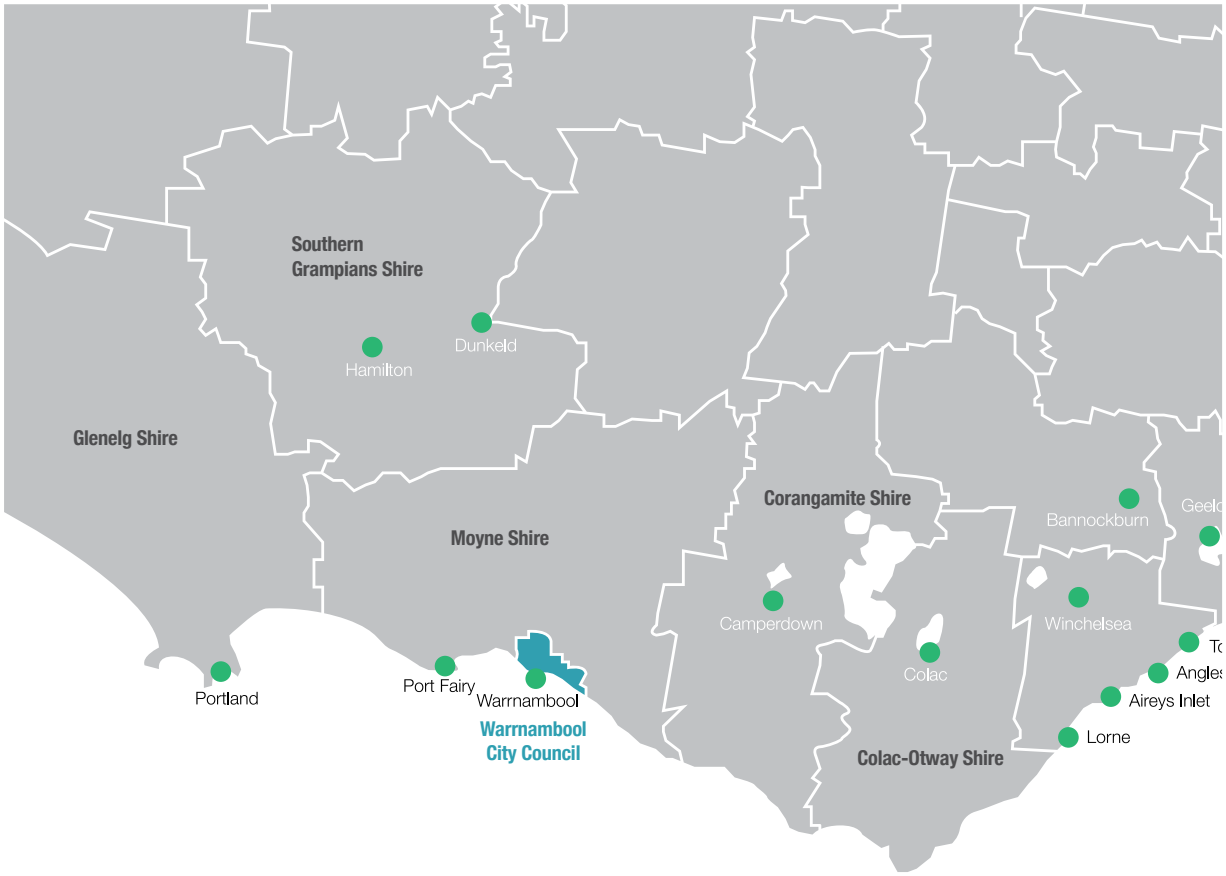
The region extends from Apollo Bay in the east to the South Australian border in the west and includes the municipalities of Corangamite, Moyne, Southern Grampians, Glenelg, Colac-Otway and Warrnambool. Key cities and towns include Warrnambool, Port Fairy, Portland, Camperdown, Colac and Hamilton.

The region is a major centre for traditional industries including agriculture (dairy, meat, wool and grain), fishing, forestry, mining and tourism, with emerging opportunities in energy production.

South-West Victoria is home to two of Victoria's iconic tourism assets, the Shipwreck Coast including the Great Ocean Road and Twelve Apostles, and the southern end of the Grampians. The Shipwreck Coast is Victoria's number one tourism destination and marketing icon, attracting more than five million visitors each year.

The region is also abundant in renewable energy assets (wind, geothermal, wave and natural gas reserves), and is becoming a major alternative energy hub.

In order to achieve and sustain future growth and maximise the region's potential, there is a need to expand the workforce, upgrade infrastructure and improve local services.



South-West Victoria

Population: 120,000
Main centres: Warrnambool, Portland, Hamilton, Port Fairy, Camperdown, Colac
Iconic attractions: Great Ocean Road and the 12 Apostles, southern section of the Grampians

Warrnambool, capital of the South West

Warrnambool continues to record the fastest growth of towns and cities in the South West.

It is expected that this trend will continue and the city is in a position to continue to grow with structure plans having created a residential and industrial land supply that will last beyond the next two decades.

The economy

The following sectors account for over two-thirds of employees whose place of work is located within Warrnambool: healthcare and social assistance; retail trade; education and training; accommodation and food services; construction and manufacturing.

Warrnambool is a popular and expanding tourism destination which draws around 700,000 visitors each year. Property and business services, Government administration and construction are also key growth sectors in the City.

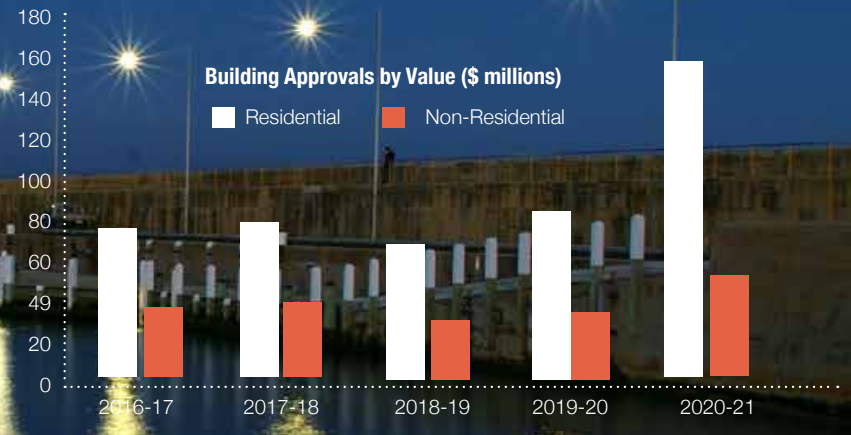
Employment: 16,653 jobs
Gross regional product: $2.308 billion

Industry	Jobs
Health Care & Social Assistance	3,279
Retail Trade	2,370
Education & Training	1,677
Accommodation & Food Services	1,532
Construction	1,290
Manufacturing	959
Public Administration & Safety	929
Professional, Scientific & Technical Services	752
Other Services	697
Wholesale Trade	586
Transport, Postal & Warehousing	556
Administrative & Support Services	518
Financial & Insurance Services	345
Electricity, Gas, Water & Waste Services	328
Arts & Recreation Services	260
Rental, Hiring & Real Estate Services	212
Agriculture, Forestry & Fishing	192
Information Media & Telecommunications	167
Mining	4
Total	**16,653**

Source: ABS Building Approvals Cat 8731.0

The table above illustrates the buoyant construction environment in Warrnambool with a sharp jump in housing approvals over 2020-2021 which included significantly more housing diversity than previous years.

Note: Other residential includes flats, units, apartment and townhouses.



Source: ABS Building Approvals, Cat. 8731.0

The table above shows the value of building approvals over the past five years.

Future Warrnambool

In 2017 and 2018 the Warrnambool community took part in a community engagement project that led to the development of a long-term community plan, Warrnambool 2040.

That plan provides a strategic roadmap for the next two decades and describes where the community wants to go and how to get there.

Warrnambool 2040 considered a range of priority actions and aspirations in the key areas of people, place, environment and economy. In 2021 Council officially endorsed Warrnambool 2040.

Warrnambool 2040 – long-term goals

OUR PEOPLE:
Warrnambool will be a city where all people thrive

1. A welcoming and inclusive city
2. A safe and connected community
3. Warrnambool's people are healthy
4. Value local Aboriginal identity and culture
5. A learning community

OUR PLACE:
Warrnambool will be Australia's most liveable regional city

1. An affordable and accessible place to live for everyone
2. Encourages and prioritises sustainable transport
3. Well-connected outside the city
4. Has accessible, high-quality public spaces and facilities

OUR ECONOMY:
Warrnambool will be Australia's most resilient & thriving regional economy

1. Embrace digital innovation and technological change
2. Grow a resilient and diverse economy
3. Foster a creative and collaborative culture
4. Think globally

OUR ENVIRONMENT:
Warrnambool will be Australia's most sustainable city.

1. ZERO WARRNAMBOOL - innovative, solutions for zero net emissions
2. ADAPTABLE WARRNAMBOOL - adapt to the impacts of climate change
3. WISE WARRNAMBOOL – a wise city, that wastes not
4. NATURAL WARRNAMBOOL - enjoy, love, respect and care for the natural environment
5. BLUE WARRNAMBOOL - water for life
6. GREEN WARRNAMBOOL - a city in nature

Our city and regional advocacy priorities

These priorities accord with the long-term community vision, Warrnambool 2040, and the Council Plan 2021-2025.

- Safer, more user-friendly boat launching at the Port of Warrnambool
- Restoration of the historic breakwater at the Port of Warrnambool.
- Upgrade of the aquatic centre and investigation into the viability of a multi-sport precinct.
- Modern facilities for the Warrnambool Surf Life Saving Club.
- Small town structure plan.
- Small town sewerage upgrades.
- A new Warrnambool Art Gallery building.
- Improved frequency, speed and accessibility of V/Line services.

A new community aquatic and fitness centre

The Warrnambool community is currently served by popular council-owned fitness and aquatic centre, AquaZone.

AquaZone features a 50m outdoor pool (open seasonally), a 25m indoor pool, a shallow learn-to-swim pool and a toddlers pool (open year-round).

It also contains a spin cycle (exercise bike) space and a gymnasium able to accommodate people of all-abilities.

Although AquaZone has been refurbished over the years to maintain functionality and compliance, it now struggles to meet the demands of a growing community.

Pre-COVID-19 AquaZone recorded circa 200,000 visits annually. It is a facility that serves the region, with many clients coming from the surrounding Moyne Shire, which is without a comparable aquatic centre.

Strategic alignment

The community, through the Warrnambool 2040 plan, aspires to have community, cultural and recreational facilities that support and encourage healthy lifestyles and that are accessible and available to all residents - particularly people who are vulnerable or disadvantaged.

Council's recreation strategy, Active Warrnambool, outlines a commitment to "undertake work to guide the future provision of aquatic facilities in the city post-2025."

The facility has limitations in terms of floor area, it also has challenges which relate to having a 50-metre outdoor pool that has served the community well but which, after nearly six decades, presents ongoing and costly maintenance issues.

In considering the provision of a new aquatic centre, Council is cognisant of the potential to achieve longer term operational savings through co-location with other key sporting and recreational facilities, including the Warrnambool Stadium and an athletics facility.

What we are seeking

Council is proposing a rigorous evaluation this will include feasibility study that will consider several options including:

- Rebuilding of AquaZone at the current site;
- Rebuild of AquaZone at a new site;
- Co-location of sports facilities in a precinct that includes an aquatic centre, multi-sport stadium and athletics track.

Funding for a feasibility study: $200,000

A safer Port of Warrnambool

Fishing has long been a favourite recreational pursuit among Victorians and South-West Victoria provides some of the state's most exciting and bountiful off-shore fishing.

The Port of Warrnambool provides a launching place for commercial and recreational fishing vessels. The Port manager, Warrnambool City Council, is committed to providing safer boating facilities.

The Port of Warrnambool, constructed at the western end of Lady Bay, consists of a boat ramp, an historic 19th century breakwater and other facilities including a jetty, power and water supplies.

Breakwater repair

The breakwater has, in recent years, shown signs of serious deterioration. The eastern or seaward end of the breakwater is particularly vulnerable and was closed to foot traffic following a severe storm in May, 2021, that lifted pavement, flicked stone capping into the ocean and ripped out safety railing.

The loss of pedestrian access has meant the loss of an important visitor attraction.

Council will advocate for the repair of this important, historic state-owned asset.

The restoration has two aspects:
Visitor amenity: this includes repairs to breakwater pavement, railing and capping in order to restore access to the full length of the 400m breakwater.

Breakwater integrity: to prevent further deterioration of the structure significant rock armoury needs to be installed along the south facing side of the breakwater, the eastern end and a short span along the northern side.

Better boat launching

Lady Bay is part of the Shipwreck Coast and faces the Southern Ocean. Conditions for launching boats are frequently challenging.

It is estimated that prevailing conditions mean it is safe to launch a boat less than 50% of the time.

Better Boating Victoria has provided $3.5 million to upgrade the boat ramp at the Port. A new ramp will enable safer launching and retrieval of boats at Lady Bay, particularly in combination with a regular dredging schedule.

To protect the investment in the boat ramp, Council is seeking to implement a schedule of regular dredging. This will ensure the new boat ramp remains functional in the medium to long-term.
It is anticipated that the combination of an improved boat ramp and regular dredging will result in conditions that will enable safer boat launching about 70 per cent of the time.

The benefits

The improved launching facilities will be used by recreational and commercial vessels along with the Warrnambool Coast Guard. Enhanced boat launching facilities align with the Victorian Government's plan to increase participation in recreational fishing.

The project also aligns with the objectives of the Boating Safety and Facilities Program, in particular:

- ensures safe access to waterways
- decreases boating incidents and fatalities
- improves boating facilities and the planning of these facilities
- promotes increased safety
- provides improved search and rescue services

Warrnambool Harbour Master Plan adopted in March 2018 identifies the historic Warrnambool Breakwater as a key structure at the Port of Warrnambool that requires ongoing maintenance.

Strategic alignment

The long-term community plan Warrnambool 2040 contains an aspiration for Warrnambool to Australia's most liveable regional city with "accessible, high-quality public spaces and facilities". The Port of Warrnambool Master Plan also describes the works required at the port including safer boat launching and notes that the breakwater, which is under a heritage overlay, requires ongoing maintenance.

What we are seeking

Breakwater

Repair storm damage

- Permanently fencing the far end of the breakwater with an access gate $4,600.
- Permanently fencing the far end of the upper walkway $880.
- Replacing the dislodged seat capping including stainless pins $9,600.
- Replacing the light at the boat ramp $7,500.

Breakwater upper walkway

Midsection concrete repairs: $80,000.
Repair concrete seating, lower section, $10,000.
End section concrete and handrail repairs: $30,000 (concrete), $20,000 (handrail).
Total: $140,000.

Construction of the rock armouring:

estimated cost $8 million-plus.

Dredging

Initial major dredging, $850,000.

Maintenance dredging

Interval for maintenance dredging is like to be two to three years.
Over a 10-year period this is estimated at $2.4 million.

Warrnambool Surf Life Saving Club – upgrade to a 21st century facility

The home of the Warrnambool Surf Life Saving Club is approaching the end of its useful life.

The Warrnambool Surf Life Saving Club is a Life Saving Victoria club and operates as an emergency service under Emergency Management Victoria to deliver beach patrols, an after-hours response, surf sports training, Nippers (juniors) and public surf safety education programs.

The building occupied by the club, which dates from the 1950s, cannot accommodate the growing club membership and does not meet 21st century expectations and regulations for all-abilities access.

The building is Council-owned and situated on Crown Land. The Club is proposing that the current building be replaced with a modern facility. Preliminary plans for a new building achieve objectives of providing improved surveillance of the swimming area, greater accessibility, meeting rooms that can accommodate the club's growing membership and storage areas for surf boats and trailers. Plans also include dedicated training rooms, a First Aid room, modern changerooms, a patrol support and training room and storage for emergency response equipment.

It is also proposed that in keeping with current building any new facility would have a section leased out for a commercial restaurant business which would generate revenue to assist with building maintenance and other operating costs.

Strategic alignment

The long-term community plan Warrnambool 2040 seeks to have public infrastructure that is accessible for everyone and encourages social connection by providing activities to suit all ages and abilities.

The plan also seeks to have facilities and activities that "support and encourage healthy lifestyles".

What we will do

Council will continue to work with the Warrnambool Surf Lifesaving Club to develop a modern facility that enhances and provides for Beach and Water Safety for all, through volunteer lifesaving and that meets the needs of the Warrnambool community.

The Warrnambool Surf Life Saving Club building is no longer fit-for-purpose.

Rail – more frequent, faster and more accessible

Warrnambool, Victoria's largest coastal city outside Port Phillip Bay, is situated at the terminus of the South Western rail corridor.

The South Western rail corridor services a population, including Geelong, in excess of 350,000 people. Currently, four daily return services operate between Warrnambool and Melbourne.

Improved public transport means better social connectivity and improved two-way opportunities to conduct business, access sporting and cultural events, educational institutions and medical services.

Warrnambool has a Base Hospital which services Victoria's South West and south-east South Australia. It also has a Deakin University campus and the main campus for the South West Institute of TAFE. Along with Warrnambool's professional services these facilities contribute to our city being a regional destination with a growing population. The provision of reliable and regular rail services has proven to be a significant driver of growth in regional Victoria. This is evident along the rail corridors serviced by the VLocity trains: Geelong (51 Mon-Fri daily services), Ballarat (20 services), Bendigo (20 services) and the Latrobe Valley (19 services).

The rail services in these centres, and other Victorian regional cities, are complemented by dual carriageway roads.

Accessible, thriving regional centres help ease pressure on an ever-expanding Melbourne.

Council recognises the significant investment that has been made to improve the rail line and this critically important work is now under way.

Over time an upgrade of the ageing rolling stock is desirable. In recent years issues have arisen around some V/Line carriages being inaccessible to wheelchair users. This is a deterrent to rail travel and in some instances has meant that V/Line has had to subsidise taxi fares between Warrnambool and Melbourne for passengers using wheelchairs.

Strategic alignment

The long-term community plan, Warrnambool 2040, contains an aspiration to have the rail trip between Warrnambool and Melbourne reduced to two hours by 2040.
An upgrade of the station would also assist with its function as an important regional hub

for the Hamilton and Portland communities whose residents come to Warrnambool for connecting train services and for educational, business and medical services.

Warrnambool City Council's desire to see the number of rail services increased is shared by the South-West Victorian group of Councils which include the municipalities of Moyne, Corangamite, Southern Grampians, Glenelg and Colac-Otway. Residents within these municipalities access the South Western Victoria rail line.

What we are seeking

- Fifth weekday service which could be an express to Geelong, then express from Geelong to Melbourne.
- A long-term plan for the South Western Rail Corridor that considers replacement of ageing rolling stock, improved accessibility of the trains and the Warrnambool Station and shorter travel times.

Flagstaff Hill - Future Directions

Flagstaff Hill Maritime Village is a significant built visitor attraction in Warrnambool.

The village is situated on a prime central location on Crown land which overlooks the ocean. Each year more than 50,000 people visit the museum, recreated 19th century fishing village and a sound and light show which operates at night.

The village, alongside the Visitor Information Centre and a popular restaurant, requires a subsidy from Council each year. Council is looking at opportunities to maximise the benefits of what is a unique location with enormous potential.

This process has already received Victorian Government support in the form of a $110,000 grant to progress a Flagstaff Hill master plan and business case. As part of the business case development, Council is engaging with stakeholders including the Great Ocean Road Parks and Coast Authority.

The master plan and business case will ultimately provide certainty over the type of development that could occur at the site.

Strategic alignment

The long-term community plan Warrnambool 2040 includes an aspiration for the city to have "high-quality, regional-level arts, cultural and recreational facilities which are activated and programmed to meet the needs of the whole community and to attract visitors".

What we are seeking

This is Crown land and any land use change will require the consent and endorsement of the Victorian Government.

Warrnambool Art Gallery

Operated by Council, the Warrnambool Art Gallery, known locally as the WAG, is a vitally important cultural institution that actively engages the local arts community, the Aboriginal community, students and visitors to Warrnambool.

The WAG has reached the limits of its capacity to meet the growing needs of the arts community, the wider community and visitors to Warrnambool and the region.

The WAG can display only a fraction of its amazing permanent collection. The vast majority of its collection is in storage and unable to be viewed on a regular basis by the public.

The WAG's capacity to host new exhibitions is also limited. Equally significant are the challenges around climate control in the current building. Having the right environment within the gallery is of critical importance for the proper care of valuable and irreplaceable works of art.

The guiding vision for the future WAG is: "A new place that is more connected to the civic and natural setting of Warrnambool and which embraces local Indigenous culture".

WAG is exploring option which include a new building on the current site or a new building at nearby Cannon Hill,
These options have been examined in a feasibility study produced by SMA Tourism on behalf of the WAG.

Council will ask the community for feedback on a preferred site.

Once a preferred site has been identified a business case will be required for the long-term future of the WAG to be secured.

Funding for the business case is being finalised.

Strategic alignment
The long-term community plan Warrnambool 2040 anticipates planning for a new gallery building to be under way.

What we are seeking

Funding for the design and construction of a new WAG building pending the completion of the business case.

Brierly Park

Brierly Park is an important 12ha open space for the growing population in the northern area of Warrnambool.

The park contains some sporting facilities including cricket ovals and related buildings. The population of north-east Warrnambool and the adjacent urban area known as North of Merri is 5,150. These areas are growing at a rate of about 1.6 per cent annually.

Council is updating a master plan that will guide improvements to the park and its infrastructure over the coming decade. An early master plan identified an opportunity for Brierly Park to accommodate a multi-purpose community building.

Following the updated master plan Council will prepare a business plan ahead of seeking funding for infrastructure improvements at Brierly Park.

Strategic alignment
The long-term community plan Warrnambool 2040 includes an initiative to seek funding for implementation of the Brierly Park Master Plan.

What we are seeking

Council will seek funds to implement infrastructure improvements following the completion of a business plan.

Bushfield- Woodford Structure Plan

Council received strong representations from the Woodford and Bushfield communities in 2021 during Council Plan consultation with items raised including a community hub, skatepark, traffic management and improvements to the Bushfield Recreation Reserve.

Council has committed to further consultation with residents to better understand township priorities.

Council will also submit an application to the Victorian Planning Authority to fund a structure plan for the Bushfield-Woodford townships.

Strategic alignment
The long-term community plan Warrnambool 2040 includes a goal to have all public spaces, infrastructure and facilities designed to be accessible for everyone and which encourage social connection.

What we are seeking

Funding for the development of a Bushfield-Woodford Structure Plan.

Raglan Parade Pedestrian Safety

Council has received approaches from community members concerned about pedestrian safety along Raglan Parade. The concerns centre around the safety of students crossing Raglan Parade when commuter traffic is at its peak.

Council is working with Regional Roads Victoria to consider treatments that would improve safety without the requirement to lower the speed limit. Outcomes will be aligned with the Botanic Local Area Traffic Management Plan.

Strategic alignment

The long-term community plan, Warrnambool 2040, states that Warrnambool will be a city where all people thrive and which has a "safe and connected community". By 2040 Warrnambool is to have an urban environment in which "most children walk or cycle to school daily" and "most adults walk or cycle for transport daily".

What we are seeking

Pedestrian safety measures to be introduced along Raglan Parade by Regional Roads Victoria.

Small Town Sewerage Upgrades

The Warrnambool municipality is growing at a steady pace and this growth extends beyond the main city of Warrnambool to the small towns of Allansford, Bushfield and Woodford.

Residential growth in these towns is expected to grow however a constraint on that growth is the current sewerage system.

What Council will do

Council will work with Wannon Water and the Glenelg-Hopkins Catchment Management Authority to ensure the effluent management needs are met.

Delivering on investment

Warrnambool currently has a strong investment pipeline with a large number of major projects at an advanced planning stage, with planning approval, or under construction.

In aggregate these investments conservatively exceed $600 million across many of our City's major employing sectors – health and social services, education, food and fibre, aged care, water, and tourism.

Warrnambool City Council's track record indicates a capacity to successfully deliver major projects that have attracted external funding.

These projects show the benefit of investment in Warrnambool and its people.

City Centre Renewal

The 2017-2018 $18 million renewal of Warrnambool's main street and nearby key intersections was a once-in-a-generation project.

The renewal transformed tired infrastructure into an inviting and accessible space that has a focus on people instead of cars. Activity nodes, wider footpaths paved with local basalt, feature lighting, new street furniture and the elimination of kerbs were among the changes. Below ground, ageing and failing drainage and service conduits were replaced.

The business support program, designed to attract customers to the city centre while the construction under way, went on to win the 2019 Economic Development Australia marketing and promotion award.

The project was funded by Council with an additional $5 million from the Victorian Government and a further $5 million from the Australian Government.

Now under way or recently completed

Reid Oval Redevelopment

This project positions Reid Oval as the region's premier sports ground.

With support from the Victorian Government Council has:

- upgraded the playing surface on Reid Oval to a regional standard for AFL and cricket;
- upgraded lighting to allow night fixtures to be played;
- built modern player and umpire facilities that cater equally for male and female players and umpires;
- built spectator amenities; and,
- improved cricket training facilities.

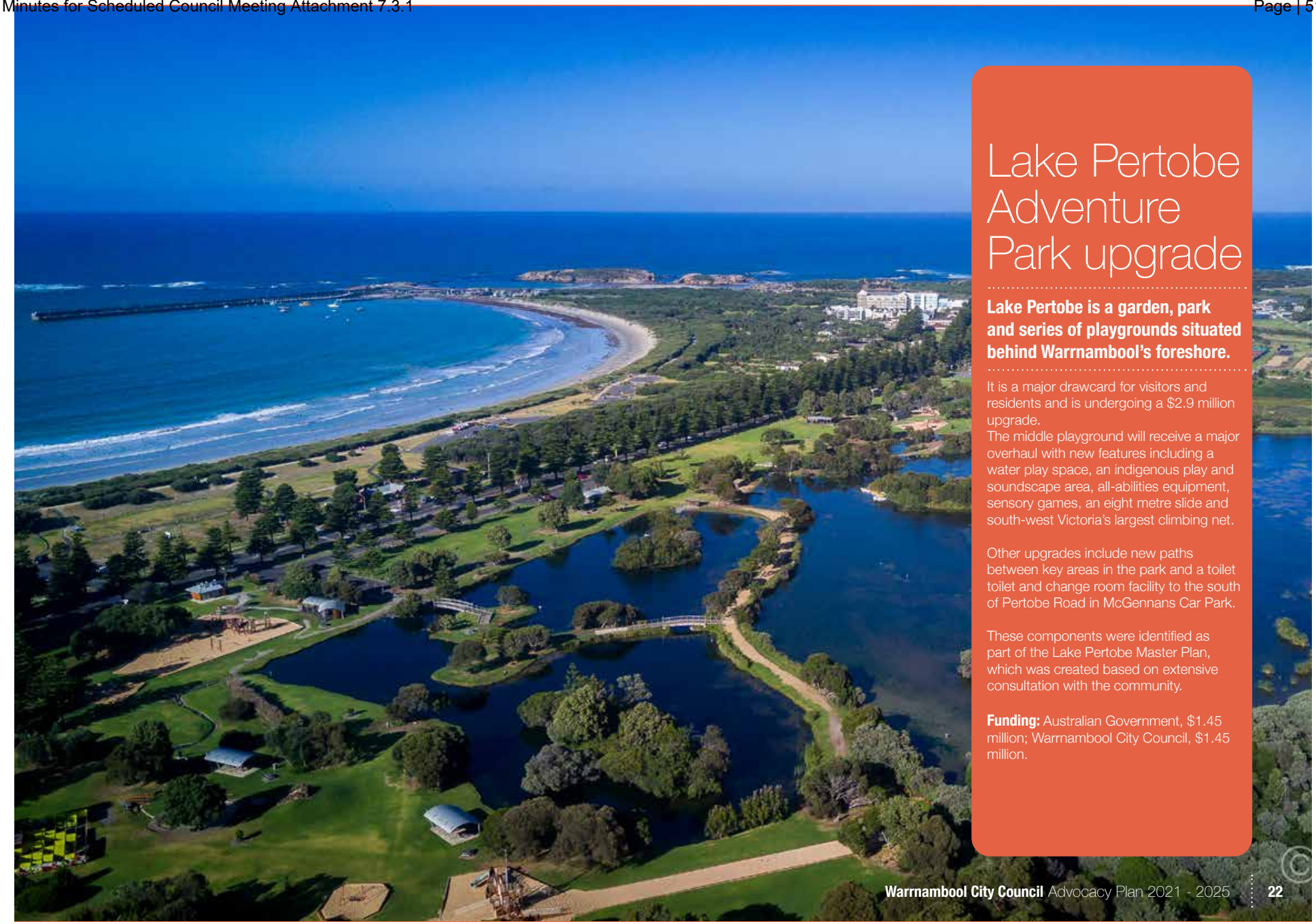
Funding:
Victorian Government, $10 million; Warrnambool City Council, $3 million, Cricket Victoria $200,000; AFL Victoria, $250,000.

Library and Learning Hub – a shared learning space with South West TAFE

Warrnambool City Council and South West TAFE are building a new $20.25 million shared library.

Right: the library under construction at the South West TAFE campus, September 2021.

The library was made possible through a $16.3 million contribution by the Victorian Government, $3 million from Council, the provision of prime CBD land by SW TAFE and generous philanthropic support. The new library will operated by the Warrnambool City Council for the benefit of both TAFE and Warrnambool communities.
The new building will have greater accessibility, more access to computers, improved study and meeting spaces, a vibrant children's library, generous collection spaces and room to expand for our growing community.



Lake Pertobe Adventure Park upgrade

Lake Pertobe is a garden, park and series of playgrounds situated behind Warrnambool's foreshore.

It is a major drawcard for visitors and residents and is undergoing a $2.9 million upgrade.
The middle playground will receive a major overhaul with new features including a water play space, an indigenous play and soundscape area, all-abilities equipment, sensory games, an eight metre slide and south-west Victoria's largest climbing net.

Other upgrades include new paths between key areas in the park and a toilet toilet and change room facility to the south of Pertobe Road in McGennans Car Park.

These components were identified as part of the Lake Pertobe Master Plan, which was created based on extensive consultation with the community.

Funding: Australian Government, $1.45 million; Warrnambool City Council, $1.45 million.

7.4. COMPLAINTS POLICY

DIRECTORATE : Executive Services

PURPOSE:

The purpose of this report is to provide Council with the Complaints Policy for their consideration and proposed adoption.

EXECUTIVE SUMMARY

In accordance with section 107 of the Local Government Act 2020 (the Act), Council must have a Complaints Policy in place by 31 December 2021.

This Draft Complaints Policy has been developed with in accordance with the requirements under section 107 of the Act, and with consideration and guidance taken from the Victorian Ombudsman's Councils and Complaints - Good Practice Guide, 2nd edition.

It is recommended that the Complaints Policy be adopted.

MOVED: CR BEN BLAIN
SECONDED: CR DEBBIE ARNOTT

That Council adopt the Complaints Policy as at Attachment 1.

CARRIED - 7:0

BACKGROUND

With the ongoing implementation of the Local Government Act 2020, Council must have adopted a Complaints Policy in accordance with section 107 of the Act. Section 107 requires:

(1) A Council must develop and maintain a complaints policy that includes-

- a process for dealing with complaints made to the Council; and
- a process for reviewing any action, decision or service in respect of which the complaint is made; and
- a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review; and
- Any other matter prescribed by the regulations.

(2) A review process must provide for a review that is independent of -

- The person who took the action; and
- The person who made the decision; and
- The person who provided the service.

(3) for the purposes of the complaints policy, complaint includes the communication whether orally or in writing, to the Council by a person of their dissatisfaction with -

- The quality of an action taken, decision made, or service provided by a member of Council staff, or a contactor engaged by the Council; or
- The delay by a member of Council staff or a contactor engaged by the Council in taking action, making a decision or providing a service; or
- A policy or decision made by a Councillor or a member of Council staff or a contractor.

In the development of this policy, the Victorian Ombudsman's Councils and Complaints – A Good Practice Guide, 2nd Edition, was utilised to ensure that Policy covered all statutory requirements to a suitable standard. The 2nd Edition was put out by the Ombudsman in July 2021, in line with the commencement of section 107 of the Act and had been revised to support the new legislative requirements relating to complaints and relies on good practice complaint handling and is intended to build a positive culture around complaints.

Officers recognise the importance of effective complaints handling and the value of utilising data collected through our complaints handling processes as a tool to help improve Council actions, decisions and customer service. This has been factored into the Policy which will guide and support Council's complaints handling practices.

The Complaints Policy must be developed within 6 months of the commencement of section 107 which occurred on 1 July 2021.

ISSUES

Nil.

FINANCIAL IMPACT

Nil.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

5 An effective Council
5.3 Customer-focused services: Council will continue to develop a program of Council services that are delivered to the community's satisfaction.

TIMING

The policy must be adopted by Council prior to 31 December 2021 for Council to be compliant with the Local Government Act 2020.

COMMUNITY IMPACT/CONSULTATION

Internal consultation was undertaken as part of the development of this policy.

Given the legislative requirements and operational processes related to the Policy, community consultation has not been undertaken.

LEGAL RISK/IMPACT

Council would face a risk of noncompliance if the Policy was not adopted at the Council Meeting scheduled for 6 December 2021.

Poor complaints handling processes undertaken without the support of this policy could result in the potential for legal and reputational risks to Council.

OFFICERS' DECLARATION OF INTEREST

NIl.

CONCLUSION

The Complaints Policy, as required under section 107 of the Local Government Act 2020, has been drafted in accordance with the requirements set out in the Act and through utilising the Victorian Ombudsman's Councils and Complaints Good Practice Guide. The Policy is submitted to Council for consideration and is recommended for adoption.

ATTACHMENTS

1. DRAFT Complaints Policy v2 Nov 2021 [**7.4.1** - 12 pages]

WARRNAMBOOL
CITY COUNCIL

Complaints Policy

POLICY TYPE: COUNCIL

APPROVAL DATE: December 2021

REVIEW DATE: November 2025

COMPLAINTS POLICY

DOCUMENT CONTROL

Document Title:	*Complaints Policy*
Policy Type:	*Council Policy*
Responsible Branch:	*Executive Services*
Responsible Officer:	*Manager Governance, Property, Projects and Legal*
Document Status:	*Draft*
Approved By:	*Council Resolution*
Adopted Date:	*6 December 2021*
Review Date:	*November 2025*

COMPLAINTS POLICY

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COMPLAINTS POLICY

1. INTRODUCTION

1.1. Purpose

The purpose of this policy is to deliver consistent and fair management and handling of complaints made to Council about decisions made, and actions or service delivery undertaken by Council staff, volunteers, contractors working on Council's behalf and Councillors.

The policy aims to:

- Inform customers about what to expect during the complaints handling process and how they can escalate their issue if they are not satisfied.
- Ensure that feedback is handled in a fair, unbiased and consistent way, allowing for corrective actions to be put in place where necessary.
- Consider and respect human rights.
- Provide opportunities for continually improvement to our customers' experience and satisfaction with Council services and programs.

1.2. Scope

This policy applies to complaints made to Council about decisions made, and actions or service delivery undertaken by Council staff, volunteers, contractors working on Council's behalf and Councillors.

This policy does not apply to requests for service which would include items such as:

- Customer requests for service, including for works or repairs, the reporting of damaged or faulty infrastructure or hazards (i.e. potholes, fallen trees, etc.), information, support or assistance from relevant officers, etc.
- Requests for information about services, policies, procedures and/or records, including Freedom of Information requests.
- Reporting of a suspected breach of or complaint made under Council's Local Laws.
- Reporting of a suspected breach under certain statutory regulations or legislation such as planning, building and environmental health.
- Appeals against decisions made under certain statutory regulations or legislation such as planning, building and environmental health.
- Complaints and reporting about suspecting privacy breaches.
- Complaints alleging fraud, corruption or other criminal behaviour.
- Complaints made to external integrity agencies about Council for which Council is asked to provide information.
- Internal disputes between staff of a personal nature, or that are managed under human resource policies and procedures.

1.3. Definitions

Term	Definition
Complaint	includes the communication to the Council by a person of their dissatisfaction with— (a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or (b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or (c) a policy or decision made by a Council or a member of Council staff or a contractor.
Council Staff	Is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.
Council Contractor	Is any third-party engaged by the Council to carry out functions on the Council's behalf.
The Council	Means the body of elected Councillors
Frontline Staff	Staff who are forward facing and regularly provide direct customer service, or the Council staff directly involved with or responsible for taking the action, making the decision or delivering the service at the centre of the complaint
Customer Requests for Service	Are a request made by a customer for an action, decision or service which may relate to an activity or service provided by the Council. Where a customer becomes dissatisfied with the action taken, decision made or service provided with respect to their customer service request, they may make a complaint to Council in accordance with this policy. Customer requests for service are handled under the customer service charter and are not treated as complaints.

1.4. References

- Charter of Human Rights and Responsibilities Act 2006
- Freedom of Information Act 1982
- Information Privacy Act 2000
- Local Government Act 2020
- Public Interest Disclosure Act 2012
- Victorian Ombudsman Councils and Complaints – A Good Practice Guide

2. POLICY

This policy is created in accordance with section 107 of the Local Government Act 2020 and addresses the following:

- a process for dealing with complaints made to the Council; and
- a process for reviewing any action, decision or service in respect of which the complaint is made; and
- a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review.

The Warrnambool City Council complaints handling structure will include a process whereby Council:

- enable complaints to be made;
- respond to complaints in a managed and consistent manner; and
- learn and improve service delivery through effective management and review of complaints data.

2.1. What is a complaint?

A complaint under this policy includes a communication to the Council which expresses dissatisfaction with:

- The quality of an action, decision or service provided by Council staff or a Council contractor.
- A delay in taking an action, making a decision or delivering a service by Council staff or a Council contractor
- A policy of, or decision made by the Council.

And, must be within this policy's Scope (clause 1.2) to be handled under this policy.

In accordance with s.107 of the Local Government Act 2020, complaints made under this policy can be received as communication by a person either orally or in writing.

Council accept anonymous complaints provided enough information is received in order to resolve the complaint, or undertake an internal investigation. Although Council may be able to review the subject matter of a complaint, an outcome or resolution of a complaint may not be able to reached or communicated to an anonymous complainant.

2.2. Complaint Considerations

For a customer's expression of dissatisfaction to be treated as a complaint, complainants should be clear that they are making a complaint and seeking a resolution to that complaint.

Where possible, complainants should seek to raise their dissatisfaction with the Council staff or contractors involved in the matter in the first instance. Alternatively, information about how to make a complaint via other means is available below in the 'How to make a complaint' section of this policy.

Complaints should include information about:

- The specific action, decision, service or policy at the cause for the complaint
- What is the cause of or has resulted in the dissatisfaction
- Relevant details such as the dates, times, location, related documentation or references that support the complaint
- Outline any other action or communication you have had with Council staff, contractors, Councillors or external agencies with respect to your complaint
- What outcome you are seeking by making the complaint
- Any preferences or needs you have about communication with Council such as an interpreter or TTY, having someone act on your behalf in relation to the complaint, or a preference to have communication provided verbally.

3. PROCEDURE

COMPLAINTS POLICY

3.1. How to Make a Complaint

A person can make a complaint in a number of ways.

Mail	PO Box 198, 25 Liebig Street, Warrnambool Victoria, 3280
Telephone	1300 003 280 or 03 5559 4800
Email	contact@warrnambool.vic.gov.au
In person	25 Liebig Street, Warrnambool, or the Council facility the complaint relates to.
Fax	03 5559 4900
Internet	https://www.warrnambool.vic.gov.au/

3.2. How a Complaint will be Handled

The council takes a four-tiered approach to complaint handling, as follows:

1. **Frontline resolution**: frontline staff receive the complaint and resolve it immediately.
2. **Escalation**: where frontline staff cannot resolve the complaint, they will escalate the complaint to their Coordinator/Service Manager/Team Leader for resolving.
3. **Internal Investigation**: if the complainant is not satisfied with the outcome or resolution of their complaint, they can request an internal investigation where a review of the complaint and decision will be undertaken.
4. **External Review**: if the complainant is not satisfied with the process or outcome of the internal investigation, they will be informed of any external avenues through which they can pursue their compliant.

3.2.1. Frontline Resolution

Where possible, frontline staff will seek to resolve the complaint at the time of first contact by the complainant or within 10 business days of receipt of the complaint.

The frontline resolution process will be undertaken as follows:

- Where needed, frontline staff will seek to clarify the complaint and the outcome the complainant is seeking if not included in initial complaint
- Frontline staff will assess the complaint and, where possible, determine an outcome and respond to the complainant accordingly.
- Frontline staff will record the action they took to review the complaint and the outcome of the complaint and submit it to Records for recording the Records Management System.
- If it is determined by frontline staff that Council is not the right organisation to respond to the complaint, they will refer the complainant to an organisation that can help.
- If it is determined by Frontline staff that the complaint is not easily and quickly resolvable, they may escalate the complaint to a Coordinator/Team Leader/Service Manager.

3.2.2. Escalation

Where Frontline staff are unable to quickly and easily resolve a complaint, the complaint may be escalated to a more senior staff member with knowledge of the service area or oversight of actions and decisions made within that Council service.

The Coordinator/Team Leader/Service Manager will acknowledge with the complainant that the complaint has been escalated to them with 2 business days of the escalation.
The process will be undertaken as follows:

- Where needed, the Coordinator/Team Leader/Service Manager will seek to clarify the complaint and the outcome the complainant is seeking if not included in initial complaint
- The Coordinator/Team Leader/Service Manager will assess the complaint and determine an outcome and respond to the complainant accordingly. Council will aim to complete a review and respond to the complainant with an outcome within 30 days.
- The Coordinator/Team Leader/Service Manager will record the action they took to review the complaint and the outcome of the complaint and submit it to Records for recording the Records Management System.
- If it is determined that Council is not the right organisation to respond to the complaint, they will refer the complainant to an organisation that can help.

3.2.3. Internal Investigation

If a complainant is dissatisfied with the outcome of their complaint, they are able to request an internal review of the complaint.

The internal review will be conducted by the Manager Governance, Property, Projects and Legal, or a senior officer who has not had any prior involvement with the complaint.

The complainant will be informed of the outcome of the internal review, with reasons given for any decisions made with 45 days of the internal review being received by the reviewing officer.

3.2.4. External Review

There are external integrity agencies available to investigate different types of complaints about Council.

Complainants can request an external review from the following organisations by contacting them directly.

Where a complaint made to Council leads to findings that may require external investigation by an integrity agency, Council will forward the necessary information to the appropriate external agency for further assessment.

Complaint	External agency to contact
External review of actions or decisions of a Council, Council staff and contractors. *This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006 (Vic)*	Victorian Ombudsman www.ombudsman.vic.gov.au
Breaches of the Local Government Act	Local Government Inspectorate www.lgi.vic.gov.au
Breach of privacy or a complaint about a freedom of information application	Office of the Victorian Information Commission www.ovic.vic.gov.au
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission

	www.ibac.vic.gov.au
Discrimination	Victorian Human Rights and Equal Opportunity Commission www.humanrights.vic.gov.au
Council elections	Victorian Electoral Commission www.vec.vic.gov.au

3.3. Roles and Responsibilities

Role	Responsibility
Complainant	Be clear about what the complaint is, what and/or who it relates to, when it occurred and any related background and timeline information, and any additional information that may assist officers in quickly and efficiently reviewing and responding to the complaint.
Frontline Staff	Frontline staff receive and assess complaints and if possible resolve the complaint at the point of contact, within the scope of their role. Where a frontline staff member requires assistance of a supervisor or the Manager Governance, Property, Projects and Legal, the supervisor or Manager will assist and investigate to enable the complaint to be resolved at the point of contact. Where a complainant requests a review of the decision made about their complaint by a frontline staff member, the staff member is to refer it to the Manager Governance, Property, Projects and Legal for internal investigation.
Service Managers, Coordinators and Team Leaders	Complaints that cannot be managed at first point of contact by Frontline Staff will be referred to the appropriate Coordinator/Service Manager/Team Leader for investigation and management of the complaint. Where a complainant requests a review of the decision made about their complaint by a Coordinator/Service Manager/Team Leader, the officer is to refer it to the Manager Governance, Property, Projects and Legal for internal investigation. Provide training and support to staff so that they understand the complaint handling process and are empowered to manage any referred complaints within the scope of their role.
Managers and Directors	Where a complainant requests a review of the decision made, refer it to the Manager Governance, Property, Projects and Legal for internal investigation. Provide training and support to staff so that they understand the complaint handling process and are empowered to manage any referred complaints within the scope of their role. Periodically review complaints data provided and apply findings to improve service delivery. Implement service delivery improvement opportunities identified through individual internal investigations upon their completion, where feasible.

Manager Governance, Property, Projects and Legal	Where a complainant requests a review of the complaints decision made in the first instance, the Manager Governance, Property, Projects and Legal will undertake an internal investigation. Present findings of any internal investigation to the appropriate Managers and Directors. Present findings of any internal investigation that uncover significant issues in the quality of, or delay in an action taken, decision made or service provided by a staff member or contractor to the Chief Executive Officer. Support staff in undertaking any complaints resolution process for which they seek assistance from the Manager Governance, Property, Projects and Legal. Where a complaint is assessed by the Manager
Chief Executive Officer	Establish an organisational culture where complaints are handled seriously and comprehensively. Promote positive behaviours and practices relating to enabling, responding to and learning from complaints Act on complaints reporting data and resolve any significant issues identified; and support service improvements that arise from complaints. Oversee complaints made against Directors or the Council. Receive and action internal investigation reports about complaints made against Directors or the Council undertaken by the Manager Governance, Property, Projects and Legal.
Contractors	Contractors are responsible for ensuring all complaints received from members of the community are issued to their Council staff member contact so they can be recorded in the CRM system for tasking to appropriate staff member. Implement service delivery improvement opportunities identified through individual internal investigations upon their completion, where feasible.
All Council Staff	Familiarise themselves with this policy and the Council's complaint process. Assist members of the public to make a complaint. Treat members of the public making a formal complaint with respect and professionalism.
Councillors	Councillors are responsible for ensuring all complaints received from members of the community are referred to Council staff to be dealt with in accordance with this policy.

3.4. How Council learn from Complaints

Complaints made by people who use or who are affected by Council services provide valuable feedback about the quality of the service and their customer experience. Council will analyse this complaint data to identify trends and potential issues that deserve further attention.

4. GOVERNANCE

4.1. Owner

Manager Governance, Property, Projects and Legal.

4.2. Privacy

Council will record and use personal information to respond to a complaint and may also analyse the information provided for the purpose of improving services that relate to the complaint. Where Council report any complaints data, personal information is removed. Personal information Council may seek as part of a complaint includes:

- name and contact details
- any communication or assistance needs that can be reasonably accommodated
- demographic information to help Council understand the needs of our community (if you consent to giving us this information)
- what the complaint is about and why the complaint arose
- what outcome the complainant is seeking

4.3. Review

The Manager Governance, Property, Projects and Legal will review the policy for any necessary amendments no later than 4 years after its formulation or after the last review.

4.4. Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).

Warrnambool City Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.

5. APPENDICES

Nil.

COMPLAINTS POLICY

7.5. BORROWING STRATEGY

DIRECTORATE : Corporate Strategies

PURPOSE:

To consider the updated Borrowings Strategy.

EXECUTIVE SUMMARY

- The Borrowings Strategy has been updated to comply with the Local Government Act 2020.
- The borrowing policy principles remain the same and are consistent with assisting the long term financial sustainability goals of Council.
- Parameters have been added to specify the acceptable borrowing arrangements.
- The strategy has been reviewed by the Audit & Risk Committee.

MOVED: CR DEBBIE ARNOTT
SECONDED: CR MAX TAYLOR

That Council adopt the Borrowings Strategy.

CARRIED - 7:0

BACKGROUND

Council's existing borrowing strategy is due for review and renewal.

The purpose of this strategy is to provide the appropriate parameters for the Council to undertake borrowings without compromising the application of sound fiscal management principals. The strategy allows the Council the flexibility to respond to funding requirements while minimising risk.

The strategy ensures that Council has a sound financial framework on which to:

- undertake borrowings;
- manage its loan portfolio; and
- adhere to the provisions of the Local Government 2020

ISSUES

The strategy provides a framework to guide Council on how to manage borrowings and considers the:

- Legislative requirements
- Strategic link with Council Plan
- Financial management principles
- Borrowing arrangements

Borrowings are an acceptable source of funding, particularly in the context of funding major projects as it can spread the payments for such assets across the generations who will gain benefit from them.

Council will plan to utilise this form of funding in future budgets and in its long term financial plan. It will adhere to the following principles:

- No borrowings for operational purposes.
- Borrow for major infrastructure projects which have long useful lives thereby applying equity of burden across ratepayers of different generations who would enjoy the benefits of the asset.
- Consider borrowing for unforeseen one-off major impacts (i.e defined benefits superannuation calls, natural disasters) that may have a generational impact.
- Priority for projects with above loan repayment returns – These are projects which are capable of generating new cash inflows, or reduced cash outflows, which are greater than the principal and interest cash flows associated with a loan.
- Loan repayments of principal and interest to repay debt over its loan term.
- Maintain a prudential borrowing ratio (debt/rate revenue) of no greater than 50%.
- Maintain a debt servicing ratio (loan repayments/rate revenue) of no greater than 8%.
- All Victorian Auditor General Office VAGO Sustainability indicators relating to debt which a sustainable rating.
- Council will secure its loan funds through competitive tendering, either as a standalone tender or through collaborative tendering arrangements approved by the Minister for Local Government or directly with the Treasury Corporation of Victoria.

FINANCIAL IMPACT

Borrowings will be in accordance with the strategy and all future borrowings must be included in a Council approved budget.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council
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.

Local Government Act 2020 – Part 4, Division 4 provides the relevant legislation for financial management, borrowings and the budget process.

TIMING

The borrowing strategy will be considered by Council at a Scheduled Council Meeting with a proposed four year review period.

COMMUNITY IMPACT / CONSULTATION

The borrowing strategy has been reviewed by the Audit and Risk Committee as per the requirements of the Committee charter and the Local Government Act 2020. There were no changes to the policy following this review.

LEGAL RISK / IMPACT

The strategy complies with the requirements of the Local Government Act and mitigates financial risk by providing parameters to Council borrowings.

OFFICERS' DECLARATION OF INTEREST

Nil.

ATTACHMENTS

1. 2021 Borrowing Strategy [**7.5.1** - 9 pages]

WARRNAMBOOL
CITY COUNCIL

BORROWINGS STRATEGY

APPROVAL DATE: ~~June~~ XX ~~2017~~2021
REVIEW DATE: ~~June~~ XX~~2023~~2025

BORROWINGS STRATEGY

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BORROWINGS STRATEGY

Background

Loan borrowing is a legitimate and responsible financial management tool when used to fund major projects, as it spreads the payments for such assets across the generations who benefit.

In developing ~~the Strategic Resource Plan (SRP) and the~~Councils Long Term Financial Plan, borrowings have been identified as an important funding source for infrastructure necessary to support the new growth areas, provision of generational infrastructure assets and ~~to deal with the flattening of major generational infrastructure costs.~~to invest in projects that provide an appropriate return on investment through income generation or cost savings.

~~Warrnambool Council has a history borrowed strongly to finance large infrastructure projects and the provision of drainage infrastructure to facilitate new development in the city was an exemplar of this direction. The updated SRP contains borrowings to fund the new infrastructure works necessary to facilitate development in the identified growth areas.~~

~~The debt reduction program likewise creates a future opportunity to revisit borrowings for projects and stay within appropriate prudential borrowing limits.~~

~~Loan borrowing is a legitimate and responsible financial management tool when used to fund major projects, as it spreads the payments for such assets across the generations who benefit.~~

Purpose

The purpose of this strategy is to provide the appropriate parameters for the Council to undertake borrowings without compromising the application of sound fiscal management principals. The strategy allows the Council the flexibility to respond to funding requirements while minimising risk.

The strategy ensures that Council has a sound financial framework on which to:

- undertake borrowings;
- manage its loan portfolio; and
- adhere to the provisions of the Local Government 2020

Legislative Framework

The Local Government Act 2020 (Section 104) gives Council the power to borrow funds provided it is included in the budget or the revised budget.

The Act introduces strategic planning principles for Victorian councils which include an integrated approach to planning, monitoring and performance reporting.

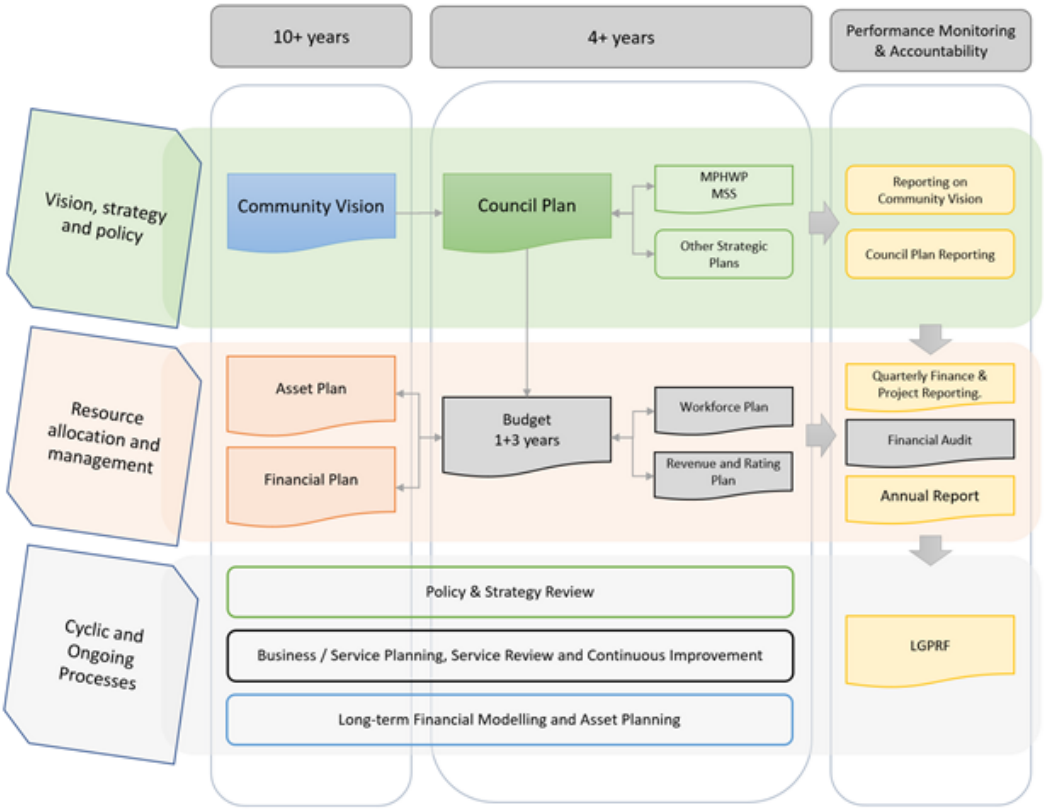
Part 4 of the Local Government Act 2020 requires councils to prepare the following:

- A Community Vision (for at least the next 10 financial years);
- A Council Plan (for at least the next 4 financial years);

BORROWINGS STRATEGY

- A Financial Plan (for at least the next 10 financial years);
- An Asset Plan (for at least the next 10 financial years);
- A Revenue and Rating Plan (for at least the next 4 financial years);
- An Annual Budget (for the next 4 financial years);
- A Quarterly Budget Report;
- An Annual Report (for each financial year);
- A Workforce Plan (including projected staffing requirements for at least 4 years); and
- Financial Policies.

The legislative timeframes for development, review and adoption of the elements of the Integrated Strategic Planning and Reporting Framework (ISPRF) and the time horizons for each element vary. However there are also many linkages, including the central importance of community engagement. It is therefore vital to recognise the relationships and degrees of integration between different elements. To aid this process, a visual representation of the ISPRF has been developed.



The borrowing strategy is an important financial strategy that will help to inform the key strategic documents of Council.

~~The Local Government Act 1989 (the Act) (Section 125) provides that Councils are required to develop Council Plans generally within 6 months of each general election. The Council Plan must document Council's strategic objectives and strategies for achieving those~~

BORROWINGS STRATEGY

~~objectives at least over the next 4 years as well as indicators for monitoring the achievement of objectives. The Act (Section 126) requires the Council Plan to incorporate a Strategic Resource Plan.~~

~~The Strategic Resource Plan identifies resources required to achieve the strategic objectives for at least the next four years and in particular the financial resources which are set out in standard financial statement format.~~

~~While the Council Plan is set for a minimum four year period, good governance and planning processes would ensure it is based on longer term objectives in relation to Council services and infrastructure. These aspirations are then translated into the medium term goals set out in the Council Plan. Council has a number of processes through which long term service and infrastructure needs are identified. In particular, asset management and capital expenditure planning typically spans a 10 year or longer time horizon.~~

~~Changes mooted in the development of a new Local Government Act and work required to fulfil any submissions to the Essential Services Commission (ESC) must look at a longer 10 year plus horizon.~~

~~Part of any ESC review of rates is the effective utilisation of all available resources by a Council i.e. its current rating effort other recurrent revenue streams and the manner in which its borrowings regime is applied.~~

~~Under the Act (Section 127) a budget must also be prepared each financial year. The budget must be prepared in a standard format, describe the "activities and initiatives to be funded" and must also state "...how the activities and initiatives...will contribute to achieving the strategic objectives" Council.~~
~~The Act provides for Councils the power to borrow.~~

~~Section 144(1) of the Act states: 'Subject to the principles of sound financial management, a Council may borrow money to enable the Council to perform the functions and exercise the power conferred on the Council under this Act or any other Act.'~~

~~Sections 145 to 149 of the Act further specify the circumstances in which the power to borrow may be exercised, securities to be used for local government borrowings, and how the borrowings should be disclosed, etc.~~

~~In particular, Section 146 provides that 'A Council cannot borrow money for ordinary purposes or the purposes of municipal enterprises unless the proposed borrowings were included in a budget or revised budget.' Further 'If the proposed borrowings are to re-finance existing loans, the Council is not required to include the proposed borrowing in a budget or revised budget.'~~

~~Council Plans can be amended. The Act (Section 125(7)) requires that "...a Council must consider whether the current Council Plan requires any adjustment" and (Section 125(8)) that "...a Council may make any adjustment it considers necessary". Any such adjustments to the Council Plan must be advised to the Minister within 30 days of the making the adjustment (Section 125(10)).~~

~~Similarly, the Act (Section 128(1)) requires that a revised budget be prepared "...if circumstances arise which cause a material change in the budget and which affects the operations and position of the Council."~~

BORROWINGS STRATEGY

~~Therefore the Act clearly provides for amendments to be made to the Council Plan (including the Strategic Resource Plan) and the Annual Budget.~~

~~In practical terms the Council Plan and Budget are subjected to review at least on an annual basis.~~

Linkage to Council Plan

Council's strategic objectives are set out in the Council Plan whilst the ~~Strategic Resource Plan~~ 4 year budget and long term financial plan contains the financial resources to achieve these objectives. ~~it~~ These plans outline~~s~~ the funding sources proposed to deliver on ~~its~~ the strategic objectives for ~~its~~ the community.

In seeking to remain financially sustainable, Council utilises a range of funding sources of which borrowings is one. It is acknowledged that Councils are generally infrastructure intensive as this is required to provide the extensive range of services to their communities much of which would not be provided for in any other form.

The Council Plan outlines the strategic intent of service provision and advocacy for ~~a~~ the local community.

Principles of ~~Sound~~ Financial Management

The Victorian Local Government Act ~~1989~~ 2020 (~~Section 136~~Section 101) sets out the following principles of ~~sound~~ financial management:

(~~2~~1) The principles of ~~sound~~ financial management are that a Council must –

(a) revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans;~~manage financial risks faced by Council prudently having regard to economic circumstances;~~

(b) financial risks must be monitored and managed prudently having regard to economic circumstances;~~pursue spending and rating policies that are consistent with a reasonable degree of stability of the rates burden;~~

(c) financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community;~~ensure that decisions are made and actions are taken having regard to their financial effects on future generations;~~

(d) accounts and records that explain the financial operations and financial position of the Council must be kept.~~ensure full, accurate and timely disclosure of financial information relating to the Council~~

BORROWINGS STRATEGY

(~~3~~2) For the purposes of the financial management principles, financial risk includes any risk relating to the following—~~The risks referred to in subsection (2)(a) include risks relating to –~~

(a) the financial viability of the Council;~~the level of Council debt;~~

(b) the management of current and future liabilities of Council;~~the commercial or entrepreneurial activities of the Council;~~

(c) the beneficial enterprises of the Council.~~the management and maintenance of assets;~~

~~(d) the management of current and future liabilities;~~

~~(e) changes in the structure of the rates and charges base."~~

~~Strategy as Policy~~Strategic Intent~~:~~

Council is of the opinion that borrowings are an acceptable source of funding. Council will plan to utilise this form of funding in future budgets and in its long term financial plan. Whilst understanding and adhering to the principles of sound financial management as set out in the local government act, Council must decide how this manifests itself in practical terms for the future and how it will utilise borrowings as such.

The principles outlined below in the strategy form the policy basis for Council Borrowings. The following principles codifies what process for decision making is to be applied when considering the use of borrowings for Warrnambool City Council.

BORROWINGS STRATEGY

Borrowing Policy Principles~~:~~

- No borrowings for operational purposes.
- Borrow for major infrastructure projects which have long useful lives thereby applying equity of burden across ratepayers of different generations who would enjoy the benefits of the asset.
- Consider borrowing for unforeseen one-off major impacts (i.e defined benefits superannuation calls, natural disasters) that may have a generational impact.
- Priority for projects with above loan repayment returns – These are projects which are capable of generating new cash inflows, or reduced cash outflows, which are greater than the principal and interest cash flows associated with a loan.
- Loan repayments of principal and interest to repay debt over its loan term.
- Maintain a prudential borrowing ratio (debt/rate revenue) of no greater than 50%.
- Maintain a debt servicing ratio (loan repayments/rate revenue) of no greater than 8%.
- All Victorian Auditor General Office VAGO Sustainability indicators relating to debt which a sustainable rating.
- Council will secure its loan funds through competitive tendering, either as a standalone tender or through collaborative tendering arrangements approved by the Minister for Local Government or directly with the Treasury Corporation of Victoria.

Borrowing Arrangements

When entering into borrowing arrangements, Council will seek to minimise interest costs over the long term without introducing undue volatility in annual interest costs. Council's borrowings will be appropriately structured to constrain risk and will be consistent with the following parameters:

Council will consider the appropriateness of the various types of debt products available (including savings offset arrangements);

- The term of a loan will typically be 10 years, but no greater than the expected useful life of the asset being funded by the loan;
- Council intends to maintain a repayment schedule consistent with "principal and interest" repayment calculations. In the case of interest only borrowings, this will require an investment reserve to be established to hold funds equivalent to principal repayments;
- Loan repayments will be made in a regular schedule, such as quarterly, bi-annually or otherwise determined at the time of entering the loan agreement. Consideration should be given to efficiency of payment while minimising interest costs

~~Period of policy currency and review~~

~~This policy will remain current until its review which will be scheduled for consideration in June 2023.~~

BORROWINGS STRATEGY

7.6. INVESTMENT POLICY

DIRECTORATE : Corporate Strategies

PURPOSE:

To consider the updated Investment Policy.

EXECUTIVE SUMMARY

- The Investment Policy has been updated to comply with the Local Government Act 2020.
- The Investment policy remains the same as the legislation carried forward from the previous Local Government Act.
- The policy has been reviewed by the Audit & Risk Committee.

MOVED: CR BEN BLAIN
SECONDED: CR DEBBIE ARNOTT

That Council adopt the Investment Policy as contained in Attachment 1.

CARRIED - 7:0

BACKGROUND

Council's investment policy is being updated to reflect the Local Government Act 2020.

ISSUES

The legislation remains the same and has been carried forward from the Local Government Act 1989.

FINANCIAL IMPACT

This policy provides Council with a framework for how it can invest surplus funds whilst complying with the legislative requirements.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council
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.

Local Government Act 2020 – Section 103.

TIMING

The Investment Policy will be considered by Council at a Scheduled Council Meeting with a proposed four year review period.

COMMUNITY IMPACT / CONSULTATION

The Investment Policy has been reviewed by the Audit and Risk Committee as per the requirements of the Committee charter and the Local Government Act 2020. There were no changes to the policy following this review.

LEGAL RISK / IMPACT

The policy complies with the requirements of the Local Government Act and mitigates financial risk by providing parameters to Council investments.

OFFICERS' DECLARATION OF INTEREST

Nil.

ATTACHMENTS

1. WCC Investment Policy 2021 [**7.6.1** - 9 pages]

WARRNAMBOOL
CITY COUNCIL

Investment Policy

APPROVAL DATE: ~~03 August 2020~~

REVIEW DATE: ~~August 2024~~

INVESTMENT POLICY

DOCUMENT CONTROL

Document Title:	*Investment Policy*
Policy Type:	*Council*
Responsible Branch:	*Financial Services*
Responsible Officer:	*Manager Financial Services*
Document Status:	*~~Adopted~~Draft*
Approved By:	*Council*
Adopted Date:	*~~03 August 2020~~*
Review Date:	*~~August 2024~~*

INVESTMENT POLICY

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INVESTMENT POLICY

1. INTRODUCTION

The Local Government Act ~~1989~~ 2020 provides local Councils in Victoria with guidelines and restrictions as to the types of investments that they can make. The Warrnambool City Council has established an Investment Policy that specifies the framework within which investments will be made.
In developing the Investment Policy, Council has considered both ethical and environmental issues and given the scope of allowable investments contained within the policy, Council will not invest in any unethical or environmentally detrimental products.

1.1. Scope

This policy applies to investments made by Council Officers (Finance) in accordance with the requirements of Section ~~143~~ 103 of the Local Government Act ~~1989~~ 2020 (the Act) and enhances the legislative requirements by providing additional requirements in managing Council's investment activities of its surplus funds. Council's objective is to maximise the return on surplus funds whilst maintaining the purchasing power that will be required to fund projects in the future.

1.2. Definitions

Council – Warrnambool City Council, being a body corporate constituted as a municipal Council under the Local Government Act ~~1989~~2020.

Short term investment – For the investment market it is reasonable to consider short term to mean amounts invested less than 365 days

Long term investment – Any investment with terms greater than 365 days.

1.3. References

- Councils Risk Framework
- Strategic Risk 440 – Councils Financial Sustainability. This policy provides controls to help mitigate the risks associated with the ongoing financial sustainability by ensuring investments are made within acceptable risk levels.

2. OBJECTIVES

- To maximise return on Council funds with a systematic approach while maintaining an acceptable level of risk.
- To ensure Council's investments are made in accordance with section ~~13~~ 103 of the Local Government Act ~~1989~~2020.
- To establish a formal policy that provides guidelines for making decisions with respect to Council funds.
- To ensure Council has sufficient levels of funds available to service its commitments as and when they fall due.

In order to meet the above objectives the following matters need to be considered:

i. Cash flow
ii. Credit Rating of Institution
iii. Existence of Guarantee and Security
iv Interest Rate
iv. Period of investment

2.1. Cash Flow

Prior to seeking quotes on investment options Council must consider its working capital requirements which will entail upcoming outgoings, including creditor payments, payroll and other liabilities against incoming monies such as rates, grants and cash contributions. If it is deemed that Council will have excess working capital for a sufficient period of time to invest then these funds may be invested to maximise return. Finance staff shall take a conservative approach in determining working capital requirements.

2.2. Credit Rating

Council shall consider the credit rating as set by Standard and Poor's (S & P) (or similar organisation) of a financial institution and/or product prior to investment. S & P have different ratings for short and long term investments and are conservative ratings (refer Appendix A).

Council shall only invest funds in short term investment products with a credit rating of **A3 or higher**. For long term investments Council will only invest in products with a rating of **BBB or higher**. The ratings of A3 and BBB are given to products where the financial is institution considered to have an adequate capacity to pay and are deemed appropriate across the industry.

2.3. Existence of Guarantee and Security

Council shall consider whether the investment is guaranteed by the institution. Commercial/Bank Bills although guaranteed, rank as an unsecured creditor in the event of winding up in comparison to bank accounts and term deposits which are ranked higher. Given the nature of Commercial and Bank Bills the ratings detailed in this policy must be adhered to so ensure Council funds are not exposed to unnecessary risk.

2.4. Interest Rate

Council shall consider all relevant investment products which fall within the relevant credit rating. Council shall consider all factors when deciding on an investment which may mean the highest rate is not always selected.

2.5. Period of Investment

The period of investment shall be determined following consideration of Council's cash flow requirements.

For the purposes of the Warrnambool City Council short-term investments will be for a period of no longer than 12 months. All investments greater than 12 months will be considered long-term.

Some investments may be influenced by specific regulations or Council policy where Council is obliged to cash back a specific reserve. In this instance, Council shall consider when these specific funds are likely to be called upon and invest accordingly.

2.6. Spread of Investments

Council shall spread its investments to minimise its risk with any one bank. Council's short-term investments shall be spread the following way:

S&P Long Term Rating	S&P Short Term Rating	Investment Maximum in Portfolio	Investment Maximum in an Individual Institution
AAA	A1+	100%	40%
AA+ to AA-	A1	100%	40%
A+ to A-	A2	50%	20%
BBB+ to BBB-	A3	35%	10%

3. TYPES OF INVESTMENTS

Under section ~~143~~ 103 of the Local Government Act ~~1989~~ 2020 Council may invest in the following:

a) in Government securities of the Commonwealth; and
b) in securities guaranteed by the Government of Victoria; and
c) with an ADI; and
d) with any financial institution guaranteed by the Government of Victoria; and
e) on deposit with an eligible money market dealer within the meaning of the Corporations Act; and
f) in any other manner approved by the Minister, either generally or specifically, to be an authorised manner of investment for the purposes of this section.

4. INVESTMENT REGISTER

The Accountant shall be responsible for maintaining an Investment Register.

The Investment Register shall be updated following each investment and be reconciled to the ledger monthly as part of the Monthly Balance Sheet Reconciliation process.

The Investment Register shall include:

- Investment date.

- Type of investment.
- Maturity date.
- Period of investment.
- Financial institution.
- Amount invested.
- Interest rate.
- Interest received.

5. AUTHORITY TO INVEST

The Manager Financial Services shall be authorised to invest surplus funds on behalf of Council as contained within the Instrument of Delegation.

The Coordinator Financial Services or Accountant shall manage Council's cashflow and identify surplus funds available for investment and recommend investments to the Finance Manager for authorisation.

A minimum of three quotes will be sought from approved financial institutions before investing or re-investing funds.

The best possible investment rate must then be used subject to the spread of investments outlined within this Policy. These limits apply at the time of investment.

All quoted interest rates and actions taken must be recorded.

An evaluation of future cashflow needs and investment strategies will be completed prior to investing funds.

6. REPORTING

The Monthly Financial Report shall include a section addressing Treasury Reporting. This shall summarise the following:

- Total Cash Holdings (including totals of restricted cash balances).
- The Average Interest Rate held, with a comparison to the 90 Day Bank Bill Rate and the RBA Cash Rate.
- Total Investment Balances held each month end.

7. GOVERNANCE

7.1. Owner

The Manager Financial Services will be responsible for this policy and for ensuring the policy is implemented, progress is monitored and the policy is regularly reviewed.

7.2. Review

This policy should be reviewed every four years or where there is a change to legislation or a significant change to investment market conditions.

7.3. Compliance Responsibility

7.3.1. Executive Management Team (Chief Executive and Directors)
7.3.2. Managers and Supervisors
7.3.3. All Employees

7.4. Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

Warrnambool City Council is committed to consultation and cooperation between management and employees. The Council will formally involve elected employee health and safety representatives in any workplace change that may affect the health and safety of any of its employees.

8. APPENDIX A – STANDARD & POORS RATINGS LEVELS

The difference between short term and long term depends on the investment market. For the investment market it is reasonable to consider short term to mean anything less than 365 days.

Short Term

A1+	Extremely strong capacity to pay
A1	Strong capacity to pay
A2	Satisfactory capacity to pay
A3	Adequate capacity to pay
B	Speculative
C	Currently vulnerable to non-payment
D	Payment on an obligation due date is not made

Long Term

AAA	Extremely strong capacity to pay
AA	Very strong capacity to pay
A	Strong capacity to pay
BBB	Adequate capacity to pay
BB	Uncertainties or adverse conditions could lead to inadequate capacity to pay
B	Adverse conditions likely to impair capacity to pay
CC	Vulnerable to default
C	High risk to default
D	Default

7.7. AUDIT & RISK COMMITTEE - BIANNUAL REPORT OF ACTIVITIES

DIRECTORATE : Corporate Strategies

PURPOSE:

To present the Audit and Risk Committee biannual report.

EXECUTIVE SUMMARY

- Council is required by the Local Government Act 2020 (the Act) to establish an Audit and Risk Committee (the Committee) as an advisory committee of Council.
- Under the Act, and as captured in the updated Audit and Risk Committee Charter endorsed by Council on the 6 July 2020, the Audit and Risk Committee must prepare a biannual report on activities to Council. This paper satisfies this reporting requirement.

MOVED: CR BEN BLAIN
SECONDED: CR ANGIE PASPALIARIS

That Council notes the Audit and Risk Committee biannual report which details activities of the Committee covering the meetings held on the 31 August and 16 November 2021.

CARRIED - 7:0

BACKGROUND

The Audit and Risk Committee (the Committee) is an independent advisory committee to Council established under section 54 of the Local Government Act 2020.

The purpose of the Committee is to advise Council on the effectiveness of the organisation's systems, processes and culture for complying with its legal and financial obligations and the management of risk. In fulfilling this role, the Committee is to aid in the implementation of the Council Plan.

The Committee is accountable to and reports directly to Council.

The Committee's work is to be informed by the requirements of the Act and best practice in audit, risk and governance principles and processes.

FINANCIAL IMPACT

There are no direct financial or resource impacts arising from this report.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

5 Practice good governance through openness and accountability while balancing aspirations with sound financial management
5.2 Develop policies, strategic plans and processes to address local and regional issues, guide service provision and ensure operational effectiveness
5.3 Ensure financial sustainability through effective use of Council's resources and assets and prudent management of risk

COMMUNITY IMPACT/CONSULTATION

Given the nature of this internal report, no external stakeholder consultation with the community has been undertaken in the preparation of the report.

LEGAL RISK/IMPACT

The Audit and Risk Committee has an oversight role in the identification and mitigation of risks.

OFFICERS' DECLARATION OF INTEREST

No officer's declaration of interest noted.

CONCLUSION

That Council notes the Audit and Risk Committee biannual report.

ATTACHMENTS

1. Report of Activities 2nd Half 2021 [**7.7.1** - 7 pages]

Warrnambool City Council Audit and Risk Committee

2021 Biannual Report of Activities
July to December

Contents

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1. Introduction

The Audit and Risk Committee (*the Committee*) is an independent advisory committee to Council established under section 54 of the Local Government Act 2020.

The purpose of *the Committee* is to advise Council on the effectiveness of the organisation's systems, processes and culture for complying with its legal and financial obligations and the management of risk. In fulfilling this role, *the Committee* is to aid in the implementation of the Council Plan.

The Committee is accountable to and reports directly to Council.

The Committee's work is to be informed by the requirements of *the Act* and best practice in audit, risk and governance principles and processes.

2. Authority

The Committee does not have executive powers or authority to implement actions in areas over which management has responsibility and does not have any delegated financial responsibility. The Committee does not have any management functions and is therefore independent of management.

The Committee's role is to report to Council and provide appropriate advice and recommendations on matters relevant to this Charter in order to facilitate decision-making by Council in relation to the discharge of its responsibilities.

The Committee has the authority to:

- Seek resolution on any disagreements between management and the external auditors on financial reports;
- Review all auditing, planning and outcomes;
- Seek any information it requires from Council members, officers and external parties via the Chief Executive.
- Formally meet with Council officers, internal and external auditors as necessary.
- Address issues brought to the attention of the Committee, including responding to requests from Council for advice which is within the parameters of the Committee's terms of reference.
- The Chair has no executive authority on behalf of Council but can be consulted as required, as a sounding board by the Chief Executive or his/her delegate on matters that arise regarding audit, risk management or governance related issues.

3. Key Activities and Recommendations

To achieve its objectives, the key activities undertaken by the Committee in the second half of the year included:

- Approve the annual work plan to assist the committee in discharging its responsibilities set out in the Charter.
- Reviewed and resolved the 2020/21 financial statements and performance statements for signing by the Council.

- Presentation of the VAGO Management Letter and Closing Report following the completion of the external audit.
- Reviewed the Audit & Risk Committee charter.
- Received an update on the Business Continuity Plan (BCP).
- Reviewed the VAGO report for maintaining local roads and were given the opportunity to query management on the impacts to Council.
- Reviewed and endorsed the following policies:
    - Procurement policy
    - Asset accounting policy
    - Borrowing strategy
- Reviewed the effectiveness of the internal audit function.
- Approved the Audit and Risk Committee self-assessment tool for completion by members.
- Reviewed the gifts and benefits register.
- Received updates on Council's Workplace Health and Safety, including specific reports on relevant issues as they arose.
- Review of the Annual Risk Management Report analysing claims and premium history for all classes of insurance including Workcover as part of the regular Risk Adherence Report.
- Tabled and noted quarterly financial reports in accordance with statutory requirements.
- Noted CEO expenditure on a quarterly basis.
- Noted Councillor reimbursements on a biannual basis.
- Reviewed the findings of examinations by regulatory agencies (e.g. VAGO, IBAC), and any auditor (internal or external auditors) observations.
- Received updates from the VAGO sector director.

4. Audit and Risk Committee Membership

The composition of the Committee according to its charter is three independent members and two Council representatives.

The membership of the Committee is set out below:

4.1 Independent Members

Mr Rob Wallis (Chairman)

Mr Dennis Farley

Mr Aswin Kumar

Two independent members are retiring, with Mr Rob Wallis finishing following the meeting on November 16th 2021 and Mr Dennis Farley following the meeting on March 8th 2022. As a result, two new independent members have been appointed and will attend meetings from November 16th 2021. These two new members are:

Ms Donna Porritt

Mr Leon Fitzgerald

4.2 Council Representatives

Cr Angie Paspaliaris

Cr Ben Blain

5. Meetings and Attendance

There are a minimum of four scheduled meetings of the Audit and Risk which occur in March, May, August and November. If required special meetings will be conducted in addition to the scheduled quarterly meetings. At the August meeting the Committee will consider the Annual Financial Report and the Annual Performance Statement.

A summary of meeting dates and attendance is shown in the table below.

Attendee	**Role**	**9/3/2021 Quarterly**	**18/5/2021 Quarterly**	**31/8/2021 Quarterly**	**16/11/2021 Quarterly**
Mr Rob Wallis	Chair	Attended	Attended	Attended	Attended
Mr Dennis Farley	Member	Attended	Did Not Attend	Attended	Attended
Mr Ashwin Kumar	Member	Attended	Attended	Attended	Attended
Ms Donna Porritt	Member	N/A	N/A	N/A	Attended (non-voting)
Mr Leon Fitzgerald	Member	N/A	N/A	N/A	Attended (non-voting)
Cr Angie Paspaliaris	Councillor	Attended	Attended	Attended	Attended
Cr Ben Blain	Councillor	Attended	Attended	Attended	Attended

6. Internal Audit

6.1 Internal Audit Service Provider

The internal audit service providers, Crowe, continued to provide such services to Council in the 2021 calendar year. The current internal audit contract will conclude its initial three year term at the 31st December 2021 with options to extend the contract.

Representatives from Crowe attend the Committee meetings and present the outcomes of the audits they had undertaken, engaging fully with the Committee in discussions arising from those audits.

The Internal Auditors also met out of session with the Chair to discuss matters relevant to the Committee's activities.

6.2 Strategic Internal Audit Plan

The 2021 strategic internal audit plan was presented to the Audit and Risk committee at the February meeting. The table below sets out the planned internal reviews for the year.

			Recommendations		
Internal Review Area	Planned Presentation to Audit Committee	Completed	High Risks	Medium Risks	Low Risk
Assurance Mapping	March 2022	No			
Tree Management	May 2021	Yes	0	3	3
Essential Safety Measures	August 2021	Yes	5	4	5
Payroll Management	November 2021	Yes	2	4	0

Human Resources – Workforce Development	March 2022	Draft	0	16	1
Project Management	March 2022	No			

Final internal audit reports are reviewed and discussed by the Committee at each of the scheduled meetings. The status of Internal Audit recommendations are reported to the Committee on a quarterly basis and the Committee discuss management progress in closing out open recommendations.

6.3 Oversight of Internal Audit Performance

A new assessment tool has been established to enable Council officers to provide feedback on the performance of the internal audit function. This has been completed by the relevant Council officers and the results from the assessment are as follows:

To be added subsequently.

6.4 Implementation of Audit Recommendations

The Committee continued to encourage management to implement Internal Audit recommendations in a timely manner to ensure that better practices and controls in council's services are achieved.

A particularly focus of these reviews is to ensure that the high risk recommendations are closed out within appropriate timeframes. There are currently 5 high risk recommendations with 1 complete and 4 progressing, with all recommendations within the appropriate timeline.

7. External Audit

The Victorian Auditor General's Office (VAGO) has appointed a representative to conduct the 2020/21 external audit of Warrnambool City Council which is McLaren Hunt, with Chris Kol as a the lead partner.

McLaren Hunt presented the 2020/21 financial statements and performance statements for review and resolution from the Committee for signing by Council.

Following the completion of the external audit, McLaren Hunt issued VAGO's management letter and closing report. There were a number of recommendations on the management letter that will be actioned by the Council officers and monitored by the Committee.

VAGO has re-tendered the audit service provider contracts across the State and has appointed RSD Audit to conduct the audit for a minimum 3 year term.

The Committee wishes to express its gratitude to McLaren Hunt for their work, support and collaboration over the last 3 years.

8. Duties and Responsibilities

The Committee's activities are focussed on discharging its responsibilities set out in its Charter. To ensure that the Committee completes its work, the Committee prepares an Annual Work Plan setting out the activities it needs to complete and the timing of each.

9. Audit and Risk Committee Performance Review

The Audit & Risk Committee has adopted the newly created Local Government Victoria template for the self-assessment of the committee's performance. The template is very detailed and over time will allow for some benchmarking within the sector.

The self-assessment was completed by the 3 independent members of the Committee that had been there for the full 2020 calendar year.

Overall, the responses showed that the committee was performing to a high standard and there was a good working relationship between the Committee and Council with support from the internal and external audit functions. The average score for the survey was 185 (out of 210) which equates to an 88% performance score. The survey did highlight a number of areas for future improvement and these include:

- Availability of training/professional development for the members
- Council's identification and management of risks
- The timing of the agendas

In response to the above improvement actions, the Committee is satisfied that these items are improving and will conduct the next iteration of the self-assessment which will be reported at the March 2022 meeting.

10. Conclusion

In closing I am satisfied that the Audit and Risk Committee has met its obligations in line with its charter of assisting Council through independent review of financial, risk and system controls that facilitate the organisation's maintenance of management controls and further ethics development.

The high level of co- operative and detailed support from Council officers and our Internal Auditors, Crowe, in assisting the independent members and the Councillors on this Committee to complete their important task is noteworthy and very much appreciated. The Committee is satisfied that the systems and processes in place, do and will ensure ongoing compliance with accepted quality business practices that are expected of local government. Both Internal and External Auditors have informed the Chair they are very satisfied with the sound working relationships they have with management.

Mr Rob Wallis

Audit and Risk Committee Chair

Warrnambool City Council

7.8. WARRNAMBOOL PLANNING SCHEME AMENDMENT C209WARR - DEAKIN UNIVERSITY

DIRECTORATE : City Growth

PURPOSE:

This report recommends that Council receive and consider the submission made to Amendment C209warr to the Warrnambool Planning Scheme, adopt the amendment in accordance with officer recommendations, and submit the adopted amendment to the Minister for Planning for approval.

EXECUTIVE SUMMARY

- Amendment C209warr (the **Amendment**) to the Warrnambool Planning Scheme proposes to rezone land at 10635 Princes Highway, Warrnambool (Deakin University Warrnambool Campus) from the Farming Zone to the Public Use Zone 2 (Education) (consistent with the balance of the campus), make minor updates to signage provisions, and include the entire campus within Warrnambool's urban settlement boundary.
- The Amendment was placed on reduced notice (to prescribed Ministers and relevant authorities only) between 21 October 2021 and 4 November 2021, with one submission being received from the EPA (refer to **Attachment 1**).
- The submission asks Council to satisfy itself that the land is suitable for the intended use (education) and that there is nothing to preclude use of the land for education having regard to the requirements of Ministerial Direction No.1 Potentially Contaminated Land and EPA Publication 1518.
- Council officers have taken steps to ensure that the rezoning is suitable for the intended use by requesting additional information from the proponent of the Amendment (Myers Planning Group), and are satisfied the matters raised in the submission have been resolved.
- It is recommended that Council receive and consider the submission by the EPA to the Amendment, adopt the Amendment in accordance with officer recommendations, and submit the Amendment to the Minister for Planning for approval.

MOVED: CR BEN BLAIN
SECONDED: CR DEBBIE ARNOTT

That Council:

1. **Receives and considers the submission made to Amendment C209warr to the Warrnambool Planning Scheme.**
2. **Consider the officer response to the issues raised in the submission outlined in this report, as basis to conclude the submission is resolved.**
3. **Adopt Amendment C209warr to the Warrnambool Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act* 1987 without changes.**
4. **Submits Amendment C209warr to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act* 1987.**

CARRIED - 7:0

BACKGROUND

Amendment C209warr to the Warrnambool Planning Scheme was prepared by Council at the request of Myers Planning Group (**proponent**) on behalf of Deakin University, and seeks to rezone the land at Lots 1 & 2 LP 133034, 10635 Princes Highway, Warrnambool (the **Land**) to facilitate use and development of the land for educational purposes.

The location of the Land is shown in **Figure 1** below.

The objective of the Amendment is to:

- Rezone the Land from the Farming Zone to the Public Use Zone – Education (PUZ2) to support its use and development for educational purposes (consistent with the balance of the Deakin University Warrnambool campus).
- Allow less restrictive requirements on the size and type of signage that is allowed on the addressed land of Deakin University, excluding the sporting oval complex (subject to planning permit).
- Recognise the Land as being within the urban settlement boundary (consistent with the balance of the Deakin University Warrnambool campus).

Specifically, the Amendment request proposes to:

- Rezone the Land from Farming Zone to Public Use Zone - Education (PUZ2)
- Amend the Schedule to the Public Use Zone (PUZ) at Clause 36.01 to include the land where Category 2 signage applies.
- Delete the Specific Control Overlay (redundant control).
- Amend Clause 02.04 – Strategic Framework Plan, to reposition the Warrnambool urban settlement boundary to align with the eastern Deakin University boundary.

On 2 August 2021, Council resolved to request authorisation from the Minister for Planning to prepare the planning scheme amendment. The Minister for Planning authorised Council to prepare the amendment on 29 August 2021.

The Minister for Planning exempted Council from public notice requirements of sections 19(1)(b), 19(2) and 19(3) of the *Planning and Environment Act* 1987 (the Act). This was based on the premise that the Amendment is administrative in nature as it corrects the zoning of the Deakin University Warrnambool campus from Farming Zone to Public Use Schedule 2 (Education). Council was instructed to give notice to prescribed Ministers and relevant authorities under sections 19(1)(a) and 19(1)(c) of the Act for a reduced period of two (2) weeks.

In accordance with the above direction, the Amendment was placed on reduced exhibition between 21 October 20201 and 4 November 2021, with one submission being received from the EPA (refer to **Attachment 1**).

Where submissions have been received to an amendment, Council must either resolve the submission, change the amendment as requested, refer the submission to a Planning Panel, or abandon the amendment.

Figure 1 – map of the land (source: Myers Planning Group)

ISSUES

The one (1) submission received was from the EPA (Refer to **Attachment 1**).

The submission requests Council satisfy itself that the Land is suitable for the intended use (education) and that there is nothing to preclude use of the land for education having regard to the requirements of Ministerial Direction No.1 Potentially Contaminated Land.

The submission also requests Council ensure that the rezoning is compatible with recommended separation distances for industrial residual air emissions as set out in EPA Publication 1518, having regard to existing land uses within the Farming Zone to the east of the Land.

Officer response:

The EPA submission effectively requires Council to satisfy itself that it has considered the matters raised in the submission.

The purpose of Ministerial Direction No 1 Potentially Contaminated Land is to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly affected by any contamination.

For the purpose of this Direction, 'potentially contaminate land' means land that is, or has been used for:

- Industry
- Mining; or
- Storing chemicals, gas, wastes, or liquid fuel (if not ancillary to another use of the land).

Council officers have taken steps to resolve the matters raised in the EPA submission by requesting additional information from the proponent of the Amendment.

In accordance with the direction of Planning Practice Note 30 (Potentially Contaminated Land) the proponent has submitted a desktop investigation to establish past land uses at the site and surrounds, and its potential to affect the planning proposal (Refer to **Attachment 2**).

The desktop investigation has been carried out by a suitably qualified urban planner in accordance with the practice note.

The investigation establishes the past land use history (years 1889 to 2020) at the site and surrounds and confirms the Amendment does not re-zone any land that is used, or known to have been used, for industry, mining or the storage of chemicals, gas, wastes or liquid fuels.

Having regard to the above, there are no known events or activities which may have caused potential contamination to the land. The Amendment is therefore consistent with Minister Direction No.1 Potentially Contaminated Land.

The purpose of EPA Publication 1518 is to provide guidance on recommended separation distances between industrial land uses that omit odour or dust, and sensitive land uses (including land used for educational purposes).

The land proposed to be rezoned is used for uses associated with an education centre (Deakin University). There are no separation distances applicable to the existing uses. The adjoining land is used for grazing and fodder purposes at this point in time.

The Amendment is therefore consistent with EPA Publication 1518.

Next Steps

Having regard to the assessment above, it is considered that Council has satisfied itself that the land is suitable for the intended use (education) and that there is nothing to preclude use of the land for education having regard to the requirements of Ministerial Direction No. 1 Potentially Contaminated Land. It is further considered that Council has ensured the rezoning is compatible with recommended separation distances for industrial residual air emissions as set out in EPA Publication 1518. Accordingly, the submission is considered resolved, and Council does not need to refer the submission to a Planning Panel.

It is recommended that the Amendment be adopted as exhibited.

FINANCIAL IMPACT

Costs associated with the preparation of Amendment C209warr can be met within the 2021/22 City Strategy and Development Budget and all statutory fees will be paid by the proponent.

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
3.2 Emerging industries: Council will encourage emerging industry sectors that contribute to Warrnambool's economic growth and diversity.

5 An effective Council
5.8 Regional role and relationships: Council will acknowledge Warrnambool's capability as the regional centre of southwest Victoria through appropriate leadership, advocacy and partnerships that enable greater opportunity for the region

TIMING

Once Council adopts the Amendment, Council must submit the Amendment to the Minister for Planning within 10 business days of the date the amendment was adopted.

COMMUNITY IMPACT / CONSULTATION

The Minister for Planning exempted Council from the public notice requirements of sections 19(1)(b), 19(2) and 19(3) of the *Planning and Environment Act* 1987 (the Act). Council was instructed to give notice to prescribed Ministers and relevant authorities under sections 19(1)(a) and 19(1)(c) of the Act for a reduced period of two weeks.

LEGAL RISK / IMPACT

Risk is managed through implementing the provisions of the *Planning and Environment Act* 1987.

OFFICERS' DECLARATION OF INTEREST

None declared.

CONCLUSION

It is recommended that Council receive and consider and resolve the submission by the EPA to the Amendment in accordance with the officer's response, adopt the Amendment in accordance with officer recommendations, and submit the Amendment to the Minister for Planning for approval

ATTACHMENTS

1. Attachment 1 C 209 warr EPA Submission Redacted [**7.8.1** - 2 pages]
2. Attachment 2 C 209 warr Submission Response [**7.8.2** - 67 pages]

Andrew Nield

From: Town Planning
Sent: Tuesday, 26 October 2021 8:47 AM
To: Julie Glass
Subject: FW: WARRNAMBOOL PLANNING SCHEME AMENDMENT C209WARR Attention Julie Glass

Town Planning | | City Strategy & Development
Warrnambool City Council | 25 Liebig Street Warrnambool 3280 | P.O Box 198 Warrnambool 3280
T: 0355594800 | M: |F: | E: planning@warrnambool.vic.gov.au
We value accountability, collaboration, respectfulness, progressiveness and wellbeing.
Council acknowledges the Traditional Owners and Custodians of the lands on which we live and work and pays respects to Elders past, present and emerging.

From: [redacted]
Sent: Monday, 25 October 2021 5:03 PM
To: Town Planning
Subject: WARRNAMBOOL PLANNING SCHEME AMENDMENT C209WARR Attention Julie Glass

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 Julie

Thank you for your letter dated 20 October 2021 regarding Warrnambool Planning Scheme Amendment C209Warr.

We note that the Amendment is on exhibition for a reduced notice period between 21 October 2021 and 4 November 2021.

This reduced notice period makes it difficult for EPA to respond other than to advise of the following:

Council should seek to ensure that the land is suitable for the intended use and there is nothing to preclude use of the land for education having regard to the requirements of Ministerial Direction No. 1 Potentially Contaminated Land, and also the recommended separation distances for industrial residual air emissions as set out in EPA Publication 1518.

Council should take steps to ensure that the rezoning will not impact on existing land uses located within the Farming Zone land located to the east of the Warrnambool Campus.

We do not wish to be heard in support of this submission.

Kind regards
Trisha Brice

Trisha Brice My personal pronouns are she/her
Planning Team Lead - Strategic
Major Projects & Planning
200 Victoria Street, Carlton
☎ [redacted]
[redacted] | www.epa.vic.gov.au

Please note I work Monday to Thursday

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15 November 2021

Andrew Nield
Strategic Planner
Warrnambool City Council
25 Liebig Street, Warrnambool
Warrnambool VIC 3280

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

Dear Andrew,

WARRNAMBOOL PLANNING SCHEME AMENDMENT C209WARR – RESPONSE TO SUBMISSIONS

We continue to act on behalf of our client 'Deakin University' having regard to the above matter. We write to you in response to email correspondence dated 27 October 2021 which communicated to us that a submission was received to Warrnambool Planning Scheme Amendment C209WARR by EPA Victoria.

To assist Warrnambool City Council in resolving this submission, this letter provides for a written response in the form of a site history review which has regard to the following:

- Potentially contaminated land matters.
- Separation Distance matters.

Identifying potentially contaminated land

Site History

The site subject to this rezoning request has been used and developed for residential buildings associated with the Deakin University ('education centre') campus and co-located South-West TAFE training facility since prior to 2007.

Deakin Warrnambool campus has long been used for educational purposes. The balance land currently within the Farming Zone has a demonstrated existing use right for the purposes of an 'education centre'. The primary uses of the land are all associated with Deakin University as an education centre. The proposed planning scheme amendment will not change this continued use - rather it seeks to further facilitate the expansion of the education centre and better align the zoning with the current use.

In August 2020, Planning Permit PP2020-0114 was issued for buildings and works associated with an education centre (hydrogen test pit).

The subject site (10635 Princes Highway, Warrnambool) makes up part of a larger 'planning unit' comprised of approximately 62 hectares spread across six parcels. This 'planning unit' includes all land within Deakin University's Warrnambool Campus, including the co-located South-West TAFE training facility, childcare facility and Hycel facility.

The subject site area to be rezoned comprises an irregular rectangular parcel totalling approximately 28.5 hectares in size. Lot 1 is 13.11 hectares in size and Lot 2 is 15.39 hectares in size.

The subject site slopes gradually from the northern boundary downwards in a southerly direction toward the Hopkins River, which adjoins the site's southern boundary.

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

The site contains:

- landscaping within the mid-block and surrounding internal roads and residential buildings, in dispersed with cleared areas of improved pasture.
- residential buildings and appurtenances, including vehicle accessways and car parking areas.
- drainage outfall to a stormwater drainage area.

As this is the area to be rezoned from Farming Zone to Public Use Zone - Schedule 2, this will be the area subject to a further site history analysis.

Figure 1: Balance of property to be rezoned from Farming Zone to Public Use Zone – Schedule 2 – subject to further site history analysis (Source: Nearmap 2021)

The site history overleaf includes information provided using Schedule B2, Section 3.3 of the National Environment Protection Measure (NEPM) as a guide.

Aerial photographs

A historical review of aerial photographs has been undertaken through online search using the Department of Environment, Land, Water and Planning's aerial photography library. The historic aerial photographs can be found at Appendix B. Observations are made below.

Year	Appearance and on-site changes	Off site changes
1948	The site appears to be largely vacant apart from established mature trees located within the centre of the site. Land likely to be used for grazing.	The lands in the south, west and east directions of the site appear to be used for agricultural grazing.
1968	No substantial change apparent.	No substantial change apparent.
1969	No substantial change apparent.	No substantial change apparent.
1979	A dwelling and associated agricultural outbuildings appear to have been developed within the south-eastern portion of the site. Access tracks connect the buildings and then continue east through adjoining land.	The Warrnambool Institute of Advanced Education (Deakin University) appears to be developed in the west direction of the site. No other significant changes apparent n all other directions.
1986	Construction of a new dwelling with connected access tracks. Growth of vegetation on the land within proximity to buildings.	Continued expansion of the Warrnambool Institute of Advanced Education (Deakin University). No substantial change apparent in other directions.
2003	Further development of access tracks and growth of vegetation. The construction of two student accommodation buildings associated with Deakin University.	Continued expansion of Deakin University. No substantial change apparent in other directions.
2004	Commencement of construction of TAFE and associated buildings.	No substantial change apparent.
2011	TAFE buildings established. Image shows silage rows.	No substantial change apparent.
2014	No substantial change	Continued expansion of Deakin University, including new buildings and student accommodation.
2017	No substantial change	No substantial change
2019	No substantial change	No substantial change
2020	No substantial change	No substantial change

Table 1: Summary of observations from Historical Aerial Photography

Previous owners and occupiers of the site

Historical Search Statements and the current and past Certificates of Title have been obtained and are summarised within the below table. The Certificates of Title can be found at Appendix A.

Start of title date	Vo/Fol	Registered Proprietor	Parent Title (s)	Details	Occupation	Land Use
06/01/1981	9415/537	John Francis O'Brien and Barbara Myrine O'Brien	8922/317	Joint proprietor	Teacher Married Woman	Not implied likely grazing
		Neville James North and Kay Frances North		Joint proprietors on 07/10/1988	Not implied	Not implied likely grazing
		Deakin University		Sole proprietor on 14/06/1991	Tertiary Education	University Campus
		Deakin University		Sole proprietor on 07/05/2010	Tertiary Education	University Campus
21/07/1972	8922/317	Scott Court Pty Ltd	8869/743 8178/192 4528/465	Sole proprietor	Not implied likely investment	Investment likely grazing
		James Rex Robertson and Nylma Joyce Robertson		Joint proprietors on 14/12/1978	Plumber Married Woman	Not implied likely grazing
		Deakin University		Sole proprietor on 26/06/1991	Tertiary Education	University Campus
		Deakin University		Sole proprietor on 07/05/2010	Tertiary Education	University Campus
03/05/1971	8869/743	The Equity Trustees Executors and Agency Company Limited and Peter Reginald Dawson	4528/465	Joint proprietors	Investment Company and Manager	Not implied likely grazing
06/02/1958	8178/192	Richard Charles Dawson	4528/465	Sole proprietor	Grazier	Likely grazing
12/08/1921	4528/465	Albert George Dawson, Reginald Stanley Dawson, Sylvester Richard Dawson and Dorothy Mary Sheahan	3348/549	Joint proprietors	Pastoralists Married Woman	Likely grazing
18/06/1909	3348/549	The National Trustees Executors and Agency Company of Australasia Limited	3329/729 3307/257 2355/994	Sole proprietor	Investment Company	Likely grazing
02/06/1891	2355/994	John Thomas Rothwell Bloomfield	2142/328	Sole proprietor	Grazier	Likely grazing
		Michael Dawson		Sole proprietor on 15/02/1899	Grazier	Likely grazing
13/05/1889	2142/328	William Rupert Rutledge	-	Sole proprietor	Grazier	Likely grazing
		John Thomas Rothwell Bloomfield		Sole proprietor on 02/06/1891	Grazier	Likely grazing

Table 2: Summary of Certificate of Title Information

Present owners, occupiers and current users of the site

Deakin University currently owns Lot 1 and Lot 2 on Lodged Plan 133034. The address is known as 10635 Princes Highway, Warrnambool. The land is used for an 'education centre'. The land is primarily used by Deakin University with some ancillary uses.

Zoning

The land is currently zoned Farming Zone. The former zoning of the land was the Rural Zone which transferred over into the new format Planning Scheme. Planning Scheme Amendment C37 on 17 August 2006 introduced the Farming Zone, rezoned all of the land within the Rural Zone to the Farming Zone. The Rural Zone was then deleted from the Scheme.

Previous activities/uses

Prior to the use of land for an education centre (Deakin University and the Warrnambool Institute for Advanced Education) it is likely that the land was used for grazing (agriculture) based on historical aerial photographs and information based on historical searches for certificates of title.

Previous and present building and structures

On the subject land to be rezoned the main structures which are present are associated with South-West TAFE. The buildings are located in a cluster within the northern part of the site with access extending from the west to 'Aitken Drive'.

A former dwelling (likely associated with former agricultural uses) was located in the south-east part of the site. This structure has recently been demolished.

There are other outbuildings scattered across the site associated with both current and former uses of the land.

There are also two student accommodation buildings located further south, which can be used for other University purposes pending number of student enrolments

Industrial processes carried out on site, products manufactured, raw materials used or intermediate products

Based on an understanding of previous activity, ownership and land use, there are no known industrial processes carried out or products manufactured on the subject site apart from any minor processes for the purpose of tertiary education entirely contained within the TAFE building on the land (constructed circa 2006).

Wastes produced

The activities on the broader site do not produce wastes. General waste in association with the TAFE and childcare buildings would be produced and are collected by a private contractor.

Waste disposal locations and imported fill

There is some waste collection associated with the TAFE buildings which is undertaken by a private contractor. Otherwise, the land does not require waste disposal. The land does not appear to contain any imported fill.

Discharges to land and water

A watercourse runs through the site approximately where the TAFE buildings are located through to the farmland further east. The land also has a slight slope to the south towards the Hopkins River. Other than stormwater there are no other types of discharges on site.

Product spills, losses, incidents and accidents (including fire)

The historical use of the site and observations from the site inspection found no evidence of product spills, losses and / or accidents on site.

Services to the property (including sewer and underground services)

Deakin University to the west is connected by reticulated water, sewer as well as power and gas. These connections generally continue through to the TAFE childcare centre buildings as well as the former student accommodation buildings.

Chemical storage and transfer areas

The historical use of the site and observations from the site inspection found no evidence of significant sources of onsite chemical storage and transfer.

Power generation

Deakin University and associated buildings include TAFE provide for the nearest connections to electricity transmission. There is now power generation within the subject site area to be rezoned.

Interview information

No additional anecdotal information has been provided by the current owner, Deakin University.

Earth moving activities carried out on the site.

Based on an understanding of previous activity, ownership and land use using historical imagery, there are no known instances of earth moving activities on site part from localised minor earthworks recently to provide for the approved Hycel Sandpit Project as well as the TAFE building in the mid 2000s.

EPA Victoria Notices, Directions and Site Management Orders

Remedial notices or a direction are used to bring a duty holder into compliance and outline the steps to deal with the harm, waste or contamination. Remedial notices are issued if it is found that on reasonable grounds a duty holder, isn't complying with the Environment Protection Act 2017 (the Act), or waste or contamination is present that requires treatment.

A search of the available lists found that the property had not been issued with a Notice, Direction or Site Management Order at the time of assessment.

Dangerous Goods License

The Dangerous Goods Act 1985 sets out the general duties for the manufacture, storage, transport, transfer, sale and use of dangerous goods and the import of explosives into Victoria and enables regulations to be made about dangerous goods. The storage and handling of dangerous goods in Victoria is regulated by the Dangerous Goods (Storage & Handling) Regulations 2012.

An extensive search within the dangerous goods register was not undertaken on account of the unlikely nature of the existing use to store dangerous goods over the specified manifest quantities.

Victoria Unearthed

Victoria Unearthed brings together existing information about potential land and groundwater contamination as well as historical business listings.

Whilst Victoria Unearthed is not a definitive source of information about current contamination, it is noted that a search for the subject site has found that it is no associated with any known sources of contamination (eg: former landfill or a site which has been subject to environmental auditing). Refer to Appendix D for screenshot of the Victoria Unearthed mapping portal for the subject site.

Separation Distances

EPA Publication 1518 – Separation Distances

The separation distances and guidelines within. EPA Publication 1518 provides recommended minimum separation distances between odour- or dust-emitting industrial land uses and sensitive land uses.

Accordingly, this guideline aims to:

- provide clear direction on which land uses require separation.
- inform and support strategic land use planning decisions and the consideration of planning permit applications.
- prevent new sensitive land uses from impacting on existing industrial land uses
- prevent new or expanded industrial land uses from impacting on existing sensitive land uses
- identify compatible land uses that can be established within a separation distance area.

The subject site is used for uses associated with an education centre (Deakin University). There are no separation distances applicable to the existing uses. The adjoining land is used for grazing and fodder purposes at this point in time.

For any future uses on either land, the rural method is likely to be used in consideration separation distances given the size of the land – which enables an activity boundary to activity boundary measure.

Warrnambool's settlement has many interfaces with farmland, including residential growth areas. Deakin University is within an existing rural setting and seeks to expand the Public Use Zone further east onto parcels of land which already have an established use right for education. On balance Council can be generally satisfied that that the proposed zone is not expected to create an adverse amenity impact or create reverse amenity impacts from the adjoining farmland to the east.

Clause 53.10

Within the Warrnambool Planning Scheme, the purpose of Clause 53.10 is to identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

The threshold distance referred to in the table to Clause 53.10 is the shortest distance from any part of the land to:

- land used for a hospital, an education centre or a corrective institution; or

A brief analyses of adjoining land uses identifies that there are no uses nearby which are for the purposes of uses listed within the table to Clause 53.10. Any new planning application which includes relevant planning permit triggers will be required to consider the relevant requirements of the Warrnambool Planning Scheme, such as Clause 13.07-1S Land Use Compatibility and Clause 53.10. The rezoning is not anticipated to have an adverse impact upon the adjoining farming land.

Surrounding land uses and interfaces

North	Farming zone	Land to the north is Vic Track Rail reserve (PUZ4) and the Princes Highway (RDZ1). Beyond this land to the north is Farming Zoned land used for agriculture, with the exception of 'Country Life' which is used as group accommodation.
East	Farming Zone	Land to the east contains improved pastures used for fodder production and grazing.
West	Public Use Zone - 2 (Education)	Land adjoining the site to the west comprises part of the Deakin University Warrnambool Campus. This parcel contains buildings and infrastructure for student services, teaching, research, library and residential facilities. Further west is residential development extending from Mahoneys Road.
South	Public Park and Recreation Zone.	Land adjoining the site to the south contains the Hopkins River riparian corridor.

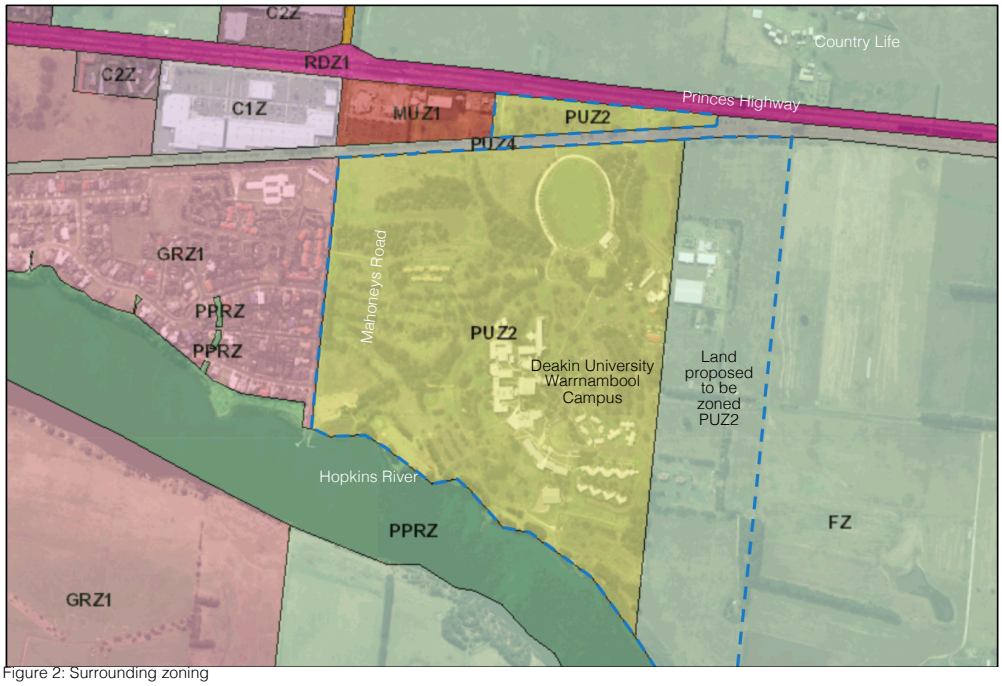

Figure 2: Surrounding zoning

Having regard to the considerations within the above desktop review there are no known events or activities which may have caused potential contamination to the land.

A brief analysis of the existing on site and surrounding land uses identified that there were also no outstanding matters relating to separation distances and that the zoning can be compatible with the adjoining Farming Zone.

I trust this response provides enough information to enable Council to proceed with the Planning Scheme Amendment process after having considered the EPA submission to be resolved.

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

Yours sincerely,

Cameron McNeill
Senior Planning Consultant

Appendix A Certificates of Title

VIC LANDATA - Title History Historical Search

VIC LANDATA - Title History

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HISTORICAL SEARCH STATEMENT Land Use Victoria

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Volume 2142 Folio 328
Folio Creation: Details Unknown

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Entered in the Register Book

Vol. 2142 Fol. 428328

VICTORIA.

Certificate of Title,

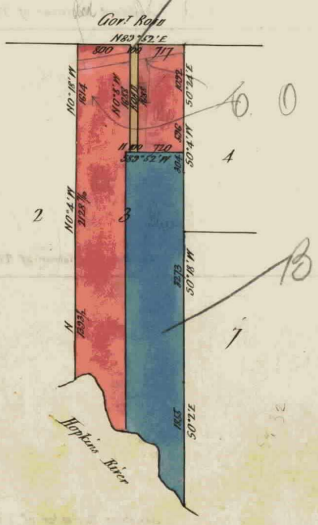
UNDER THE "TRANSFER OF LAND STATUTE."

William Rupert Rutledge of Warrnambool in the County of Villiers Grazier is now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All that piece of Land, delineated and coloured red on the Map in the margin, containing thirty six acres and thirty perches or thereabouts being part of Town Suburban Allotment three Section two parish of Wangoom County of Villiers Together as to land coloured blue with a right of carriage way over the road delineated and coloured brown on the said map —

Dated the thirtieth day of May One thousand eight hundred and eighty-nine.

Assistant Registrar of Titles.

ENCUMBRANCES REFERRED TO.



O 10963

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T02142-328-1-6

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Vol. Fol. Transfer Application 24419.

Nature of Instrument.	Day and Hour of its Production.	Names of the Parties to It.	Number or Symbol thereon.
Transfer as to part CANCELLED AS TO THE LAND IN CERTIFICATE OF TITLE VOL. 2213 FOL. 442446 AREA 2 AC. 1 RDS. 26½ PER. S. W. Farland ASST. REGR. OF TITLES	The 20th November 1889. at 10 4 p.m.	William Rupert Rutledge To The Victorian Railways Commissioners S. W. Farland Assistant Registrar of Titles.	267212
Mortgage 5/4 redrawn 19/6/8	The 28th June 1890 at — 9.30 Am	William Rupert Rutledge — to — John Bower MacKenzie Tho Byrne Assistant Registrar of Titles.	113900.
Transfer as to Balance	The 2nd of June 1891 at 10 8 am. Vol 2355 Fol 470994	William Rupert Rutledge to John Thomas Rothwell Bloomfield Tho Byrne Assistant Registrar of Titles.	303804
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	

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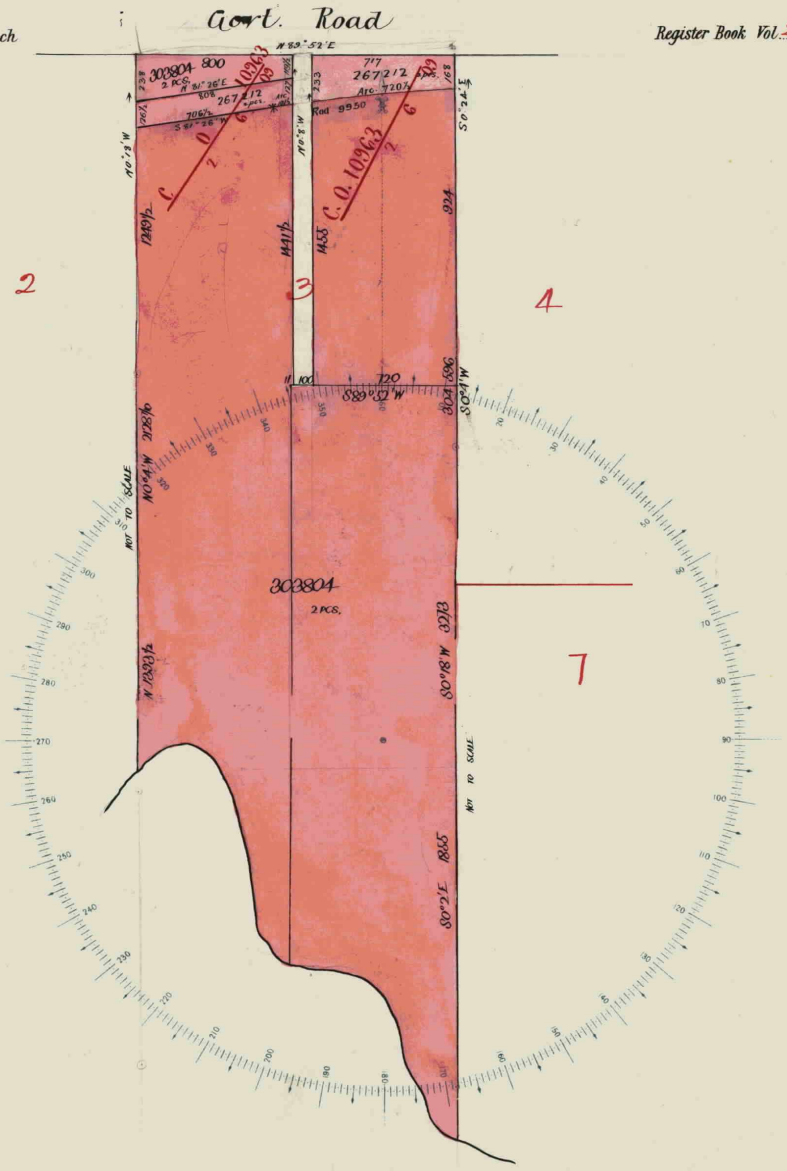
Titles Office Record of Subdivision

SCALE
5 chains to one inch

Register Book Vol. 2142 Fol. 328



T02142-328-2-4

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Natural Resources and Environment
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HISTORICAL SEARCH STATEMENT Land Use Victoria

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Volume 2355 Folio 994
Folio Creation: Details Unknown
Parent title Volume 02142 Folio 328

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Entered in the Register Book

Vol. 2355 Fol. 470994

VICTORIA.

Certificate of Title,

UNDER THE "TRANSFER OF LAND ACT 1890."

T02355-994-1-1

ORIGINAL CERTIFICATE.
Not to be dealt with outside the Titles Office.

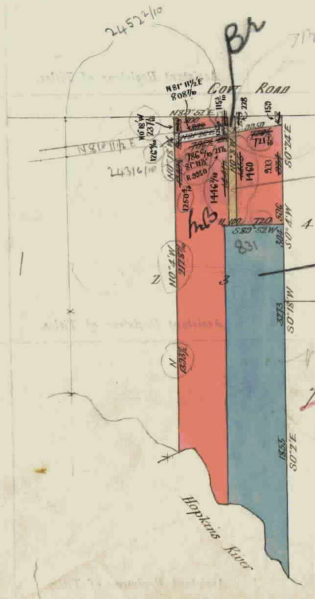
John Thomas Rothwell Bloomfield of Sherwood near Warrnambool Grazier is now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All those pieces of Land, delineated and colored red and blue on the Map in the margin, containing ninety three acres and three roods ~~three perches and one half of a perch~~ or thereabouts being parts of Crown Suburban Allotment three Section two Parish of Wangoom County of Villiers As to the land colored blue Together with a right of carriage way over the road delineated and colored brown on the said map—

Dated the second day of June One thousand eight hundred and ninety one.

Assistant Registrar of Titles.

ENCUMBRANCES REFERRED TO.

A Mortgage from William Rupert Rutledge to John Bower Mackenzie registered the 28th day of June 1890 and Numbered 113900 in the Register Book—



CANCELLED

DOES NOT NOW AFFECT TRANSFER by MORTGAGEE.
E.J. Duncombe
ASST. REGR. OF TITLES.
15th February 1897

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Fol.	Transfer	Application
2142	428328	303801

Nature of Instrument.	Day and Hour of its Production.	Names of the Parties to it.	Number or Symbol thereon.
Michael Dawson of Sherwood near Warrnambool Grazier, is now the proprietor of the within described Estate and Land by Transfer from ~~the within named~~ John Bower Mackenzie registered on the 15th day of February 1899 at 3 – o'clock in the after noon, and Numbered 403444		E. J. Duncombe Assistant Registrar of Titles.	
Memo No 28759 The National Trustees Executors and Agency Company of Australasia Limited, of 454 Collins Street, Melbourne, is registered proprietor of the within-described land as Executor to whom probate of the will of Michael Dawson, (who died 8th March, 1902) was granted on the 5th May, 1902 Dated the 26th August, 1902.		E. J. Duncombe. Assistant Registrar of Titles.	
See memo on face CANCELLED SEE CERTIFICATE OF TITLE VOL 3348 FOL 669549 H. Hooker ASSISTANT REGISTRAR OF TITLES.		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	

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Volume 3307 Folio 257
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Vol. 3307 Fol. 661257

DIEU ET MON DROIT

VICTORIA.

Certificate of Title,

UNDER THE "TRANSFER OF LAND ACT 1890."

The National Trustees Executors and Agency Company of Australasia Limited of No. 113 Queen Street Melbourne is now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All that piece of Land, delineated and coloured red on the map in the margin containing seventyfive acres two roods and thirtynine perches or thereabouts being parts of Crown portion two section two parish of Wangoom county of Villiers

Subdivision Crown Allot

T03307-257-1-1

Dated the twenty second day of December One thousand nine hundred and eight.

H Hasken
Assistant Registrar of Titles.

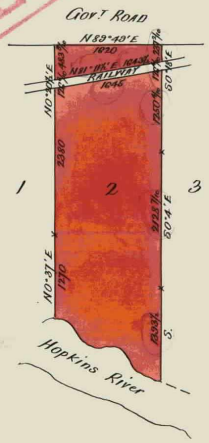
OFFICE OF TITLES VICTORIA

ENCUMBRANCES REFERRED TO.

(I) The rights of persons claiming under the will of Michael Dawson who died 8th March 1902 and probate of whose will was on 5th May 1902 granted to the abovenamed company

(II) A Lease to Michael Francis Dawson for seven years from 1st July 1907 entered in the Record Book of the Office of Titles Melbourne No. 264257

CANCELLED



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Vol. *Fol.* *Transfer* *Application* 37094.

Nature of Instrument.	Day and Hour of its Production.	Names of the Parties to it.	Number or Symbol thereon.
		CANCELLED SEE CERTIFICATE OF TITLE VOL 3348 FOL 669549 ASSISTANT REGISTRAR OF TITLES. *Assistant Registrar of Titles.*	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
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Vol. 3329 Fol. 665729

VICTORIA.

Certificate of Title,

UNDER THE "TRANSFER OF LAND ACT 1890."

The National Trustees Executors and Agency Company of Australasia Limited of No 113 Queen Street Melbourne is

now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All that piece of Land, delineated and coloured red on the map in the margin Containing One acre One rood Thirty two perches and Five tenths of a perch or thereabouts being part of Suburban Crown Allotment Three Section Two. Parish of Wangoom County of Villiers

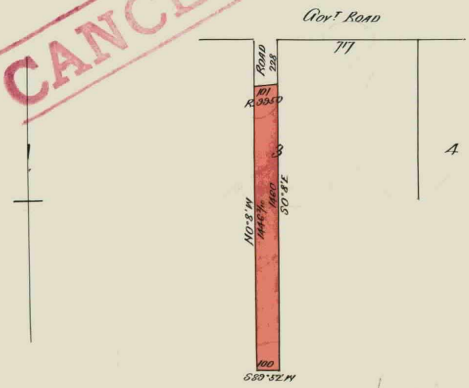
Dated the eighth day of June One thousand nine hundred and nine.

H H Asher
Assistant Registrar of Titles.

ENCUMBRANCES REFERRED TO.

(1) The rights of persons claiming under the Will of Michael Dawson who died 8th March 1902 and probate of whose Will was on the 5th May 1902 granted to the abovenamed Company

(2) A Lease to Michael Francis Dawson for Seven Years from 1st July 1907 entered in the Record Book of the Office of Titles Melbourne No 264257



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T03329-729-1-1

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Vol. *Fol.* *Transfer.* *Application* 37095.

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	CANCELLED SEE CERTIFICATE OF TITLE VOL 3348 FOL 669549 H. Brooker ASSISTANT REGISTRAR OF TITLES.	*Assistant Registrar of Titles.*	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	

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HISTORICAL SEARCH STATEMENT Land Use Victoria

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Volume 3348 Folio 549
Folio Creation: Details Unknown

Parent titles :
Volume 02355 Folio 994 Volume 03307 Folio 257 Volume 03329 Folio 729

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37094

Entered in the Register Book,
Vol. 3348 Fol. 669549

DIEU ET MON DROIT

VICTORIA.

Certificate of Title,

UNDER THE "TRANSFER OF LAND ACT 1890."

Executor of Michael Dawson

The National Trustees Executors and Agency Company of Australasia Limited of No 113 Queen Street Melbourne is now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All those pieces of Land, delineated and coloured blue and red on the map in the margin containing one hundred and Seventyacres three roods thirtyone perches and five tenths of a perch, or thereabouts being parts of Suburban crown allotments two and three Section two parish of Wangoom county of Villiers. As to the land colored blue Together with a right of carriage way over the road colored brown on the said map —

CANCELLED

Dated the eighteenth day of June One thousand nine hundred and nine —

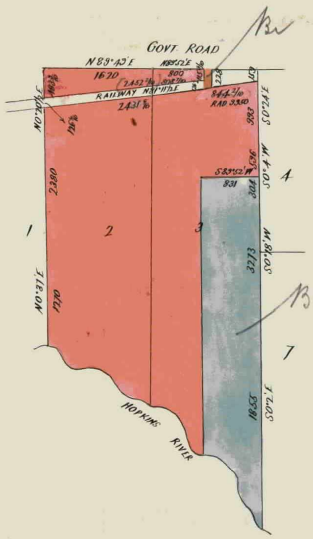
H Hasken
Assistant Registrar of Titles.

OFFICE OF TITLES VICTORIA

ENCUMBRANCES REFERRED TO.

As to parts of the land
A Lease to Michael Francis Dawson for Seven years from the 1st July 1907 entered in the record Book of the Office of Titles Melbourne No 264257

Expired



The Measurements are in Links

T03348-549-1-0

ORIGINAL CERTIFICATE.
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2355 470994
3307 661257
Vols 3329 Fols 665729 Transfer N 1343852 Application

Nature of Instrument.	Day and Hour of its Production.	Names of the Parties to it.	Number or Symbol thereon.
TRANSFER to Albert George Dawson Reginald Stanley Dawson, Sylvester Richard Dawson and Dorothy Mary Sheahan registered on 12th August 1921 and numbered 998588 CANCELLED See Certificate of Title Vol. 4528 Fol. 905465 A.W. Blaydon Assistant Registrar of Titles.		Assistant Registrar of Titles.	
	CANCELLED	Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	
		Assistant Registrar of Titles.	

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VIC LANDATA - Title History Historical Search

VIC LANDATA - Title History

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HISTORICAL SEARCH STATEMENT Land Use Victoria

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Volume 4528 Folio 465
Folio Creation: Details Unknown
Parent title Volume 03348 Folio 549

STATEMENT END

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Delivered by LANDATA®, timestamp 27/08/2021 12:10 Page 1 of 6
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Entered in the Register Book

CANCELLED

Vol. 4528 Fol. 905465

DIEU ET MON DROIT

VICTORIA.

Certificate of Title,

UNDER THE "TRANSFER OF LAND ACT 1915."

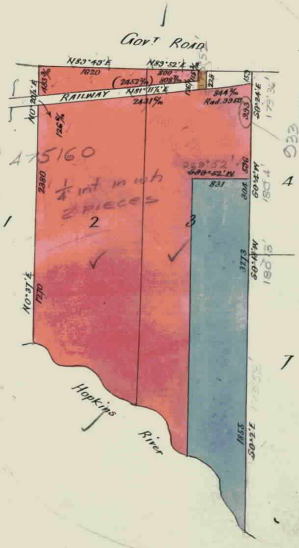
Albert George Dawson of Ocean View Warrnambool Reginald Stanley Dawson of -- Glenfyne near Camperdown and Sylvester Richard Dawson of Green Street ------ Ivanhoe Pastoralists and Dorothy Mary Sheahan of Sydney Road Brunswick --- Married Woman are now the proprietors as tenants in common in equal shares - --

~~now the proprietor~~ of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All those pieces of Land, delineated and coloured red and blue on the map in the margin containing One hundred and seventy acres -- Three roods Thirty-one perches and five-tenths of a perch or thereabouts being -- parts of Suburban Crown Allotments Two and Three Section Two Parish of Wangoom -- County of Villiers - As to the land colored blue Together with a right of carriage way over the road colored brown on the said map - - - - - - - - - - - - - - - - - - -

Dated the Twelfth day of August One thousand nine hundred and twenty-one.

W Blagdon
Assistant Registrar of Titles.

ENCUMBRANCES REFERRED TO.



A475160
1/4 int in wh 2 pieces

D975395
1/4 Int in Wh 2 pieces
Fee Purple + Blue (Int)

T04528-465-1-4

ORIGINAL CERTIFICATE.
Not to be dealt with outside the Titles Office.

THE WHOLE/OR PART OF THE WITHIN LAND HAS BEEN SUBDIVIDED SEE
Unregistered Plan 91223
Misc. Plan
L. P. 91223

The Measurements are in Links.

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Vol. 3348 Fol. 669549 Transfer. 998588 Application

Nature of Instrument.	Time of its Production for Registration.	To whom given.	Number or Symbol thereon.
SD Red Ink No. 3920160 As to the interest of Reginald Stanley Dawson who died on 8th April 1940 has been granted to THE EQUITY TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 472 Bourke Street Melbourne and Albert George Dawson of "Shipley" Warrnambool Farmer Dated 14th March 1941. 22.4.41	Probate of his Will C. Daly Assistant Registrar of Titles		
TRANSFER as to the interest of Sylvester Richard Dawson No. A475160 registered 6 February 1958 CANCELLED as to the said interest See Vol. 8178 Fol. 192	J. Tonks. Assistant Registrar of Titles		
SD As to the interest of ALBERT GEORGE DAWSON who died on 15th August 1969 Probate of his Will has been granted to THELMA LANDLES PATRICK Widow and ALBERT WILSON RIENZI DAWSON Primary Producer both of "Shipley" Warrnambool Registered 29th April 1970 No.D701028	OFFICE OF TITLES R.E. VICTORIA		
SD THE EQUITY TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 472 Bourke Street Melbourne is now the SURVIVING PROPRIETOR of the Interest formerly held by REGINALD STANLEY DAWSON Registered 23rd February 1971 No.D967589	OFFICE OF TITLES K.L.K. VICTORIA		
Transfer as to the interest formerly held by Reginald Stanley Dawson deceased. No. D 975395 registered 3rd March 1971 CANCELLED as to the said interest See Vol. 8869 Fol. 743	OFFICE OF TITLES R.R. VICTORIA		
TRANSFER AS TO PART No. E 77748 registered 21st June 1971 CANCELLED AS TO PART See Vol. 8889 Fol. 646	OFFICE OF TITLES K.L.K. VICTORIA		
TRANSFER AS TO BALANCE No. E 108673 registered 21 July 1971 CANCELLED See Vol. 8922 Fol. 317 70A 1R 28 5/10 P +2	OFFICE OF TITLES K.L.K. VICTORIA		

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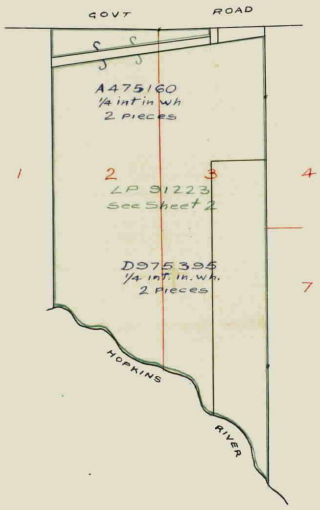
15 Chains

4528 465



26-7-71

T04528-465-2-2

Sheet 1

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Natural Resources and Environment

AGRICULTURE • RESOURCE MANAGEMENT • CONSERVATION • LAND MANAGEMENT

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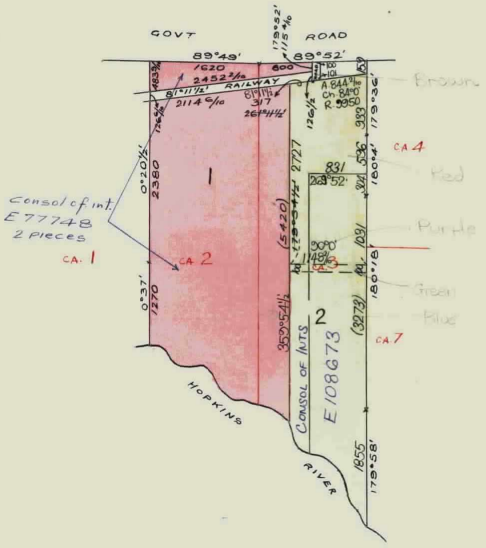
15 Chains

4528	465	(1/2 int in wh)
" 8178	" 192	(1/4 int. in wh)
" 8869	" 743	(1/4 int. in wh)



LP 91223

F. 26-7-71

T04528-465-3-1

Sheet 2

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VIC LANDATA - Title History

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HISTORICAL SEARCH STATEMENT Land Use Victoria

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Volume 8178 Folio 192
Folio Creation: Details Unknown
Parent title Volume 04528 Folio 465

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VICTORIA

CANCELLED

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Vol. 8178 *Fol.* 192

Certificate of Title

UNDER THE "TRANSFER OF LAND ACT 1954"

7/8/58

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WARNING
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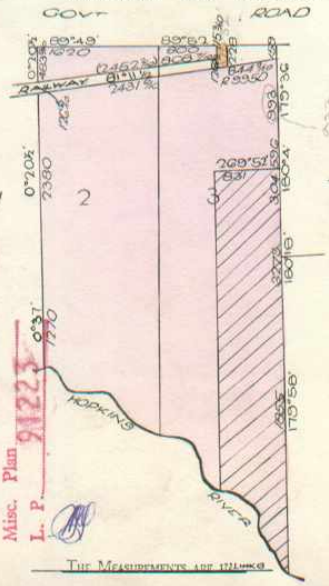
Richard Charles Dawson of "Kooringal" Hawkesdale Grazier is - - - - - - - -

now the proprietor -

of an Estate in Fee-simple subject to the Encumbrances notified hereunder in one equal undivided fourth part or share of -

All that piece of Land, delineated and coloured purple and purple-hatched - on the map in the margin containing One hundred and seventy acres Three roods ---- Thirty-one perches and five-tenths of a perch or thereabouts being part of ------- Suburban Crown Allotments 2 and 3 Section 2 Parish of Wangoom - As to the land- coloured purple-hatched Together with a right of carriage way over the road ----- coloured brown on the said map -

Dated the Sixth *day of* February *One thousand nine hundred and* fifty-eight.



Assistant Registrar of Titles

ENCUMBRANCES REFERRED TO

THE WHOLE/OR PART OF THE WITHIN LAND HAS BEEN SUBDIVIDED SEE
Unregistered Plan G2223
Misc. Plan
L. P. 91223

SEE SKETCH ATTACHED TO C/T V.4528 F.465

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Vol. 4528 Fol. 465 Transfer A475160 Application

TRANSFER AS TO PART No. E 77748
registered 21st June 1971
CANCELLED AS TO PART
See Vol. 8889 Fol. 646

OFFICE OF TITLES K.L.K. VICTORIA

TRANSFER AS TO BALANCE No. E 108673
registered 21 July 1971
CANCELLED See Vol. 8922 Fol. 317

70 A 1 R 28 5/10 P
Lot 2

OFFICE OF TITLES K.L.K. VICTORIA

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T08178-192-1-1

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Volume 8869 Folio 743
Folio Creation: Details Unknown
Parent title Volume 04528 Folio 465

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REGISTER BOOK

VOL. 8869 FOL. 743

VICTORIA

Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

VOL. 8869 FOL. 743

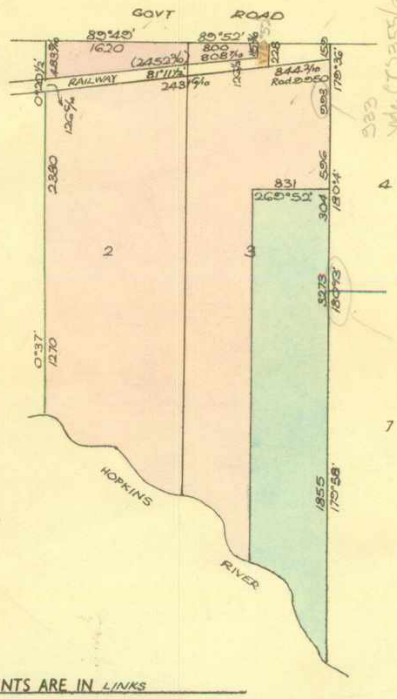
THE EQUITY TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 472 Bourke -- Street Melbourne and PETER REGINALD DAWSON of 8 Munro Street East Kew Manager are now joint proprietors of an estate in fee simple subject to -- the encumbrances notified hereunder in one equal undivided fourth part or - share of ALL THAT piece of land delineated and coloured purple and blue on- the map in the margin containing One hundred and seventy acres Three roods- Thirty-one perches and five-tenths of a perch or thereabouts being parts of Crown Suburban Allotments 2 and 3 Section 2 Parish of Wangoom County of- Villiers - As to the land coloured blue Together with a right of - - - - carriage way over the road coloured brown on the said map - - - - - - - - -

DATED the 3rd day of March 1971

Assistant Registrar of Titles

OFFICE OF TITLES VICTORIA

ENCUMBRANCES REFERRED TO



THE WHOLE/OR PART OF THE WITHIN LAND HAS BEEN SUBDIVIDED SEE

Unregistered Plan

Misc. Plan

L. P. 91223

MEASUREMENTS ARE IN LINKS

SEE SKETCH ATTACHED TO C/T V.4528 F.465

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D975395.

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TRANSFER AS TO PART No. E 77748
registered 21st June 1971
CANCELLED AS TO PART
See Vol. 8889 Fol. 646

OFFICE OF TITLES K.L.K. VICTORIA

TRANSFER AS TO BALANCE No. E 108673
registered 21 July 1971
CANCELLED See Vol. 8922 Fol. 317
70A, 1R 28 5/10 P
Lot 2.

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Volume 8922 Folio 317
Folio Creation: Created as paper folio continued as computer folio

Parent titles :
Volume 04528 Folio 465 Volume 08178 Folio 192 Volume 08869 Folio 743

THE IMAGE OF THE FOLIO CEASED TO BE THE DIAGRAM LOCATION ON 02/07/2007 08:17:54 AM

RECORD OF HISTORICAL DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details

RECORD OF VOTS DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
30/06/2007	30/06/2007	AF176683S	Y

RECTIFICATION DIAGRAM LOCATION
Previous diagram reference: 8922/317
New diagram reference: LP133034
SEE DIAGRAM ON IMAGED FOLIO VOLUME 8922 FOLIO 317 FOR FURTHER DETAILS AND BOUNDARIES

25/06/2020	25/06/2020	AT372679S	N

RECTIFICATION PROPRIETOR PROPRIETORSHIP
FROM:
DEAKIN UNIVERSITY
TO:
DEAKIN UNIVERSITY
RESULTING PROPRIETORSHIP:
Estate Fee Simple
Sole Proprietor
DEAKIN UNIVERSITY of 1 GHERINGHAP STREET GEELONG VIC 3220

AH206529Y 07/05/2010

STATEMENT END

Volume 08922 Folio 317

124022381284V
Produced 30/06/2007 10:37 am

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 133034.
PARENT TITLES :
Volume 04528 Folio 465 Volume 08178 Folio 192 Volume 08869 Folio 743
Created by instrument E108673 21/07/1972

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DEAKIN UNIVERSITY of PIGDONS RD GEELONG
R406938L 26/06/1991

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE DIAGRAM ON IMAGED FOLIO VOLUME 8922 FOLIO 317 FOR FURTHER DETAILS AND BOUNDARIES

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VICTORIA

REGISTER BOOK

VOL. 8922 FOL. 317

Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

VOL. 8922 FOL. 317

SCOTT COURT PROPRIETARY LIMITED of 104 Liebig Street Warrnambool is now the proprietor of an estate in fee simple subject to the encumbrances notified - - hereunder in ALL THAT piece of land delineated and coloured red blue green and purple on the map in the margin containing Seventy acres One rood Twenty eight perches and five tenths of a perch or thereabouts being Lot 2 on Plan of - - - Subdivision No.91223 and being part of Crown Allotment 3 Section 2 Parish of Wangoom County of Villiers As to the land coloured blue and green - - - - - Together with a right of carriage way over the road coloured brown on the said map -

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DATED the 21st day of July 1972

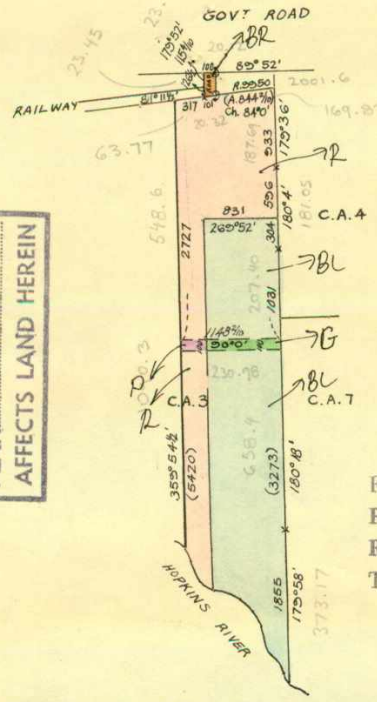
J D Burger
Assistant Registrar of Titles

OFFICE OF THE REGISTRAR VICTORIA

ENCUMBRANCES REFERRED TO

As to the land coloured green and purple - - - - - - - - - - - - - - -

THE EASEMENTS (if any) existing over the same by virtue of Section 98 of the Transfer of Land Act - - - - - -



PLAN 133034 AFFECTS LAND HEREIN

FEE OF LOT ONE ON PLAN OF SUBDIVISION No. 133034 REMAINS IN THIS CERTIFICATE OF TITLE. J.S. DATE 27.2.81

Derived from Vols.4528 Fols.465
8178 192
8869 743

E108673

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JAMES REX ROBERTSON Plumber and NYLMA JOYCE ROBERTSON Married Woman both of 741 Raglan Parade Warrnambool are now JOINT PROPRIETORS

Registered 14th December 1978

No.H343843

OFFICE OF TITLES L. H. VICTORIA

MORTGAGE to DANIEL MADDEN and GEOFFREY GRENVILLE SKEWES

DISCHARGED -6 JAN 1981

Registered 14th December 1978

No.H343844

OFFICE OF TITLES G. R. B. VICTORIA

OFFICE OF TITLES L. H. VICTORIA

TRANSFER AS TO PART No J295691

registered 6th January 1981

CANCELLED AS TO PART

See Vol. 9415 Fol. 537

Lot 2 Area 15.39 ha

OFFICE OF TITLES G. R. B. VICTORIA

TRANSFER AS TO BALANCE

PROPRIETOR

DEAKIN UNIVERSITY OF PIGDONS RD.

GEELONG

REGISTERED 26/6/91

R406938L

OFFICE OF TITLES J.F. VICTORIA

CREATION OF EASEMENT

T157482X 23/6/94

OFFICE OF TITLES P.K.B. VICTORIA

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V.8922 F.317

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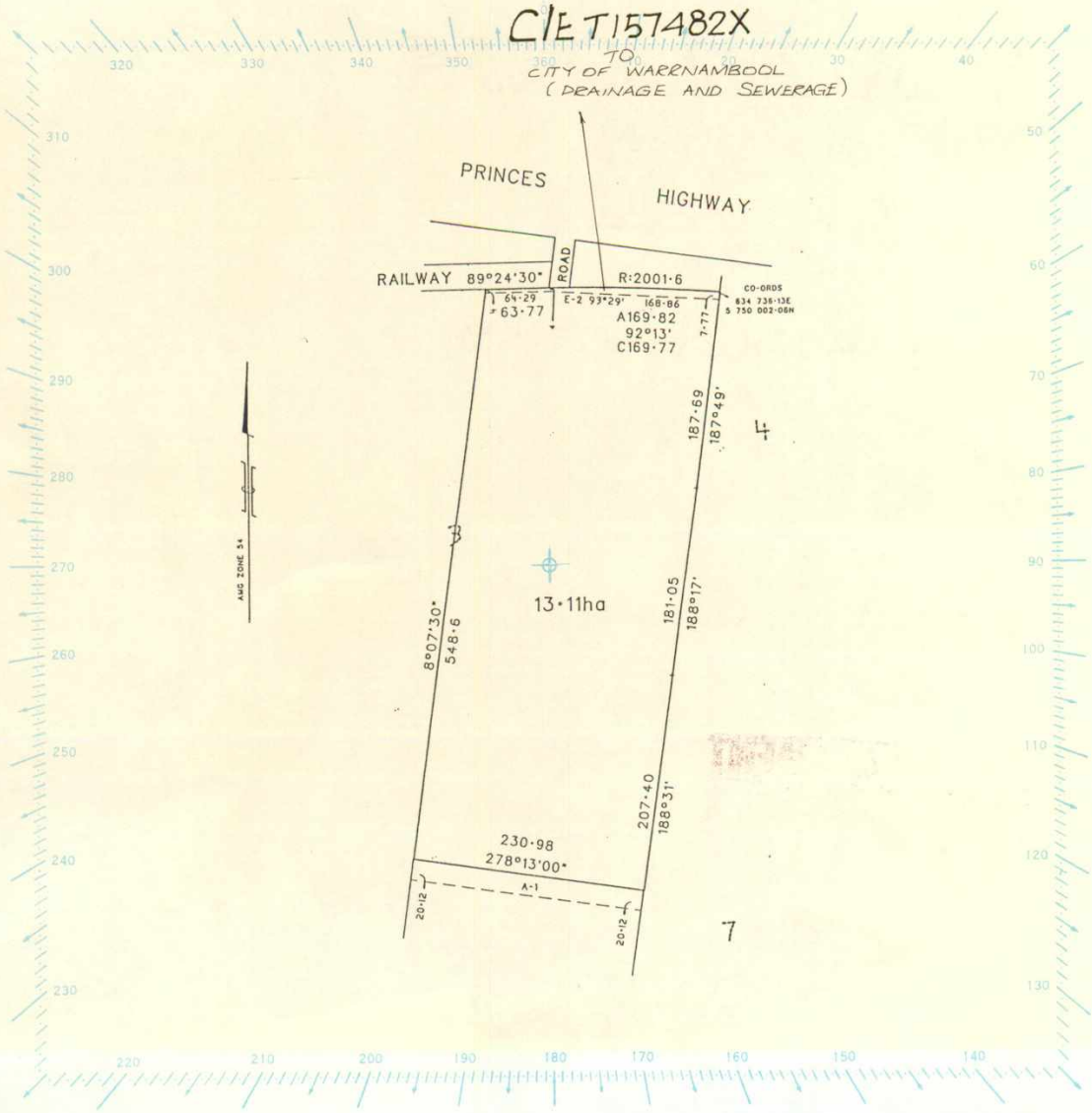
SCALE

Volume 8922 Folio 317



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Natural Resources and Environment

AGRICULTURE • RESOURCES • CONSERVATION • LAND MANAGEMENT

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VIC LANDATA - Title History

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HISTORICAL SEARCH STATEMENT Land Use Victoria

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Volume 9415 Folio 537
Folio Creation: Created as paper folio continued as computer folio
Parent title Volume 08922 Folio 317

RECORD OF HISTORICAL DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details

RECORD OF VOTS DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
07/02/2008	07/02/2008	AF634282L	Y

RECTIFICATION-PROPRIETOR NAME/ADDRESS

RESULTING PROPRIETORSHIP:
Estate Fee Simple
Sole Proprietor
DEAKIN UNIVERSITY of GEELONG VIC 3220
R386978R 14/06/1991

25/06/2020	25/06/2020	AT372679S	N

RECTIFICATION PROPRIETOR PROPRIETORSHIP
FROM:
DEAKIN UNIVERSITY
TO:
DEAKIN UNIVERSITY
RESULTING PROPRIETORSHIP:
Estate Fee Simple
Sole Proprietor
DEAKIN UNIVERSITY of 1 GHERINGHAP STREET GEELONG VIC 3220
AH206529Y 07/05/2010

STATEMENT END

Volume 09415 Folio 537

124024914550V
Produced 07/02/2008 09:09 am

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 133034.
PARENT TITLE Volume 08922 Folio 317
Created by instrument J295691 06/01/1981

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DEAKIN UNIVERSITY GEELONG
R386978R 14/06/1991

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE LP133034 FOR FURTHER DETAILS AND BOUNDARIES

The information supplied has been obtained by Dye & Durham Property Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System. Delivered at 27/08/2021, for Order Number 70019849. Your reference: Warrnambool.

Delivered by LANDATA®, timestamp 27/08/2021 11:46 Page 1 of 2
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J 251561H. **ORIGINAL**

NOT TO BE TAKEN FROM THE OFFICE OF TITLES

VICTORIA

REGISTER BOOK

VOL. 9415 FOL. 537

Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

JOHN FRANCIS O'BRIEN Teacher and BARBARA MYRINE O'BRIEN Married Woman both of 24 Mickle Crescent Warrnambool are JOINT PROPRIETORS of an estate in fee simple subject to the encumbrances notified hereunder in all that piece of- land in the Parish of Wangoom County of Villiers being Lot 2 on Plan of - - Subdivision No.133034 and being part of Crown Allotment 3 Section 2 which - land is shown enclosed by continuous lines on the map hereon - - - - - - - --

FOL.

VOL.

DATED the 6th day of January 1981

Delivered on-line by LANDATA®

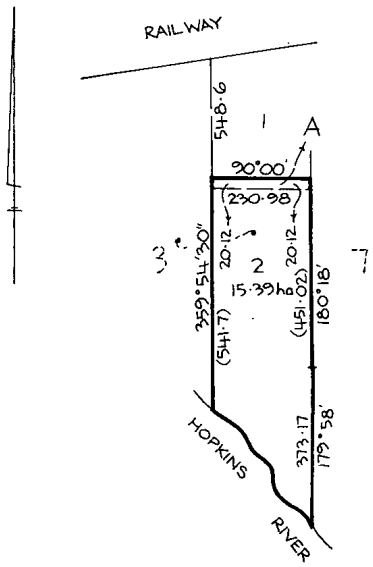
FULLY CONVERTED TITLE
THIS IS A SUPERSEDED FOLIO OF THE REGISTER.
Both text and diagram for this Folio have been fully converted to a computer Folio.

OFFICE OF TITLES VICTORIA

Assistant Registrar of Titles

ENCUMBRANCES REFERRED TO

As to the land shown marked A - - - -
THE EASEMENTS (if any) existing over- the same by virtue of Section 98 of - the Transfer of Land Act - - - - - - --



AREA IS IN HECTARES (ha)
MEASUREMENTS ARE IN METRES

T09415-537-1-4

Derived from Vol.8922 Fol.317
J295691

Delivered by LANDATA®, timestamp 27/08/2021 11:46 Page 2 of 2

VOL. 9415 FOL. 537 INSTRUMENT APPLICATION 20665/80—PL—6

MORTGAGE to THE COMMISSIONERS
OF THE STATE BANK OF VICTORIA
Registered 8th January 1981
No.J295692

DISCHARGED 07 OCT 1988

OFFICE OF TITLES T.MA. VICTORIA

JOINT PROPRIETORS
NEVILLE JAMES NORTH & KAY FRANCES NORTH
OF 17 MARY ST. BUNYIP
REGISTERED 7/10/88
N755744M

OFFICE OF TITLES T.MA. VICTORIA

MORTGAGE

AUSTRALIA AND NEW ZEALAND BANKING GROUP
LIMITED
REGISTERED 7/10/88
N755745J

DISCHARGED 14 JAN 1991

OFFICE OF TITLES T.MA. VICTORIA

PROPRIETOR
DEAKIN UNIVERSITY GEELONG
REGISTERED 14/6/91
R386978R

OFFICE OF TITLES G. .B. VICTORIA

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F. D. Atkinson, Government Printer, Melbourne

Appendix B Aerial Photographs

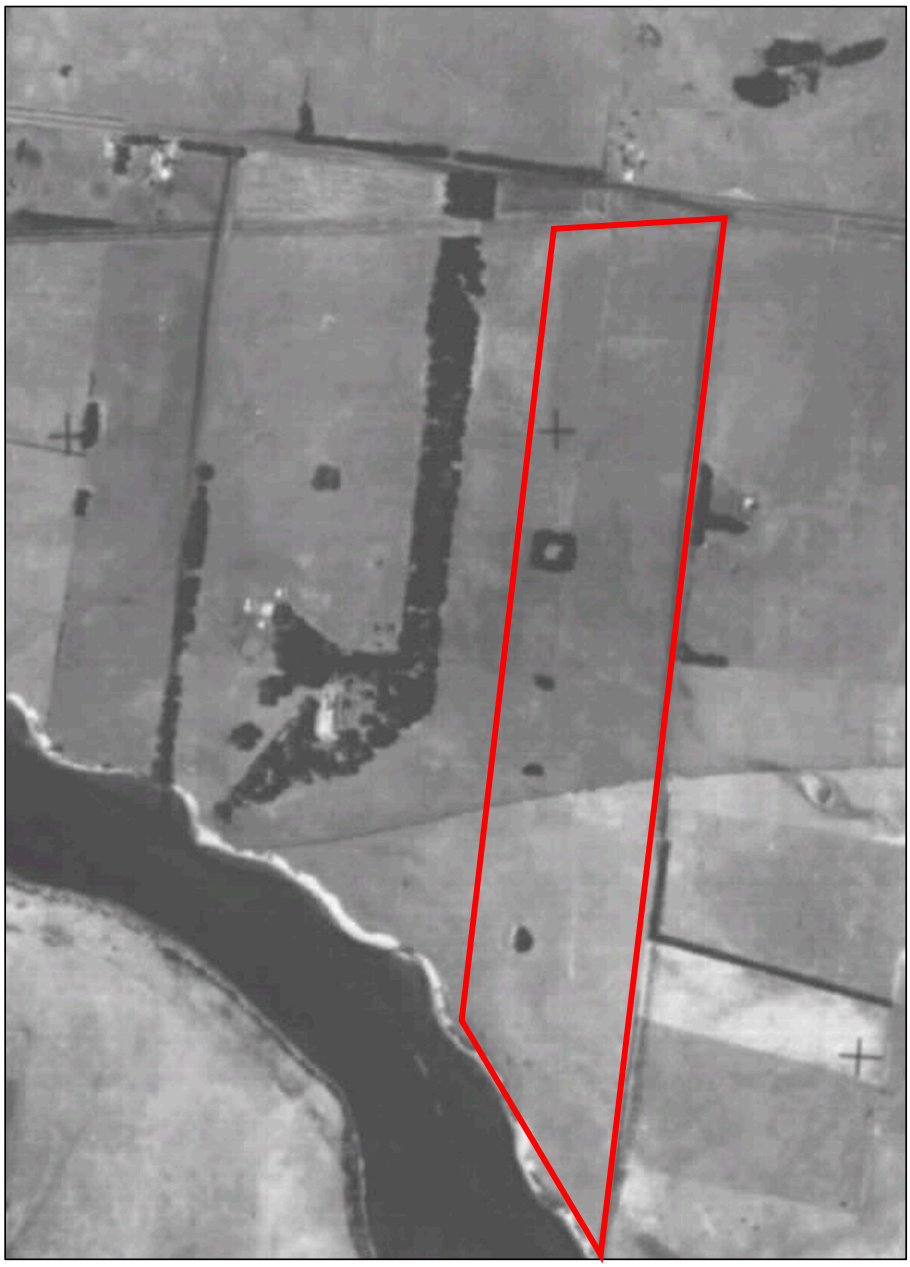


Figure 1

Historical Aerial Image 1948

Source: Landata - DELWP – Aerial Photography Library

Area of further investigation:

Figure 2

Historical Aerial Image 1968 (partial site)

Source: Landata - DELWP – Aerial Photography Library

Area of further investigation:

Figure 3

Historical Aerial Image 1969 (partial site)

Source: Landata - DELWP – Aerial Photography Library

Area of further investigation:

Figure 4

Historical Aerial Image 1979 (partial site)

Source: Landata - DELWP – Aerial Photography Library

Area of further investigation:

Figure 5

Historical Aerial Image 1986

Source: Landata - DELWP – Aerial Photography Library

Area of further investigation:

Figure 6

Satellite Image 2003

Source: Google earth aerial imagery

Area of further investigation:

Figure 7

Satellite Image 2004

Source: Google earth aerial imagery

Area of further investigation:

Figure 8

Satellite Image 2011

Source: Google earth aerial imagery

Area of further investigation:

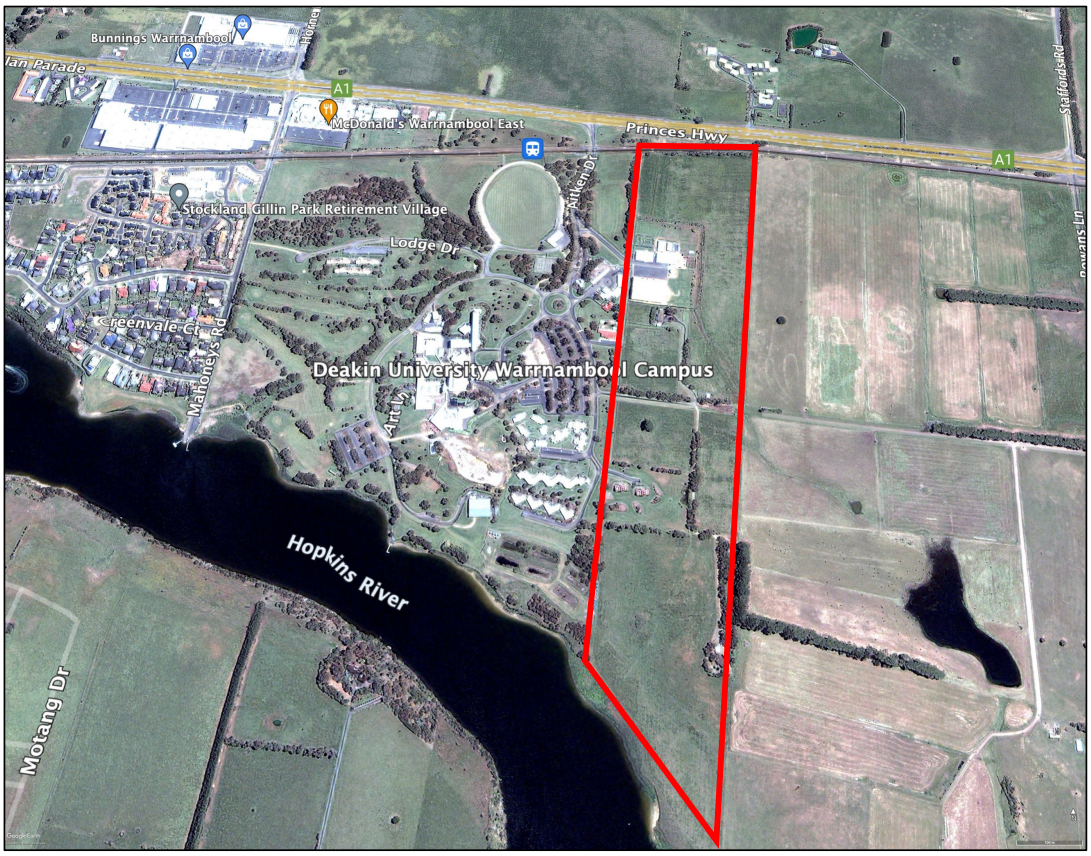


Figure 9

Satellite Image 2012

Source: Google earth aerial imagery

Area of further investigation:

Figure 10

Satellite Image 2014

Source: Google earth aerial imagery

Area of further investigation:

Figure 11
Aerial Image 2017
Source: Nearmap
Area of further investigation:

Figure 12

Satellite Image 2019

Source: Google earth aerial imagery

Area of further investigation:

Figure 13

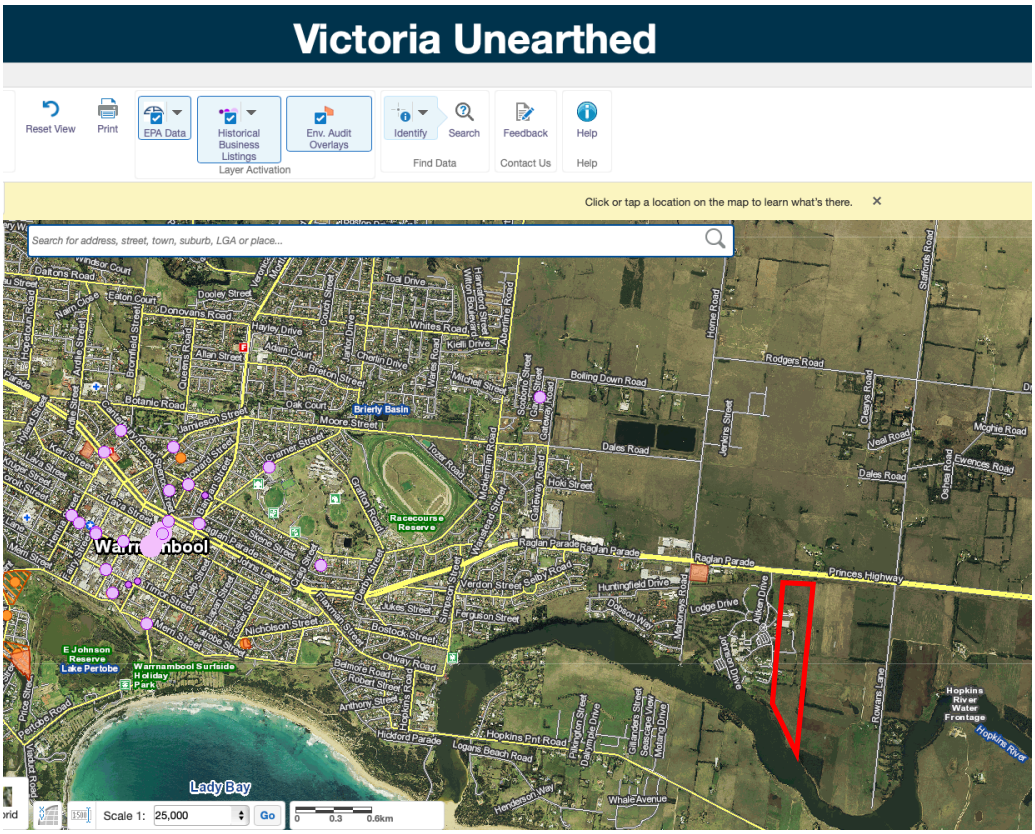
Satellite Image 2020

Source: Google earth aerial imagery

Area of further investigation:

Appendix C Site Photographs

Appendix D Victoria Unearthed



Victoria Unearthed Portal 2021

Area of further investigation:

7.9. 250 HOPKINS POINT ROAD

- ***The meeting was adjourned at 6.35pm due to technical problems with the livestream and resumed at 6.36pm.***

DIRECTORATE : City Growth

PURPOSE:

This report presents the planning application for the 'Use of the land for host farm and development of land for a (replacement) dwelling' at 250 Hopkins Point Road, Warrnambool.

EXECUTIVE SUMMARY

- The application proposes to construct a new dwelling closer to the dunes and to use the existing heritage house as a 'host farm'.
- Notice of the application has been given to adjoining properties and five (5) objections received.
- The proposal is considered on balance to have merit against the relevant controls in the Warrnambool Planning Scheme and Planning Policy Framework.
- A Notice of Decision (NOD) to grant a permit is recommended to be presented to Council.

MOVED: CR MAX TAYLOR
SECONDED: CR OTHA AKOCH

That Council issue a Notice of Decision (NOD) with conditions as set out in the planning report.

CARRIED - 4:3

Crs. Taylor, Akoch, Jellie & Arnott voting for the motion

Crs. Blain, Paspaliaris & Ziegeler voting against the motion

BACKGROUND

The land at 250 Hopkins Point Road, described as Lot 1 on PS842676, has an area of 13.17 hectares and contains a heritage building (Motang residence) and farming infrastructure. The land was created from a previous subdivision approved by Council on 21 January 2020.

The land falls moderately to the south from Hopkins Point Road before rising to the primary dune adjacent to the coast.

Under the Warrnambool Planning Scheme (WPS) the whole of the land is zoned Farming (FZ) and covered by the Significant Landscape Overlay (SLO1). Other overlays apply to parts of the land, being the Heritage Overlay (HO202) for the existing buildings and the Bushfire Management Overlay (BMO) and Environmental Significance Overlay (ESO) which cover land within approximately 150m of the high-water mark. The new dwelling is triggered by the FZ, BMO and SLO while the use of Motang as a host farm only requires a permit under the FZ.

The application was originally submitted in September 2020, however, the application has been subject to various amendments to refine the description of the application and to address the requirements of Fire Rescue Victoria (FRV).

The new dwelling would have a footprint 58m x 13m and appear elevated above natural ground level supported with steel columns. The dwelling would reach a maximum height of 32.7m AHD, compared to the dune at the rear which has a height of 30-32m AHD. External materials consist entirely of glazing and the dwelling would have a terraced green (landscaped) roof. The dwelling would have 5 bedrooms with ground level garaging. There is also storage space, water tanks and paved outdoor areas on the north side of the dwelling. The dwelling is proposed with a setback of more than 150m from the southern title boundary being the high-tide mark.

The nearest dwelling (at the time of writing this report) from the new dwelling is that at 230 Hopkins Point Road approximately 300m to the north east. A dwelling has also been approved at 260 Hopkins Point Road and would be approximately 150m from the proposed new dwelling.

The applicant has addressed any potential risk associated with climate change, bushfire, soil degradation and land capability.

ISSUES

The new dwelling presents a number of issues to be assessed against the provisions of the Warrnambool Planning Scheme, including its physical presence so close to the coast on the dune and its impact on the ability of the land to remain in agricultural production. The contemporary design of the dwelling is also somewhat at odds with the undulating coastal landscape.

Notice of the application was given in March 2021 and 5 objections were received. Officer's assessment of each is provided below:

- *Proposal is not aligned to the PPF or Farming Zone.*
    - An assessment of the proposal finds that the land will continue to be used for a single dwelling. Any impact on the productivity of the land as a result of the construction of the new dwelling would be able to be managed via conditions on a permit.

      The amended Land Management Plan (LMP) with the addition of an 'Operational Management Plan' (OMP) being endorsed under any permit, will ensure the use of Motang as a Host Farm advances the purpose of the Farming Zone and has strategic support in the Planning Policy Framework.

- *Proposal threatens to compromise the viability of the rural land and scenic qualities of the coastline*
    - The dwelling has been designed to have minimal impact on the landscape, incorporating an entirely glazed exterior with a green roof. The majority of the dwelling is elevated above natural ground level with landscaping proposed around many features at ground level to reduce the visual prominence.

      Any impact on the viability of the rural land would be off-set by the intensification of the productive areas of the site and operation of the host farm. The scale of the host farm being comparable to a B&B but the intent of value-adding to the land and local tourism economy.

- *Intensification of the land as a 'host farm' and risk to agricultural and environmental values*
    - The LMP and OPM required as a condition of a permit will address the balance between the host farm activities and need to protect and enhance the environmental values of the site.

      The proposal has been informed by a Vegetation Assessment.
      Note that the areas identified in the Planning Scheme as being of environmental significance e.g Environmental Significance Overlay (ESO), are confined to within approximately 150m of the coast.

- *Increased traffic activity along Hopkins Point Road*
    - The increase in traffic as a result of the host farm is considered negligible. Note that a B&B would not require a planning permit and up to ten (10) non-resident persons could therefore also frequent the site.

      Council's City Infrastructure Unit have been consulted as part of the assessment and no issues with regard to access have been identified. Hopkins Point Road is a Road Zone (RDZ) Category 2 meaning that the road is designed for as a major route.

- *Impact on dune*
    - The impact on the dune is purported to have been a major factor considered by the designer, with the submitted proposal having minimal built footprint with the majority of the floor area supported by columns.

      A Construction Environment Management Plan will be required as a condition of a permit which will ensure that during construction there will be minimal impact on the dune outside the footprint.

      In response to the FRV's requirements, the building will be a further 14m away from the dune, in turn protecting the integrity of the sand feature.

- *Impact on native animals and birdlife including the hooded plover*
    - The subject land is freehold to the high-water mark. While the Environmental Significance Overlay is limited to approximately 150m of the shore it only triggers planning permission for certain forms of buildings and works. The location of the new dwelling is not within the area of mapped Environmental Significance.

      The submitted Land Management Plan includes objectives around weed management, stock exclusion areas, enhancement of native vegetation, pest management and conservation techniques. Despite the presence of the new dwelling, the balance of the site will be required to be managed in a way that improved the environmental qualities of the area.

- *The design is not appropriate and would impact on visual amenity*
    - The dwelling has been designed to have minimal impact on the landscape, incorporating an entirely glazed exterior with a green roof. The majority of the dwelling is elevated above natural ground level with landscaping proposed around many features at ground level to reduce the visual prominence.

      The Significance Landscape Overlay (SLO) is a relevant consideration in the assessment of the proposal and the design and location of the dwelling is considered acceptable having regard to the 'statement of significance' and objectives to be achieved.

      The Planning Scheme seeks to provide for the 'sharing of views'. It is considered that while the siting of the new dwelling could be distracting as a result of its 'box like' form, reasonable efforts have been made to immerse the building into the dune. The new dwelling would not unreasonably impact on the overall views afforded from the relevant objector's properties.

FINANCIAL IMPACT

Accounted for in the City Strategy and Development 2021-2022.
Representation at VCAT may attract additional costs.

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.
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.
4 A connected, inclusive place
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

Routine

COMMUNITY IMPACT / CONSULTATION

Notice of the application was given in March 2021 and 5 objections were received.

Councillors, Council staff, objectors and the applicant were invited to a site inspection on 25 November 2021 at 5pm.

LEGAL RISK / IMPACT

The permit holder may currently have an option to apply to the Tribunal against Council's failure to determine the application within the prescribed time (60 days).

Depending on Council's decision the application can also be reviewed by VCAT by either the applicant (refusal) or objectors (against approval),

OFFICERS' DECLARATION OF INTEREST

None.

CONCLUSION

The application attempts to balance any adverse impacts as a result of the new dwelling, including by designing the structure to appear transparent against the dune, minimising the built form footprint and promoting the use of the heritage dwelling for tourist accommodation in association with a 'host farm'.

On balance, the proposal continues to advance the purposes of the Farming Zone. Any risk associated with the construction of the replacement dwelling on the local environmental values would be able to be managed via condition of a permit.

ATTACHMENTS

1. **Application documents as advertised**
2. **Objections**
3. **Applicants response to objections**
4. **Delegate report**

WARRNAMBOOL
CITY COUNCIL

Planning Assessment Report

Application Details:

Application is for:	Use of the land for host farm and development of land for a (replacement) dwelling	
Applicant's/Owner's Name:	Myers Planning Group 182B Lava Street (PO Box 207) WARRNAMBOOL VIC 3280	
Key dates	Received:28 September 2020 Fees paid: 30 September 2020	Further Info Rec: 27 October 2020 Notice Period: 2 March 2021 for two (2) weeks
Application Number:	PP2020-0207	
Land/Address:	250 Hopkins Point Road, Warrnambool 3280	
Zoning:	Farming Zone (FZ)	
Overlays:	BMO (part of site) Environmental Significance Overlay – Schedule 1 (part of site) Heritage Overlay (part of site) Significant Landscape Overlay – Schedule 1 (SLO1) Cultural heritage sensitivity area Designated bushfire prone area	
Under what clause(s) is a permit required?	Clause 35.07 (Farming Zone) Clause 42.03 (Significant Landscape Overlay) Clause 44.06-2 (Bushfire Management Overlay)	
Restrictive covenants on the title?	Section 173 Agreement AT450584V that requires the owners of 250 & 260 Hopkins Point Rd to adhere to the approved Land Management Plan.	
Current use and development:	Use of land for agriculture, with a single heritage dwelling and associated outbuildings	

Proposal

The proposal is for use of the land as a Host Farm and development of a (replacement) dwelling. The proposal includes:

1. Adaptive re-use of the heritage dwelling (known as the Motang residence) for a short-stay accommodation experience (host farm);
    - The Motang residence is proposed to accept bookings for short-term rentals, accommodating up to 4 persons between 2 guest bedrooms (2 guests per room), with shared kitchen, living, and laundry spaces.

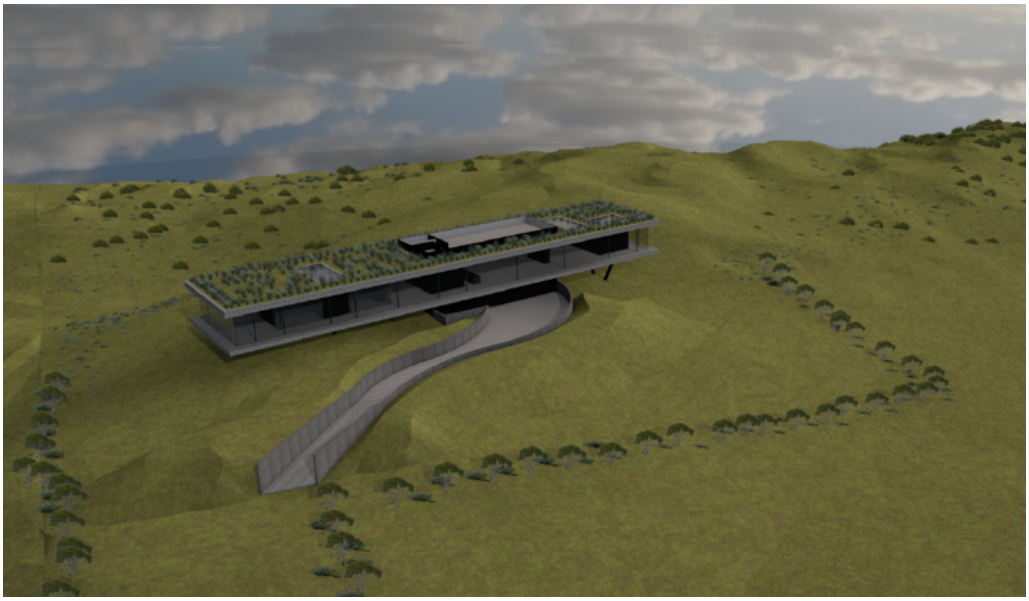
Above: Image of existing Motang Residence,

2. Construction of a new (replacement) dwelling further south in the lot.

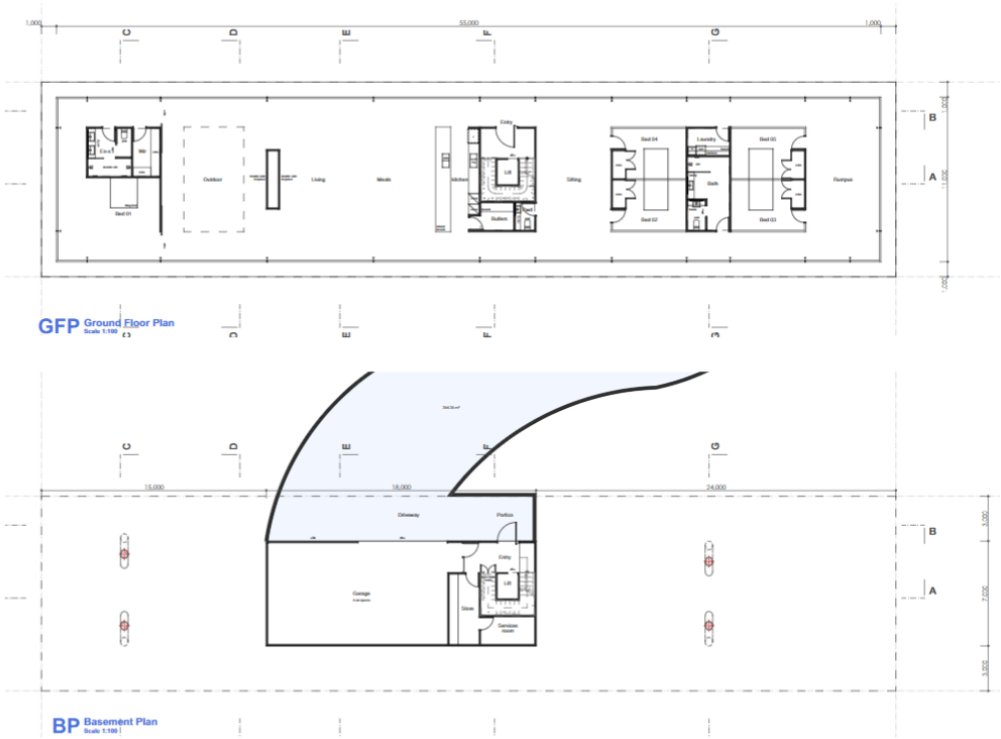
- The dwelling would have a footprint 58m x 13m, elevated above natural ground level with steel columns.
- The dwelling would reach a maximum height of 32.7m AHD, compared to the dune at the rear which has a height of 30-32m AHD[1]
- External materials consist entirely of glazing and the dwelling would have a terraced green (landscaped) roof.
- The dwelling would have 5 bedrooms and is proposed to accommodate a land manager to implement the Integrated Land Management Plan (LMP).
- Access to the dwelling is via ground level garaging. There is also storage space, water tanks and paved outdoor areas on the north side of the dwelling.
- The dwelling is proposed with a setback of 150m from the southern title boundary being the high-tide mark, although would be required to be set back 164m to comply with FRV advice.

The proposed new dwelling, to replace the Motang residence, is intended to achieve the land management objectives of the LMP. The application indicates that the existing Motang residence would not meet the needs and expectations of a modern rural family and is therefore unsuitable as a residence for a permanent land manager.

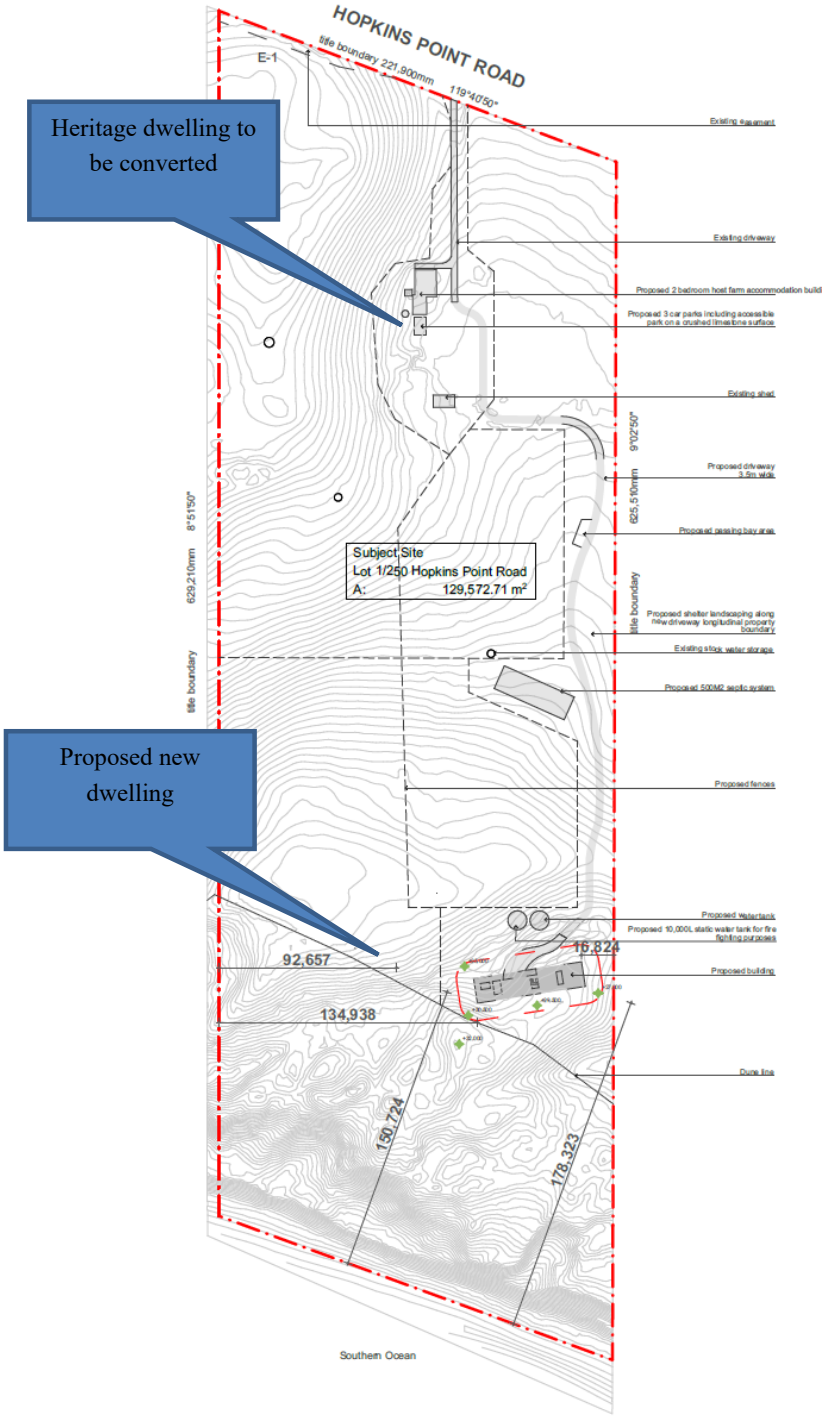
[1] Taken from information provided by the applicant in email dated 14/10/2020.



Above: 3D image of proposed new dwelling (view to south).



Above: Floor plans



PSP Proposed Site Plan
Scale 1:2000

The application is accompanied by the following:

- Planning Report prepared by Myers Planning (dated January 2021)
- A Land Management Plan prepared by Myers Planning dated October 2020.
- Replacement dwelling plans prepared by Designers by Nature
- Vegetation Assessment by Okologie Consulting dated November 2020
- Bushfire Management Statement prepared by Okologie Consulting dated November 2020
- Letter of advice from Rural Consulting Group dated March 2020
- Land Capability Assessment prepared by Greening Consultants dated July 2020
- Coastal Hazard Vulnerability Assessment prepared by Eco-tainable dated September 2020

Subject site & locality

The site has a total area of 12.9 hectares and is currently in agricultural use. A single heritage dwelling (referred to as the Motang residence) and associated outbuildings occupy the site.

As shown below, the subject site has a north-south orientation with beach access to the south and frontage to Hopkins Point Rd at the north. The properties surrounding the subject sites are generally in agricultural use and include rural dwellings of a small scale, with associated outbuildings.

Above: Subject site (Image source: Nearmap 2020)

The site is a highly sensitive landscape area that includes sand dunes and beach sand. Its topography is undulating, generally sloping down from the northern boundary to the southern boundary. The proposed dwelling is located at an elevation point on the site (of 7m AHD.

The nearest dwelling (as exists at the time of writing this report) from the new dwelling is that at 230 Hopkins Point Road approximately 300m to the north east. A dwelling has also been approved at 260 Hopkins Point Road and would be approximately 150m from the proposed new dwelling.

Cultural Heritage Sensitivity Area

The site is largely located within an area of cultural heritage sensitivity with the exception of the northeast corner of the site. The development of one or two dwellings are an exempt activity under the Aboriginal Cultural Heritage Regulations and as such a mandatory cultural heritage management plan is not required.

Permit/Site History

Rezoning and Subdivision History:

The site was recently part of a subdivision (PP2019-0115), whereby the parent Lot with an area of 23.68 hectares was permitted to be subdivided into two (2) lots with areas of 10.59 hectares and 13.17 hectares (minimum subdivision area in the Planning Scheme is 15 hectares). Approval was conditional upon both lots entering into an agreement under Section 173 of the *Planning and Environment Act* 1987 that each continue to manage the use of the land in accordance with an endorsed 'Land Management Plan' (LMP).

An LMP was endorsed under the subdivision permit on 25/5/2020. Titles were created on 16 October 2020 (including for the subject land Lot 1).

For Lot 2 (260 Hopkins Point Road), permit PP2020-0076 has recently been issued for use and development of land for a dwelling. It is understood construction of the dwelling has yet to commence.

Section 173 Agreement:

The following restriction is registered on title and apply to the subject land:

<u>Section 173 Agreement AT450584V</u>

This Section 173 was created to register an LMP on the subject site. The LMP establishes a framework for land management to increase the long-term sustainability of the property. The LMP's objectives are:

- *To protect and enhance the native flora and fauna on the land;*
- *To increase the productivity of the cleared pastured areas;*
- *To rehabilitate natural features/risk areas on the land; and*
- *To increase the long term sustainability of the property.*

The current application proposes a (replacement) dwelling to be occupied by an on-site land manager who will carry out the objectives of the LMP, while the Motang residence will be used for a Host Farm.

The application justifies the replacement dwelling of the basis that the Motang residence would not meet the needs and expectations of a modern rural family and is therefore unsuitable as a permanent residence.

The existing LMP on title did not contemplate a second dwelling for the site; however, there is provision within the agreement to enable the proposed changes to the LMP.

The submitted updated LMP (dated October 2020) is intended to provide support for the construction of a replacement dwelling, nominating a 'building envelope' that 'avoids highly elevated land visible from key public viewing areas, and avoids areas of native vegetation. It's noted that the submitted LMP omits previously supplied advice from the 'Rural Consulting Group' and Bushfire Management Statement of June 2019.

Public Notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the *Planning and Environment Act 1987* by way of letters to adjoining properties and a sign on site.

Five (5) objections were received, which raised the following concerns:

- *Proposal is not aligned to the PPF or Farming Zone*
- *Proposal threatens to compromise the viability of the rural land and scenic qualities of the coastline*
- *Intensification of the land as a 'host farm' and risk to agricultural and environmental values*
- *Increased traffic activity along Hopkins Point Road*
- *Impact on dune*
- *Impact on native animals and birdlife including the hooded plover*
- *The design is not appropriate and would impact on visual amenity*

The applicant provided a response to Council on 28 May 2021 which was forwarded to objectors. No submissions were withdrawn.

Response to objections

- *Proposal is not aligned to the PPF or Farming Zone.*
    - An assessment of the proposal finds that the land will continue to be used for a single dwelling. Any impact on the productivity of the land as a result of the construction of the new dwelling would be able to be managed via conditions on a permit.

      The amended Land Management Plan (LMP) with the addition of an 'Operational Management Plan' (OMP) being endorsed under any permit, will ensure the use of Motang as a Host Farm advances the purpose of the Farming Zone and has strategic support in the Planning Policy Framework.

- *Proposal threatens to compromise the viability of the rural land and scenic qualities of the coastline*
    - The dwelling has been designed to have minimal impact on the landscape, incorporating an entirely glazed exterior with a green roof. The majority of the dwelling is elevated above natural ground level with landscaping proposed around many features at ground level to reduce the visual prominence.

      Any impact on the viability of the rural land would be off-set by the intensification of the productive areas of the site and operation of the host farm. The scale of the host farm being comparable to a B&B but the intent of value-adding to the land and local tourism economy.
- *Intensification of the land as a 'host farm' and risk to agricultural and environmental values*
    - The LMP and OPM required as a condition of a permit will address the balance between the host farm activities and need to protect and enhance the environmental values of the site.

      The proposal has been informed by a Vegetation Assessment.

      Note that the areas identified in the Planning Scheme as being of environmental significance e.g Environmental Significance Overlay (ESO), are confined to within approximately 150m of the coast.
- *Increased traffic activity along Hopkins Point Road*
    - The increase in traffic as a result of the host farm is considered negligible. Note that a B&B would not require a planning permit and up to ten (10) non-resident persons could therefore also frequent the site.

      Council's City Infrastructure Unit have been consulted as part of the assessment and no issues with regard to access have been identified.

      Hopkins Point Road is a Road Zone (RDZ) Category 2 meaning that the road is designed for as a major route.
- *Impact on dune*
    - The impact on the dune is purported to have been a major factor considered by the designer, with the submitted proposal having minimal built footprint with the majority of the floor area supported by columns.
    - A Construction Environment Management Plan will be required as a condition of a permit which will ensure that during construction there will be minimal impact on the dune outside the footprint.
    - In response to the FRV's requirements, the building will be a further 14m away from the dune, in turn protecting the integrity of the sand feature.
- *Impact on native animals and birdlife including the hooded plover*
    - The subject land is freehold to the high-water mark. While the Environmental Significance Overlay is limited to approximately 150m of the shore it only triggers planning permission for certain forms of buildings and works. The location of the new dwelling is not within the area of mapped Environmental Significance.

      The submitted Land Management Plan includes objectives around weed management, stock exclusion areas, enhancement of native vegetation, pest management and conservation techniques. Despite the presence of the new dwelling, the balance of the site will be required to be managed in a way that improved the environmental qualities of the area.

- *The design is not appropriate and would impact on visual amenity*
    - The dwelling has been designed to have minimal impact on the landscape, incorporating an entirely glazed exterior with a green roof. The majority of the dwelling is elevated above natural ground level with landscaping proposed around many features at ground level to reduce the visual prominence.

      The Significance Landscape Overlay (SLO) is a relevant consideration in the assessment of the proposal and the design and location of the dwelling is considered acceptable having regard to the 'statement of significance' and objectives to be achieved.

      The Planning Scheme seeks to provide for the 'sharing of views'. It is considered that while the siting of the new dwelling could be distracting as a result of its 'box like' form, reasonable efforts have been made to immerse the building into the dune. The new dwelling would not unreasonably impact on the overall views afforded from the relevant objector's properties.

External Referrals

Section 55 Referrals:

FRV- No objection

- in their response of 27 October 2021 requested an updated Bushfire Management Plan to meet the requirements of clause 53.02 Table 2.
- An amended BMP was submitted 8 November 2021
- In the FRV response of 8 November 2021, they did not object subject to endorsement of the amended Bushfire Management Plan - V3[2]

Section 52 Referrals:

DELWP- no comments received at time of writing report.

Internal Referrals:

Council's Health Unit- No issues raised

Natural Environment- No issues raised

Standard conditions for this development area have been provided by Council's Infrastructure and Development Team in relation to vehicle crossings and stormwater management. These conditions will be included on the permit.

[2] Note the amended BMP submitted to satisfy FRV refers to the new dwelling having a greater setback than that proposed in the application documents.

Assessment

ZONING:

The subject site is wholly within the Farming Zone

Clause 35.07 FARMING ZONE.

The purpose of this zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

A planning permit is required under the provisions of the Zone for use of the land for 'Host Farm'.

In the Planning Scheme definitions, a 'host farm' is defined[3] as "*an agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes*."

A planning permit is also required under the provisions of the Zone for the construction of the new dwelling- on account of the buildings and works being associated with a Use in Section 2. [4]

Pursuant to Clause 35.07-2 (Use of land for a dwelling), a lot used for a dwelling must meet the following requirements:

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Assessment

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[3] At Clause 73.03

[4] The lot size is less than 15 hectares – being the minimum area for which no permit is required to use land for a dwelling.

- The proposal meets the requirements under Clause 35.07-2. Access is provided via an existing vehicle crossing, and an extension is proposed to driveway, to the specifications of the CFA. The dwelling will be connected to a reticulated electricity supply. A new wastewater system is proposed for the new dwelling and no wastewater improvements are proposed to the Motang residence. The application proposes potable water for the proposed dwelling is to be provided via rainwater harvesting, with a static water supply provided for firefighting purposes.
- Assessment of applications to use land or construct a building or carry out works must also consider a number of decision guidelines. These are assessed in the table below.

Guideline	Assessment
General issues	
• The Municipal Planning Strategy and the Planning Policy Framework. • Any Regional Catchment Strategy and associated plan applying to the land. • The capability of the land to accommodate the proposed use or development, including the disposal of effluent. • How the use or development relates to sustainable land management. • Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses. • How the use and development makes use of existing infrastructure and services.	• The MPS and PPF, and Zone support use of the area for productive agricultural activities and seek to avoid non-agricultural uses, including second dwellings, from detracting from those agricultural uses. The application justifies the replacement dwelling on the basis that effective land management is necessary to comply with policy directions and the Motang residence is not fit for purpose for a permanent residence. The proposal does seek to use the Motang residence as a Host Farm. The proposal would provide a viable commercial use of the heritage asset at the property that would support its retention and is able to support a continued agricultural use of the site. Limited details of the proposed Host Farm use have been provided. An operation management plan is recommended to be secured by a permit condition. • The Glenelg Hopkins Regional Catchment Strategy 2013-2019 (GHRCS) applies to the subject site. The Strategy aligns with the Policy Framework, seeking to protect the coastal region of the catchment from pest plants and animals and encouraging restoration of coastal dune scrub. The proposed LMP is consistent with the objectives of the GHRCS. • The proposal has provided a supporting land capability assessment that proposes on-site

	wastewater treatment including an effluent field setback from the sensitive dune landscape and boundaries with neighbouring properties. • The construction of the replacement dwelling on a site could give rise to reverse sensitivity impacts in an existing agricultural area. Given the size of surrounding parcels and the context of the area does not support intensive agricultural uses that are associated with significant off-site impacts, the replacement dwelling is considered unlikely to impact on the agricultural productivity of the surrounding area. The proposed Host Farm use of the Motang Residence is considered to be compatible with the surrounding land use.
Agricultural issues and the impacts from non-agricultural uses	
• Whether the use or development will support and enhance agricultural production. • Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production. • The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses. • The capacity of the site to sustain the agricultural use. • The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure. • Any integrated land management plan prepared for the site.	• The proposed Host Farm use for the Motang residence will support the continued agricultural production of the site and surrounding area. The proposed replacement dwelling will reduce the amount of land for agricultural use on site; however, the proposed land management plan would ensure the agricultural potential of the site is maximised. On balance, the proposal is not considered to detract from the agricultural potential of the site or surrounding uses. Given the integrated nature of the proposal, and as the acceptability of the replacement dwelling is dependent on the Host Farm use of the Motang Residence, a permit condition is recommended to prohibit the use of the residence as a dwelling once the replacement dwelling has been constructed on site. • The site is subject to an existing LMP which contains an objective to enhance the agricultural productivity of the land. The proposal also seeks to implement an updated LMP that would protect and enhance native

	flora and fauna, increase the productivity of the site, rehabilitate risk areas and increase the long term sustainability of the site.
Dwelling issues	
• Whether the dwelling will result in the loss or fragmentation of productive agricultural land. • Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation. • Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses. • The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	• The site currently supports modest agricultural uses, and the proposed use of the Motang residence for a Host Farm would be consistent with policy objectives to support agricultural productivity as well as those of the LMP. The proposed replacement dwelling will reduce the amount of land for agricultural use on site; however, the proposed land management plan would ensure the agricultural potential of the site is maximised. On balance, the proposal is not considered to detract from the agricultural potential of the site or surrounding uses. • Most neighbouring lots are of a similar size and contain dwellings. Therefore to protect their own amenity are not promoting intensive forms of agriculture which have significant off-site impacts. The replacement dwelling is considered unlikely to impacted by the surrounding uses. • The proposal would not result in an increase in dwellings on the lot and therefore not set a precedent or proliferation of residential development in the area.
Environmental issues	
• The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality. • The impact of the use or development on the flora and fauna on the site and its surrounds. • The need to protect and enhance the biodiversity of the	• The land capability report submitted in support of the application demonstrates the proposed replacement dwelling and host farm can be accommodated on site without impacting soil or water quality. In particular on-site effluent disposal arrangements are appropriate. • The proposal minimises the removal of any vegetation on site, through the placement of the replacement dwelling. No permit is triggered to remove the required largely

area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area. • The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	exotic vegetation. The LMP also seeks to enhance the native flora and fauna on site.
Design and siting issues	
• The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land. • The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts. • The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance. • The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities. • Whether the use and development will require traffic management measures.	• The proposed replacement dwelling has been sited within a building envelope specified by the LMP. The dwelling is sited to take advantage of the views across the water and would generally be separated from boundaries with neighbouring sites. • The proposed replacement dwelling is large and would be visible from Hopkins Point Road and the coastal marine area. The lower level of the dwelling would be set into the natural ground level; however, the upper level would sit above ground level. The rolling topography of the site, the proposed perimeter planting and green roof would all soften the appearance of the dwelling from Hopkins Point Road, surrounding sites and the coastal marine area. The dwelling will largely sit below the dune line as viewed from Hopkins Point Road. An assessment against the Significant Landscape Overlay is outlined further in this report. • The proposed replacement dwelling would utilise a dark material palette that would minimise reflectivity. • The proposal is unlikely to have significant implications for traffic management in the area and the infrastructure required to support the proposal would have no

	significant impact on the surrounding area.

OVERLAYS:
All of the subject site is covered by the Significant Landscape Overlay (SLO), and parts of the site by the Bushfire Management Overlay (BMO), Heritage Overlay (HO) and Environmental Significance Overlay (ESO).[5]

Clause 44.06 - Bushfire Management Overlay

The land is partially affected by the overlay.

The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

A permit is required to construct a building or construct or carry out works associated with accommodation e.g a dwelling. The proposed replacement dwelling is located wholly within the overlay.

The schedule to the overlay specifies that the area is classified as BAL-12.5.

The application requires defendable space in the order of 9 metres to the south of the proposed dwelling. The area is already cleared of native vegetation, and therefore no native vegetation removal is required to meet bushfire objectives. A bushfire hazard assessment and management statement have been provided in line with the requirements of the provisions of the overlay.

A permit to construct a building or construct or carry out works must include the following condition:

"The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed."

Clause 53.02-4 applies to an application to construct a single dwelling in land zoned Farming Zone; the application must meet all of the approved measures in Clause 53.02.

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[5] The ESO and HO are not considered to trigger a permit based on the information provided in the application.

Assessment

- Approved measures:
  The application must respond to the applicable objectives and approved measures at Clause 53.02. An assessment is provided in the table below.

Guideline	Assessment
Landscape, siting, and design objectives	
AM 2.1 - The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.	The assessment and management statement is considered to demonstrate that the bushfire risk to the development from landscape beyond the site can be mitigated to an acceptable level.
AM 2.2 - A building is sited to ensure the site best achieves the following: • The maximum separation distance between the building and the bushfire hazard. • The building is in close proximity to a public road. Access can be provided to the building for emergency service vehicles.	The building envelope is designated by the Land Management Plan. The proposed dwelling is located within this envelope and the bushfire threat from the scrubland vegetation to the south of the envelope can be suitably managed. The site has proximate access to public roads and a passing bay is proposed in accordance with the provisions of this control.
AM 2.3 – A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.	The replacement dwelling will be built to BAL-40 standards which responds to the landscape risk of bushfire identified by the Bushfire Management Statement.
Defendable space and construction objectives	
AM 3.1 - A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with defendable space in accordance with: • Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or • If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5. The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.	The proposed building envelope achieves a BAL-29 defendable space and construction requirement which corresponds with this requirement. Defendable space is entirely within the property boundaries. The replacement dwelling would be constructed to BAL-40.
AM 3.2	N/A – building proposed is a dwelling
Water supply and access objectives	
AM 4.1 - A building used for a dwelling	The proposal will maintain a static water

(including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with: • A static water supply for fire-fighting and property protection purposes specified in Table 4 to Clause 53.02-5. • Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.	supply and will provide vehicle access consistent with these requirements.
AM 4.2	N/A – building proposed is a dwelling
Subdivision Objectives	
AM 5.1-5.5	N/A – no subdivision proposed

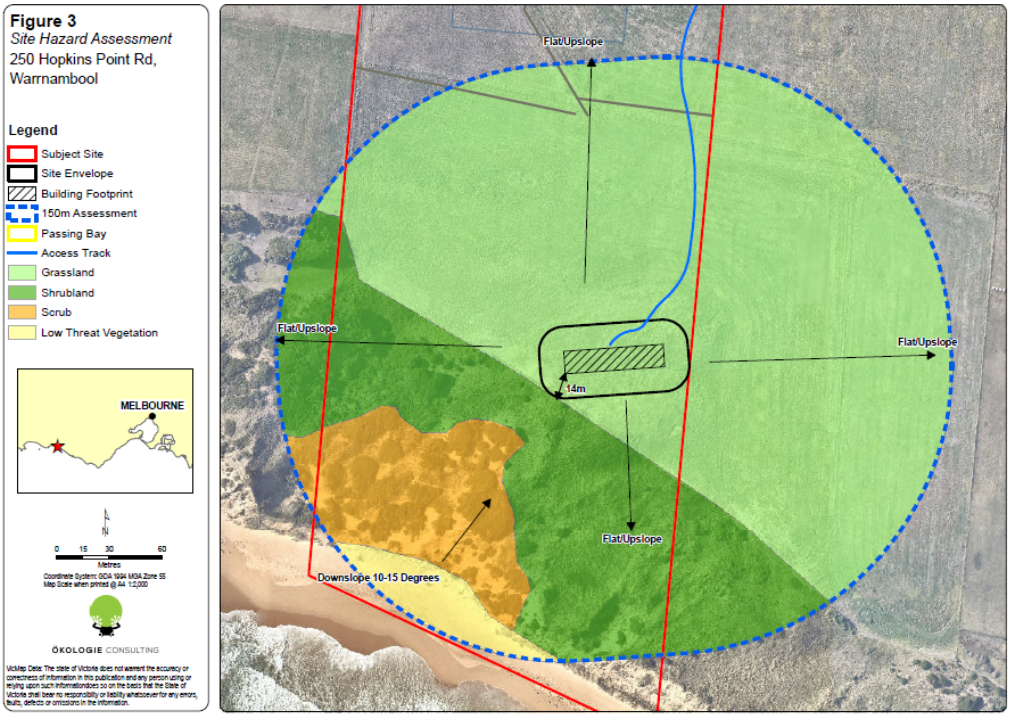
- Decision Guidelines: Assessment of applications to use or subdivide land or construct a building or carry out works must also consider a number of decision guidelines. These are assessed in the table below.

Guideline	Assessment
• The Municipal Planning Strategy and the Planning Policy Framework	• The proposal is generally in accordance with policy objectives which give priority to the protection of human life.
• The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.	• The bushfire hazard assessment and management statement are considered to meet the requirements of the provisions of the scheme and adequately demonstrate how the proposal can mitigate bushfire risk to an acceptable level.
• The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.	• There are no current management or prevention actions occurring at the site or surrounding area.
• Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be	• The proposal is considered to meet the objectives of Clause 53.02-4.

available, including private bushfire shelters, community shelters and the presence of places of last resort.	
• Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.	• The management statement is considered to adequately demonstrate how the proposed measures can be practically implemented and maintained.
• Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.	• The proposal does not rely on the use of alternative measures.
• If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.	• The proposal is considered to meet the objectives of Clause 53.02-4.
• Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.	• The bushfire risk arising from the broader landscape is not considered to warrant the development not proceeding – risk can be mitigated to an acceptable level.

- The application is considered to adequately respond to provisions of the Bushfire Overlay; the bushfire hazard is demonstrated to be sufficiently managed through adherence to the recommendations of the management statement.

Note that the BMS submitted to address the initial concerns of the FRV was not deemed acceptable. Accordingly, to gain the support of the FRV, the BMS was amended, primarily to relocate the dwelling away from the Dune and away from 'un-managed' vegetation.



Above: Amended site plan advanced in response to FRV referral response.

A Heritage Overlay is applied to the site where the existing Motang residence is located.

Clause 43.01 HERITAGE OVERLAY

The purpose of the Overlay is:

- *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.*

The schedule to the Heritage Overlay identifies the impacted area as Heritage Place 202, 'Motang'. External paint controls apply.

A permit is not required for the proposed use of the existing heritage place as a Host Farm under the provisions of the Scheme. Given no alterations are proposed to the existing residence, no permit is triggered under the heritage overlay.

The entirety of the site is impacted by a Significant Landscape Overlay – Schedule 1 (SLO1).

Clause 42.03 SIGNIFICANT LANDSCAPE OVERLAY

The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Under Clause 42.03-2 a permit is required to construct a building or construct or carry out works.

Schedule 1 to the overlay designates this area as Coastal Hinterland Landscape Area. The key elements of this landscape include the Hopkins and Merri Rivers, and the coastal and coastal hinterland views of significance. The schedule specifies the following landscape character objectives to be achieved:

- *To protect and enhance the scenic qualities of coastal hinterland areas.*
- *To recognise the value of the scenic qualities of views towards the coast to residents, visitors and the tourist industry.*
- *To maintain and enhance views from major roads and residential areas towards the coast.*
- *To prevent the interruption of views towards the coast by inappropriate or poorly designed development or that which is sited in prominent locations.*
- *To encourage development which does not intrude upon views of the coast.*
- *To recognise hedgerows and established exotic vegetation as an important element of the coastal landscape.*

A permit application must, as appropriate, be accompanied by a site analysis and plan(s) of the proposal which depict topography, landscaping, elevations, and photographs of the site.

Assessment

Although the application includes comprehensive information depicting the site's topography and the visual appearance of the proposed replacement dwelling, the application does not include a comprehensive landscape and visual impact assessment.

Given the proposed Host Farm used does not proposal any alteration to the Motang Residence it does not trigger a permit under this SLO and will be excluded from this assessment.

Decision Guidelines: Assessment of the proposed new dwelling against the relevant decision guidelines of the overlay are provided below.

Guideline	Assessment
• The Municipal Planning Strategy and the Planning Policy Framework	• The MSS and PPF recognise the importance of the views along the coastal hinterland area; however, they do not preclude buildings and works that are visible within these views. While the proposed new dwelling would be visible from Hopkins Point Road, neighbouring properties and from the coastal marine area, the design, placement, rolling topography and landscaping would minimise the impacts on this landscape.
• The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.	• The subject site is included within the coastal hinterland area which is recognised by the SLO. The location of the proposed replacement dwelling is visible from Hopkins Point Road, surrounding properties and the coastal marine area. The scenic qualities of the coastal hinterland area are specifically recognised by the SLO1. • The submitted LMP proposes revegetation and weed management in areas of the site and this is considered to have a positive impact on the values of the area.
• The conservation and enhancement of the landscape values of the area.	
• The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.	• The application requires minimal vegetation management to provide appropriate defendable space for the replacement dwelling.
• The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.	• The proposed replacement dwelling is large and would be visible from Hopkins Point Road and the coastal marine area. The lower level of the dwelling would be set into the natural ground level; however, the upper level would sit above ground level. The rolling topography of the site, the proposed perimeter planting and green roof would soften the appearance of the dwelling from Hopkins Point Road, surrounding sites and the coastal marine area. The proposed replacement dwelling would utilise a dark material palette that would minimise reflectivity. The dwelling will largely sit below the dune line as viewed from Hopkins Point Road. The dune landscape would

	preclude any views from the beach area up to the dwelling. • In this context, the proposal is considered to be consistent with the landscape objectives to protect the scenic qualities of the coastal hinterland, encourage development which does not intrude on views to the coast, prevent interruptions of views to the coast and discourage poorly designed development in prominent locations.
• The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.	• As outlined above, the proposed replacement dwelling would be of a design that sits well in th e, topography, landscaping and materials to protect the existing character values of the area.
• The impact of buildings and works on significant views.	• As outlined above, the proposal would largely sit below the dune line as viewed from Hopkins Point Road. The design, siting, materials, topography and planting have been used to minimise the visual prominence of the area.
• Any other matters specified in a schedule to this overlay.	• N/A

The entire site is impacted by an Environmental Significance Overlay – Schedule 1

Clause 42.01 Environmental Significance Overlay
(ESO1).

The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

The ESO applies generally along the dunes to a depth of circa 147 metres into the subject site. A permit is required to construct a building or construct or carry out works. The proposed replacement dwelling and the associated works are located outside of the ESO area and as such the proposal does not trigger a permit under this overlay.

GENERAL PROVISIONS
Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate, the following guidelines.

Decision Guideline	Assessment
The matters set out in section 60 of the Act.	All relevant matters under Section 60 of the Act have been considered by this assessment.
The Municipal Planning Strategy and the Planning Policy Framework.	On balance, the proposal is considered to be consistent with the provisions of the Municipal Planning Strategy and the Planning Policy Framework. The proposed host farm is consistent with objectives to retain and enhance the agricultural productivity of the site. While the replacement dwelling would occupy some of the productive land, the proposed LMP would maximise the productivity of the land. The proposal also represents the adaptive reuse of a heritage asset in a manner that supports the ongoing agricultural use of the site. The proposed replacement dwelling would be visible from surrounding vantage points; however, the rolling topography of the land, the proposed perimeter landscape planting and the proposed green roof would all soften the visual impact of the dwellings, while the dwelling itself would assist in achieving the LMP outcomes.
The purpose of the zone, overlay or other provision.	The proposal is considered on balance, to be consistent with the purpose of the Farming Zone, Bushfire Management Overlay, Significant Landscape Overlay and Heritage Overlay.
Any matter required to be considered in the zone, overlay or other provision.	The assessment has considered the relevant matters under the Zone, overlay, and other provisions.
The orderly planning of the area.	The proposal is considered to represent orderly planning of the area with appropriate landscaping.
The effect on the amenity of the area.	The proposal would minimise any amenity impact on the area.
The proximity of the land to any public land.	The proposed replacement dwelling would be sited within 150 metres of the coastal marine area. The replacement dwelling would not be overly visible from any public land and is considered to be appropriate on that basis.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	A Coastal Hazard Vulnerability Assessment is provided which is considered to sufficiently demonstrate that risk of coastal land degradation can be adequately managed through the implementation of a coastal erosion monitoring program with triggers a contingency plan for the site.
Whether the proposed development is designed to	Stormwater will be appropriately managed on-site.

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.	The application includes an assessment of vegetation at the site. No removal, destruction, or lopping native vegetation is proposed. Defendable space requirements can be achieved by maintenance of the exotic grass surrounding the replacement dwelling.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	As above.
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 coastal vulnerability assessment submitted in support of the application demonstrates the proposal has a low risk of erosion.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Proposed access arrangements are considered satisfactory. The extension to the existing driveway is consistent with the access requirements of Clause 53.02-4.1.

Municipal Planning Strategy

Clause 01 PURPOSES OF THIS PLANNING SCHEME

- *To provide a clear and consistent framework within which decisions about the use and development of land can be made.*
- *To express state, regional, local and community expectations for areas and land uses.*
- *To provide for the implementation of State, regional and local policies affecting land use and development.*

Clause 02.02 VISION

The Council Plan (2017-2021) sets out the following vision for Warrnambool:
A cosmopolitan city by the sea

The Council Plan identifies four objectives relevant to land use planning:

- *Sustain, enhance and protect the natural environment.*
- *Foster a healthy, welcoming city that is socially and culturally rich. Maintain and improve the physical places and visual appeal of the city.*
- *Develop a smarter economy with diverse and sustainable employment.*

Clause 02.03 strategic directions

Clause 02.03-1

Settlement Urban growth

Warrnambool's urban settlement boundaries and growth areas are identified on the Warrnambool Strategic Framework Plan at Clause 02.04. Warrnambool is forecast to grow at 1.4 per cent per annum until 2040 requiring about 250 new dwellings per year to meet demand. Council has around 23 years supply of zoned residential land (2019). There is also sufficient commercial and industrial land available to meet forecast demand within the Warrnambool City Centre, activity centres and the Eastern Industrial Precinct.

Council's strategic directions for its growth areas are:

- *Directing urban growth to identified growth areas in order to protect productive rural areas and achieve a more compact sustainable urban area.*
- *Supporting increased residential densities in growth areas close to transport corridors, activity centres and open space.*
- *Facilitating infrastructure provision of roads, drainage, utilities and community infrastructure through structure planning and development contributions plans.*

Clause 02.03-2 Environmental and landscape values Biodiversity

The Warrnambool coastline supports an impressive range of environmental values. Areas of coastal vegetation provide wildlife habitat and corridors for vulnerable and threatened flora and fauna species. Warrnambool's coastline adjoins a number of ecologically important areas including the Southern Right Whale nursery and the Merri Marine Sanctuary.

Council's strategic directions for biodiversity are:

- *Protecting and enhancing sites of biodiversity conservation significance.*
- *Providing wildlife habitat and corridors for vulnerable and threatened flora and fauna species in coastal reserves.*
- *Arresting the decline and fragmentation of native vegetation to minimise land and water degradation issues.*

Significant environments and landscapes
Warrnambool is situated on one of the most spectacular sections of the southwest Victorian coastline. The coast has significant cultural values for both Aboriginal and European heritage and is also valued highly for its environmental, recreational and tourism aspects.

Council's strategic directions for significant environments and landscapes are:

- *Protecting coastal areas, waterways and sensitive ecosystems from the detrimental impacts of urban and rural development.*
- *Protecting significant landscapes and landforms from inappropriate development.*

Clause 02.03-3 Environmental risks and amenity
Climate change Climate change presents a threat to the natural and built coastal environment, to the community and to economic activity. The results of climate change, such as storm surge, inundation through sea level rise and temperature increase pose some of the most significant threats to Warrnambool's coastline.
Council's strategic directions for climate change are:

- *Adapting to the impacts of a changing climate. Planning for the risks associated with possible sea level rise in areas of known vulnerability.*
- *Ensuring that the risks of sea level rise are mitigated or avoided where possible*

Bushfire
There are a number of settlements that are at significant risk from bushfire, including Woodford and Bushfield, the coastal area of Warrnambool and the grassland interface of Warrnambool. Fires from inadequate separation between vegetation and powerlines also poses a risk.
Council's strategic direction for bushfire is:

- *Planning for and managing bushfire risk.*

Clause 02.03-4 Natural resource management Agricultural land
Council's strategic directions for agricultural land are:

- *Protecting rural areas to ensure agricultural uses remain viable.*
- *Ensuring the City's unique rural character is protected from urban development.*
- *Managing the urban-agricultural interface to protect farming operations.*
- *Maintaining a greenbelt around Warrnambool's settlement boundary.*
- *Limiting use or development that will be incompatible with the agricultural use of the land.*

Clause 02.03-5 Built environment and heritage

Sustainable development

Council's strategic directions for sustainable development are:

- *Creating a sustainable City that allows people to walk or cycle to access their everyday needs and contributes to social interaction, community building and wellbeing.*
- *Promoting ecologically sustainable development. Supporting development that reduces energy and greenhouse gas emissions.*

Urban design

View sharing is an emerging issue within the municipality. Views of the ocean, the Merri and Hopkins Rivers, inland hilltops and ridgelines, and surrounding rural areas are highly valued. The siting and design of development can have a critical impact on sensitive areas, views, liveability, safety and visual appearance.

….

The vision for a liveable city revolves around health and wellbeing and the social and physical attributes that contribute to this. The design of the built environment can also influence the incidence of crime and feelings of safety within the city.

Council's strategic directions for urban design are:

- *Protecting and enhancing the quality of the built environment.*
- *Facilitating the sharing, rather than protection, of views from the public realm and private areas.*
- *…..*
- *Promoting safety and the perception of safety in the design of buildings.*
- *…..*
- *Facilitating sensitive design solutions for Younger Street (west), Logans Beach, areas of South Warrnambool and the Coastal/Hopkins River Growth Area.*

Clause 02.03-7 Economic development

Agriculture

Agriculture is an important element of the regional economy especially the dairy industry. Sixteen per cent of the work force is employed within the agriculture, fishing and forestry sector.

Council's strategic directions for agriculture are:

- *Protecting the significance of agriculture in the local economy.*
- *Preserving agricultural land in large areas to support those industries that rely on agricultural products for processing.*
- *Avoiding development that may compromise the dairy industry and its processing facilities. Facilitating opportunities for agricultural diversity.*

Tourism

Tourism is a significant economic driver in the region. Natural and man-made tourism attractions include maritime and built heritage, the coast and beaches, the Great Ocean

Road, the Lady Bay area, the Southern Right Whale Nursery at Logans Beach and the Flagstaff Hill area.

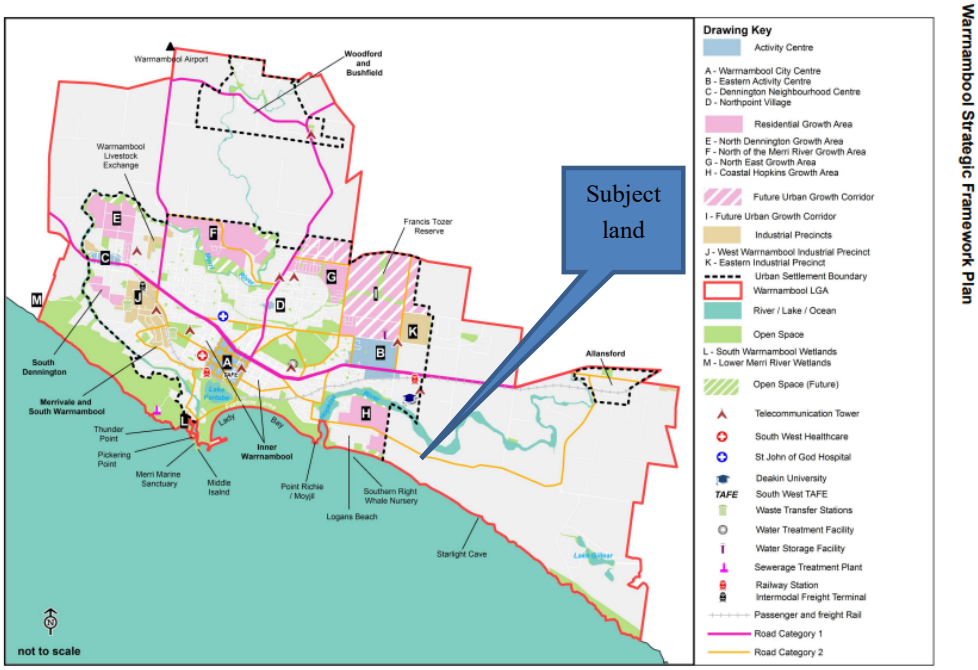
Warrnambool is the western gateway to the Great Ocean Road region with capacity for visitor accommodation. Opportunities exist for coastal tourism development to the east of the city taking advantage of the scenic coast while remaining sensitive to its environmental and landscape values. The Lady Bay foreshore area and Lake Pertobe also provide opportunities for tourist oriented developments.

Lifestyle resorts are a rapidly expanding component of the tourism market and provide tourist and ancillary residential accommodation. Cultural heritage tourism is another potential year-round attractor for the area. A significant entertainment precinct including restaurants, taverns and hotels is evolving at the southern end of Liebig Street, adjacent to the civic buildings.

Council's strategic directions for tourism are:

- *Balancing environmental impacts and pressure for development from a large influx of tourists.*
- *Protecting those assets on which tourism depends.*
- *Ensuring that linkages between Lake Pertobe and the foreshore are strengthened.*

Clause 02.04 Strategic Framework Plan



Above: The subject land is located outside the Urban Settlement Boundary

Planning Policy Framework

11.01-1S Settlement

Objective To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

11.01-1R Settlement - Great South Coast

Objective To attract more people to the region.

Strategies

- *Plan for a network of settlements based around Warrnambool, Hamilton, Portland and district towns drawing on proximity to services, affordable living and a variety of lifestyle opportunities.*
- *Support the role of Warrnambool as the key population and employment centre for the region with key links to Geelong and Melbourne.*
- *….*
- *….*
- *….*
- *….*
- *….*
- *Support and promote active and attractive towns through the provision and enhancement of open space, trails, streetscapes and gardens.*
- *….*
- *….*

11.03-4S Coastal settlement

Objective

To plan for sustainable coastal development.

Strategies

- *Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.*
- *Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.*
- *Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.*
- *Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.*
- *Protect areas between settlements for non-urban use.*
- *Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.*
- *….*

- *Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.*
- *Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.*
- *….*

Policy documents Consider as relevant:

- ….
- ….
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)
- Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)
- Victorian Coastal Strategy (Victorian Coastal Council, 2014)

11.03-5S Distinctive areas and landscapes
Objective
To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

Strategies

- *Recognise the unique features and special characteristics of these areas and landscapes.*
- *Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.*
- *Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.*
- *Recognise the important role these areas play in the state as tourist destinations.*
- *Protect the identified key values and activities of these areas.*
- *Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.*
- *Protect areas that are important for food production.*

11.03-5R The Great Ocean Road region
Objective To manage the sustainable development of the Great Ocean Road region.

Strategies

- *Protect public land and parks and identified significant landscapes in the Great Ocean Road region.*
- *Ensure development responds to the identified landscape character of the area. Manage the growth of towns by:*
    - *Respecting the character of coastal towns and promoting best practice design for new development.*
    - *Directing urban growth to strategically identified areas.*
- *Manage the impact of development on catchments and coastal areas.*
- *Manage the impact of development on the environmental and cultural values of the area.*
- *….*
- *Encourage sustainable tourism and resource use by:*
    - *Developing a network of tourism opportunities throughout the region.*
    - *Supporting tourism activities that provide environmental, economic and social benefits.*
    - *Supporting the land use and transport needs of key regional industries including tourism.*
    - *Using natural resources with care.*

12.01-1S Protection of biodiversity

Objective

To assist the protection and conservation of Victoria's biodiversity.

Strategies

- *Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.*
- *Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.*
- *Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:*
    - *Cumulative impacts.*
    - *Fragmentation of habitat.*
    - *The spread of pest plants, animals and pathogens into natural ecosystems.*
- *Avoid impacts of land use and development on important areas of biodiversity.*
- *Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia*

Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).

- *Assist in the identification, protection and management of important areas of biodiversity.*
- *Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.*

Policy guidelines Consider as relevant:
State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

12.01-1L Warrnambool biodiversity
Strategies

- *Discourage development that compromises the ecological integrity of the Merri River, Hopkins River and Russells Creek corridors and the coastal reserves.*
- *….*
- *….*
- *….*
- *Protect remnant vegetation, especially in habitat corridors, drainage lines, stream frontages and on roadsides.*
- *Protect habitat corridors and areas identified as habitat for rare and threatened flora and fauna species.*
- *Improve biodiversity through the integration of landscaping/revegetation and retention of stormwater treatment for habitat.*
-

Policy document Consider as relevant:
Warrnambool Coastal Management Plan (Warrnambool City Council, 2013)

12.02-1S Protection of the marine and coastal environment
Objective
To protect and enhance the marine and coastal environment.
Strategies

- *Manage privately-owned foreshore consistently with the adjoining public land.*
- *Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by focusing development in areas already developed or in areas that can tolerate more intensive use.*
- *Enhance the ecological values of the ecosystems in the marine and coastal environment.*

- *Protect and enhance the overall extent and condition of native habitats and species diversity distributions across public and private land in the marine and coastal environment.*
- *Encourage revegetation of cleared land abutting coastal reserves.*
- *Minimise direct, cumulative and synergistic effects on ecosystems and habitats.*
- *Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.*
- *Maintain and enhance water and soil quality by minimising disturbance of sediments.*
- *Avoid disturbance of coastal acid sulfate soils.*
- *Protect and enhance natural features, landscapes, seascapes and public visual corridors.*
- *….*
- *Protect the heritage values, the aesthetic quality of locations, cultural links with maritime activities, sea country and sense of place.*

12.02-1L Coastal landscapes

Strategies

- *Protect sites of cultural significance including Point Richie / Moyjil.*
- *Avoid development that detrimentally impacts on the scenic landscapes along the coast, river valleys and inland ridgelines.*
- *Minimise the visual impact of development including accessways.*
- *Protect vantage points and view lines to and from the public realm.*
- *Limit development heights to maintain coastal view lines from public spaces and respect scale and character.*
- *Promote view sharing between properties along the coast.*

12.05-2S Landscapes

Objective

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Strategies

- *Ensure significant landscape areas such as forests, the bays and coastlines are protected.*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

13.01-1S Natural hazards and climate change

Objective

To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Strategies

- *Consider the risks associated with climate change in planning and management decision making processes.*
- *Identify at risk areas using the best available data and climate change science.*
- *Integrate strategic land use planning with emergency management decision making.*
- *Direct population growth and development to low risk locations.*
- *Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.*
- *Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.*
- *Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.*

13.01-2S Coastal inundation and erosion

Objective

To plan for and manage coastal hazard risk and climate change impacts.

Strategies

- *Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.*
- *Ensure that land subject to hazards is identified and appropriately managed to ensure that future use and development is not at risk.*
- *Avoid use and development in areas vulnerable to coastal inundation and erosion.*
- *Respond to marine and coastal processes in the context of the coastal compartment type.*
- *Assess the effectiveness, costs, benefits, impacts (direct, cumulative and synergistic) and path dependency of available adaptation options in the following order:*

1. *non-intervention*
2. *avoid*
3. *nature-base methods*
4. *retreat*
5. *protect*

- *Ensure that development or protective works that seek to respond to coastal hazard risks avoid detrimental impacts on coastal processes.*

13.02-1S Bushfire planning

Objective
To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies
Protection of human life
Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

14.01-1S Protection of agricultural land
Objective
To protect the state's agricultural base by preserving productive farmland.
Strategies

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
- *Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use. Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
    - *Directing housing growth into existing settlements.*
    - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
    - *Encouraging consolidation of existing isolated small lots in rural zones.*

- *Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*

- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*
- *Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.*
- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

14.01-2L Agricultural land
Strategies

- *Support diversification of rural land uses that are consistent with sustainable land and water resource management.*
- *Support intensive agricultural industries where facilitated by soil and water quality, infrastructure, and the location of sensitive uses*

15.01-1S Urban design
Objective
To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

15.01-1L Urban design
Strategies

- ….
- ….
- *Support development that contributes to active street frontages.*
- *Support development that applies design techniques (including façade variation, contrast, repetition, colour, texture and detail) that will integrate a building with its surrounds.*
- ….
- ….
- ….
- ….

15.01-6S Design for rural areas
Objective
To ensure development respects valued areas of rural character.
Strategies

- Ensure that the siting, scale and appearance of development protects and enhances rural character.
- Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

15.03-1S Heritage conservation
Objective
To ensure the conservation of places of heritage significance.
Strategies

- *….*
- *Provide for the protection of natural heritage sites and man-made resources.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings where their use has become redundant.*
- *Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.*

15.03-1L Heritage conservation
Policy application
This policy applies to all land within a Heritage Overlay (HO).
Strategies

- *Design development to be consistent with the predominant scale of heritage buildings.*
- *Reinstate or introduce verandahs where they previously existed or are sympathetic to the form, scale and appearance of a building.*

- *Conserve and maintain important landscape qualities including significant trees and rows of trees, including mature Norfolk Island pine trees.*
- *Minimise and manage signage so that it does not detract from the character of the area.*

15.03-2S Aboriginal cultural heritage
Objective
To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

16.01-3S Rural residential development
Objective
To identify land suitable for rural residential development.
Strategies

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development*
- *….*
- *….*
- *Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:*
    - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources. Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
    - *Minimising or avoiding property servicing costs carried by local and state governments.*
    - *Maintaining an adequate buffer distance between rural residential development and animal production.*
    - *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- ….

17.01-1R Diversified economy - Great South Coast
Strategies

- *Support agriculture as a primary source of economic prosperity and increase the region's contribution to the nation's food production.*
- *Support rural production and associated economic development opportunities including rural industry, rural sales, accommodation and tourism.*
- *Support expanded processing and logistics businesses in Hamilton*

17.04-1S Facilitating tourism

Objective
To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

Strategies

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

17.04-1R Tourism - Great South Coast
Strategies

- *Provide flexibility and opportunities for a diverse range of tourism development, including an increase in the supply of appropriate accommodation and tourism infrastructure.*
- *Provide for the sustainable management of regionally significant tourism attractions such as the Great Ocean Road, Great Southern Touring Route, national parks, major inland waterways such as Lake Corangamite, key coastal assets including Discovery Bay, and cultural heritage sites.*

Clause 17.04-2S Coastal and maritime tourism and recreation
Objective
To encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreational opportunities that strengthen people's connection with the marine and coastal environment.
Strategies

- *Support safe and sustainable recreation and tourism development including ecotourism, tourism and major maritime events that:*
    - *Responds to identified demand.*
    - *Minimises impact on environmental and cultural values.*
    - *Minimises impact on other users.*
    - *Minimises direct and cumulative impacts.*
    - *Maintains public safety.*
    - *Responds to the carrying capacity of the site.*
    - *Minimises exposure to coastal hazard risks and risks posed by climate change.*
- *Ensure a diverse range of accommodation options and coastal experiences are provided for and maintained.*
- *Ensure sites and facilities are accessible to all.*

- *Ensure tourism development, within non-urban areas, demonstrates a tourist accommodation need and supports a nature-based approach.*
- *Ensure development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.*
- *….*
- *….*
- *….*
- *….*
- *…..*

19.03-3L Integrated water management
Objective
To reduce environmental degradation associated with stormwater run-off and effluent disposal. Strategies

- *Establish artificial wetlands, retention basins and stormwater pollution traps and other water sensitive urban design features as a means of controlling the quality and quantity of stormwater run-off from urban areas.*
- *….*
- *….*
- *Discourage waste disposal systems for residential, industrial and commercial purposes that are detrimental to the environment.*
- *Encourage the re-use of wastewater and stormwater run-off within greenfield growth areas.*

PARTICULAR PROVISIONS

53.02 BUSHFIRE PLANNING
Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measuresfor a single dwelling that reducesthe bushfire risk to life and property to an acceptable level.

GENERAL PROVISIONS
65.01 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.*
- *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.*

Conclusion

The subject land has an area of 13.17 hectares and currently accommodates a single heritage dwelling (Motang) and farming infrastructure. A Section 173 Agreement is registered on title, meaning the owner of the land is required to meet the objectives as set out in the Land Management Plan (LMP) approved by Council for the continued agricultural use of the land.

The application proposes a new dwelling to replace the heritage dwelling but the owner is still obligated to advance the objectives of the LMP, that is:

- *To protect and enhance the native flora and fauna on the land;*
- *To increase the productivity of the cleared pastured areas;*
- *To rehabilitate natural features/risk areas on the land; and*
- *To increase the long term sustainability of the property.*

The application therefore attempts to balance any adverse impacts as a result of the new dwelling, including by promoting the use of the heritage dwelling for tourist accommodation in association with a ‘host farm’.

State Planning Policy requires Councils to balance conflicting objectives in favour of net community benefit.

The visual impact of the replacement dwelling on the landscape, the footprint of the dwelling and waste water treatment areas on the productive areas of the site, and an increase in traffic associated with the host farm will all be evident if the application were to be approved. However, the host farm would support local tourism and the local economy and the LMP would remain on title and therefore the owner must continue to meet their obligations that advance the farming and environmental objectives in the Planning Scheme.

The applicant has addressed any potential risk associated with climate change, bushfire, soil degradation and land capability.

On balance, the proposal continues to advance the purpose of the Farming Zone. Any risk associated with the construction of the replacement dwelling on the local environmental values would be able to be managed via condition of a permit.

Recommendation

That notice was given of the application pursuant to Section 52(1)(a), (b) and (d) 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 determine the application for PP2020-0207 under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 3 on PS308904N, 250 Hopkins Point Road WARRNAMBOOL VIC 3280, for the Use of land for Host Farm and the development of land for a replacement Dwelling in accordance with the endorsed plans, subject to the following conditions:

1. 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 copies must be provided. The plans must be generally in accordance with the plans dated 29 September 2020 but modified to show:

a) The location of the dwelling on a site plan to correspond with Figure 4 contained in the Bushfire Management Plan prepared by Okologie 05112021 V3.

b) An amended schedule of construction materials detailing proposed materials and reflectivity values to the satisfaction of the Responsible Authority.

c) North elevation to include a notation that glazing must not include reflective tinting.

d) A landscape plan in accordance with Condition 10.

2. The layout of the site and size, design and location of the buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.

3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

4. **Integrated Land Management Plan**
   Prior to the commencement of the development on the land, the LMP must be amended to include:
   - The updated Bushfire Management Plan prepared by Okologie 05112021 V3.

5. **Use of Motang Residence**
   Prior to the commencement of the development on the land, the owner of the land must enter into an agreement with Warrnambool City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:

   a) Once the replacement dwelling has been occupied, the existing dwelling known as the Motang Residence must not be used as a dwelling without the prior written approval of the responsible authority.

6. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

7. All wastewater from the dwelling (including host farm) must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.

8. The dwelling and host farm must be connected to a reticulated potable water supply or have an alternative potable watersupply with adequate storage for domestic use as well as for fire- fighting purposes.

9. The dwelling and host farm must be connected to a reticulated electricity supply or have an alternative energy source

10. **Landscape Plan**
    Before the development starts, a landscape plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must show:

    a) Location and identification of all proposed plants.
    b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
    c) A survey (including botanical names) of all existing vegetation to be retained, relocated and/or removed.
    d) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
    e) Details of surface finishes of pathways and driveways.

    All species selected must be to the satisfaction of the Responsible Authority.

11. The landscaping shown on the endorsed plans completed within six (6) months of occupation of the development and must be maintained to the satisfaction of the Responsible Authority.

12. Domestic lighting
Lighting in association with the new dwelling must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

13. Green Roof Management Strategy
Prior to the construction of the replacement dwelling, a green roof management strategy has been submitted to, and approved by, the responsible authority. The management strategy must detail the planting, maintenance and long-term retention of the green roof to the satisfaction of the responsible authority.

14. Operational Management Plan
Prior to the commencement of development, an operational management must be submitted to and prepared by the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The operational management Plan must describe:

a) Guest check-in and induction procedure, and
b) Waste management arrangements.

15. Construction Environmental Management Plan
Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) must be prepared and implemented to the satisfaction of the Responsible Authority. The CEMP must include:

a) Contractors working on the site must be inducted into an environmental management program for construction work;
b) All native vegetation to be retained must be clearly marked on site;
c) Proposed working hours;
d) Haulage routes to the site;
e) Methods of dust suppression;
f) Sediment control and gross pollutant management;
g) Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
h) Location of stockpiling, machinery wash down, lay down, storage and personnel rest areas and vehicle exclusion areas;
i) Protocols for management of weeds before and during works, including:
   - All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
   - Location of a designated washdown area to achieve the above.
   - All weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled.
j) All construction stockpiles and machinery must be placed away from areas
k) supporting native vegetation to be retained and watercourses/drainage lines to the
l) satisfaction of the Responsible Authority;
m) Measures must be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the works (including the removal of native vegetation);
n) All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to *Construction Techniques for Sediment Pollution Control* (EPA 1991) and *Environmental Guidelines for Major Construction Sites* (EPA 1995);

o) Water run-off must be designed to ensure that native vegetation to be protected on adjacent sites and watercourses are not compromised; and
p) Non-compliance identified by the Responsible Authority must be rectified immediately at no cost to Council.

16. Bushfire

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

17. FRV

The Bushfire Management Plan prepared by Okologie 05112021_V3 Figure 4 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the Fire Rescue Victoria and the Responsible Authority.

Permit Notes

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

a. The use and development is not started within two (2) years of the date of this permit.
b. The development is not completed within four (4) years of the date of this permit.
c. The use is discontinued for a period of two years.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

a. Within six (6) months afterwards for commencement, or
b. Within twelve (12) months afterwards for completion.

- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

- All wastewater from the dwelling (including host farm) must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.

- The dwelling and host farm must be connected to a reticulated potable water supply or have an alternative potable watersupply with adequate storage for domestic use as well as for fire- fighting purposes.

- The dwelling and host farm must be connected to a reticulated electricity supply or have an alternative energy source

end

PLANNING PERMIT APPLICATION

PP2020-0207

250 Hopkins Point Rd Warrnambool

Application Documents

WARRNAMBOOL CITY COUNCIL

Office Use Only

Application No.: ADVERTISED Date Lodged: / /

Application for
Planning Permit

Planning Enquiries
Phone: 03 5559 4800
Web: http://www.warrnambool.vic.gov.au

If you need help to complete this form, read How to complete the Application for Planning Permit form.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (*) are mandatory and must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

Clear Form

The Land

(1) Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 250	St. Name: Hopkins Point Road

Suburb/Locality: Warrnambool | Postcode:3280

Formal Land Description *
Complete either A or B.

This information can be found on the certificate of title.

A Lot No.: 3 ◯ Lodged Plan ◯ Title Plan ◉ Plan of Subdivision No.: 308904N

OR

B Crown Allotment No.: | Section No.:

Parish/Township Name:

The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

(2) **For what use, development or other matter do you require a permit?** *

If you need help about the proposal, read: *How to Complete the Application for Planning Permit Form*

Use and development for host farm and a dwelling (Replacement dwelling).

Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

(3) **Estimated cost of development for which the permit is required** *

Cost $2,200,000.00 You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions

(4) **Describe how the land is used and developed now** *

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Please refer to the attached Town Planning Report.

Provide a plan of the existing conditions. Photos are also helpful.

ADVERTISED

Title Information

5 **Encumbrances on title** *

If you need help about the title, read: How to complete the Application for Planning Permit form

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

- ○ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ◉ No
- ○ Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

Applicant and Owner Details

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

Applicant *

The person who wants the permit.

Name:
Title: Mr | First Name: Dan | Surname: Pech

Organisation (if applicable): Myers Planning Group

Postal Address:
Unit No.: | St. No.: | If it is a P.O. Box, enter the details here: St. Name: PO Box 207

Suburb/Locality: Warrnambool | State: VIC | Postcode: 3280

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

Contact person's details *

Same as applicant (if so, go to 'contact information') ☑

Name:
Title: Mr | First Name: Dan | Surname: Pech

Organisation (if applicable): Myers Planning Group

Postal Address:
Unit No.: | St. No.: | If it is a P.O. Box, enter the details here: St. Name: PO Box 207

Suburb/Locality: Warrnambool | State: VIC | Postcode: 3280

Please provide at least one contact phone number *

Contact information

Business Phone: 03 5562 9443 | Email: admin@myersplanninggroup.com.au

Mobile Phone: | Fax:

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Same as applicant ☐

Name:
Title: Mr | First Name: Dean Alexander | Surname: Montgomery

Organisation (if applicable):

Postal Address:
Unit No.: | St. No.: 52A | If it is a P.O. Box, enter the details here: St. Name: Tsui Road

Suburb/Locality: Hong Kong | State: | Postcode:

Owner's Signature (Optional): | Date: day / month / year

Declaration

7 **This form must be signed by the applicant** *

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature: | Date: 28 Sep 2020 day / month / year

Need help with the Application?

ADVERTISED

If you need help to complete this form, read How to complete the Application for Planning Permit form
General information about the planning process is available at www.dpcd.vic.gov.au/planning

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

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

◯ No ◉ Yes

If 'yes', with whom?: James Phillips

Date: August 2020 day / month / year

Checklist

9 Have you:

☐ Filled in the form completely?

☐ Paid or included the application fee?

⚠ Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

☐ Provided all necessary supporting information and documents?

- ☐ A full, current copy of title information for each individual parcel of land forming the subject site
- ☐ A plan of existing conditions.
- ☐ Plans showing the layout and details of the proposal
- ☐ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- ☐ If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).

☐ Completed the relevant Council planning permit checklist?

☐ Signed the declaration (section 7)?

Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

Warrnambool City Council
PO Box 198 Warrnambool VIC 3280
25 Liebig Street Warrnambool VIC 3280

Contact information:

Telephone: 61 03 5559 4800
Email: wbool_city@warrnambool.vic.gov.au
DX: Ausdoc 28005

Deliver application in person, by fax, or by post:

Print Form

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

Save Form:

Save Form To Your Computer

You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.

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

VOLUME 10190 FOLIO 668

Security no : 124085271108R
Produced 02/09/2020 05:40 PM

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 308904N.
PARENT TITLE Volume 09691 Folio 620
Created by instrument PS308904N 22/09/1994

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DEAN ALEXANDER MONTGOMERY of 15TH FLOOR KING PALACE 52A SHA TSUI ROAD HONG KONG
AM466049R 11/01/2016

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AM466050H 11/01/2016
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.

AGREEMENT Section 173 Planning and Environment Act 1987
AT450584V 22/07/2020

DIAGRAM LOCATION

SEE PS308904N FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AT450359D (E)	NOMINATION OF ECT TO LC	Completed	22/07/2020
AT450584V (E)	AGREEMENT	Registered	23/07/2020

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

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

Street Address: 250 HOPKINS POINT ROAD WARRNAMBOOL VIC 3280

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED
Effective from 23/07/2020

DOCUMENT END

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Document Type	**Plan**
Document Identification	**PS308904N**
Number of Pages (excluding this cover sheet)	**2**
Document Assembled	**02/09/2020 17:41**

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PLAN OF SUBDIVISION

STAGE NO. LTO use only | EDITION 1 | Plan Number PS 308904N

Location of Land

Parish: MEPUNGA

Township: ——

Section: ——

Crown Allotment: ——

Crown Portion: 6 A1

LTO Base Record: 3087 MEPUNGA SHEET 1

Title Reference: V. 9691 F. 620

Last Plan Reference: LP 203708N (LOT 2)

Postal Address: HOPKINS POINT ROAD, WARRNAMBOOL, 3280.
(at time of subdivision)

AMG Co-ordinates (of approx. centre of land in plan) E 633 900 N 5 747 800 Zone: 54

Council Certificate and Endorsement

Council Name: SHIRE OF WARRNAMBOOL Ref: 68/SA/94

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

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

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

OPEN SPACE

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

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

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

Council delegate
~~Council seal~~

Date 14 / 7 / 94

~~Re-certified under section 11(7) of the Subdivision Act 1988~~

~~Council Delegate~~
~~Council Seal~~

~~Date / /~~

Vesting of Roads and/or Reserves

Identifier	Council/Body/Person
NIL	NIL

Notations

Staging This ~~is~~/is not a staged subdivision
Planning Permit No. 3378

Depth Limitation DOES NOT APPLY

LOT NUMBER 1 HAS BEEN OMITTED FROM THIS PLAN.

ONLY THE BOUNDARY BETWEEN LOT 2 AND LOT 3 HAS BEEN MARKED OUT ON THE GROUND. THE LENGTH OF THE BOUNDARY BETWEEN LOT 2 AND LOT 3 HAS BEEN COMPUTED FROM THE FIELDNOTES FOR PLAN OF SUBDIVISION LP 148725S.

THE AREA OF LOT 3 HAS BEEN OBTAINED BY DEDUCTION.

Survey This plan is/~~is not~~ based on survey

This survey has been connected to permanent marks no(s)
In Proclaimed Survey Area No. ——

Easement Information

Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	WAY, DRAINAGE	SEE DIAG.	LP203708N	LAND IN LP 203708N

LTO use only

Statement of Compliance/ Exemption Statement

Received ☑

Date 26 / 8 / 94

LTO use only

PLAN REGISTERED

TIME 9.00

DATE 22 / 9 / 94

Ian R. McLeod
Assistant Registrar of Titles

Sheet 1 of 2 Sheets

M.W. HAND PTY. LTD.
LAND SURVEYOR & CIVIL ENGINEER
45 BANYAN STREET, WARRNAMBOOL
TEL. (055) 62 3389

LICENSED SURVEYOR (PRINT) M.W. HAND
SIGNATURE ..... DATE 3 - 6 - 1994
REF 3155 VERSION 1

DATE / /
COUNCIL DELEGATE SIGNATURE

Original sheet size A3

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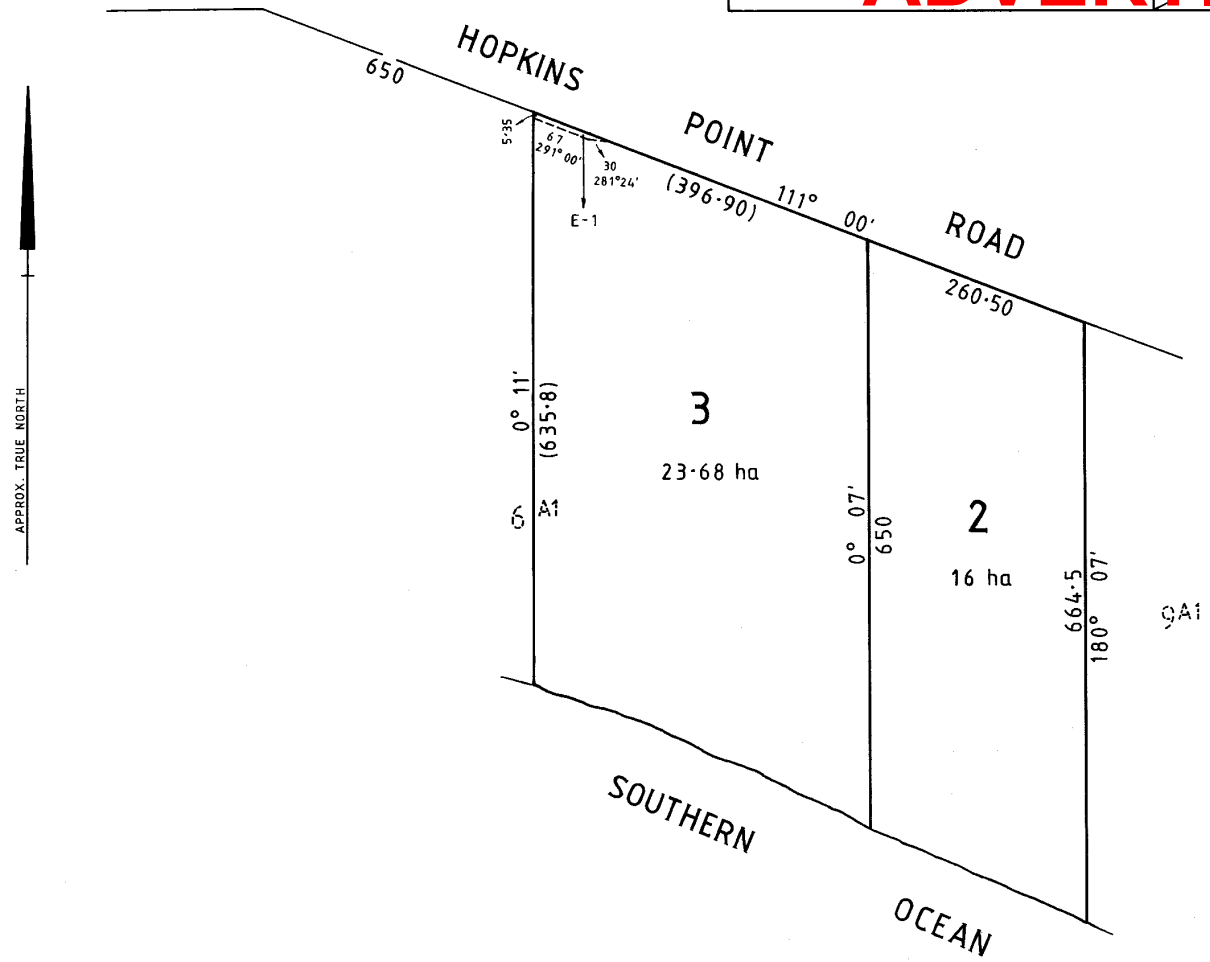
PLAN OF SUBDIVISION	Stage No.	Plan Number
	—	PS 308904N

ADVERTISED



Sheet 2 of 2 Sheets

M. W. HAND PTY. LTD. LAND SURVEYOR & CIVIL ENGINEER 45 BANYAN STREET, WARRNAMBOOL TEL. (055) 623389	ORIGINAL SCALE 1:5000 SHEET SIZE A3	SCALE 50 0 100 200 LENGTHS ARE IN METRES	LICENSED SURVEYOR (PRINT) M. W. HAND SIGNATURE ..... DATE 3 - 6 - 1994 REF 3155 VERSION 1

DATE / /
COUNCIL DELEGATE SIGNATURE

0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 mm

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Department of Environment, Land, Water & Planning

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Responsible Subscriber: NATIONAL AUSTRALIA BANK LIMITED
Customer Code: 16089P
Reference:

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

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

Certificate(s) of Title:
Volume 10190 Folio 668

Lodgement Case ID: 204866680

Following the registration of the instruments in the Lodgement Case, return the eCT Control to the nominating Subscriber

Signed by:
Mandeep Pathak
(for NATIONAL AUSTRALIA BANK LIMITED)
Customer Code: 16089P
Dated: 22 July 2020

File Notes:
NIL

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

Statement End.

LAND USE VICTORIA, 2 Lonsdale Street Melbourne Victoria 3000
GPO Box 527 Melbourne VIC 3001, DX 250639
ABN 90 719 052 204

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Department of Environment, Land, Water & Planning

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Status	Registered	Dealing Number	AT450584V
Date and Time Lodged	22/07/2020 05:30:13 PM		

Lodger Details

Lodger Code	19340S
Name	LOU CASTELLANO LAWYER
Address	
Lodger Box	
Phone	
Email	
Reference	190043

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction VICTORIA

Privacy Collection Statement
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Estate and/or Interest
FEE SIMPLE

Land Title Reference
10190/668

Instrument and/or legislation
RECORD - AGREEMENT - SECTION 173
Planning & Environment Act - section 173

Applicant(s)

Given Name(s)	DEAN ALEXANDER
Family Name	MONTGOMERY
Address	
Property Name	GEELONG
Street Number	20
To Street Number	28
Street Name	BROUGHAM
Street Type	STREET
Locality	GEELONG
State	VIC
Postcode	3220

ADVERTISED

Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Additional Details
Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

Execution

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

Executed on behalf of	DEAN ALEXANDER MONTGOMERY
Signer Name	LUIGI CASTELLANO
Signer Organisation	LUIGI CASTELLANO
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	22 JULY 2020

File Notes:
NIL

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Statement End.

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RECEIVED
7 JUL 2020

WARRNAMBOOL
CITY COUNCIL

Our ref: T/plan PP2019-0115
Your ref: Emma Leach

2 July 2020

Myers Planning Group
Attn: Emma Leach
PO Box 207
WARRNAMBOOL Vic. 3280

Dear Emma,

Re: 250 HOPKINS POINT ROAD, WARRNAMBOOL
SECTION 173 AGREEMENT

Please find enclosed two (2) copies of the Section 173 Agreement signed and sealed by Council, together with the Application Form pursuant to Section 181 of the Planning & Environment Act.

Please be advised that Council's Chief Executive, Peter Schneider, has been verified by Australia Post on 3 July 2019 Receipt No. 3468530172817.

Would you please advise the dealing number when received from Land Victoria.

Please contact this office on telephone 55594800 if you have any queries in relation to this matter.

Yours faithfully,

Perry

Julie Perry
Coordinator City Building & Planning Support

encl:

AT4505887

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Civic Centre 25 Liebig Street
Warrnambool Victoria Australia
PO Box 198 Warrnambool VIC 3280

Telephone (03) 5559 4800
Facsimile (03) 5559 4900

Website www.warrnambool.vic.gov.au
ABN 44 594 264 321

ADVERTISED

Application by a responsible authority for the making of a recording of an agreement

Section 181 Planning and Environment Act 1987

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Lodged by

Name: Talts Legal

Phone: 5560 2100

Address: 121 Kepler Street, Warrnambool 3280

Reference: Alex McCulloch:200777

Customer Code: 1638Q

The responsible authority having made an agreement referred to in Section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land: Certificate of Title Volume 10190 Folio 668

Responsible authority: Warrnambool City Council

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

A copy of the agreement is attached to this application:

Date: 23-6-2020

Signature for responsible authority:

Name of officer: Peter Schneider

q:\200777\003.docx

ATA5084

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ADVERTISED

TaitsLegal

AGREEMENT PURSUANT TO SECTION 173 PLANNING & ENVIRONMENT ACT

RESPONSIBLE AUTHORITY
WARRNAMBOOL CITY COUNCIL

THE OWNER
DEAN ALEXANDER MONTGOMERY

LAND AFFECTED
250 HOPKINS POINT ROAD, WARRNAMBOOL

DATED
23rd June 2020

ATA5058A

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q:\200777\003.docx

ADVERTISED

PLANNING & ENVIRONMENT ACT
AGREEMENT PURSUANT TO SECTION 173

WARRNAMBOOL CITY COUNCIL

- and –

DEAN ALEXANDER MONTGOMERY

AFFECTED LAND:

Lot 3 on Plan of Subdivision 308904N being the land described in Certificate of Title Volume 10190 Folio 668

THIS AGREEMENT is made on the 23rd day of ~~2020~~ June 2020

BETWEEN:

The Responsible Authority: **WARRNAMBOOL CITY COUNCIL** ("the Council")

of 25 Liebig Street, Warrnambool VIC 3280

The Owner: **DEAN ALEXANDER MONTGOMERY** ("the Owner")

of 6-30 Homestead Drive, St Albans Park VIC 3219

WHEREAS

1. The Owner owns the land being Lot 3 on Plan of Subdivision 308904N being the land described in Certificate of Title Volume 10190 Folio 668, situate at 250 Hopkins Point Road, Warrnambool VIC 3280 ("the land").
2. The land is affected by the provisions of the Warrnambool Planning Scheme ("the Scheme").
3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme.
4. The Council on 21 January 2020 issued planning permit No. PP2019-0115 ("the permit") allowing the Owner to subdivide the land subject to the conditions stated in the permit.
5. The permit is subject to conditions including the following:

   "The owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides that the land will be maintained in accordance with an approved Land Management Plan (LMP)."
6. The parties enter this agreement in satisfaction of this condition of the permit.

q:\200777\003.docx

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Attachment 84

ADVERTISED

BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

1. OPERATION

1.1. This agreement is made pursuant to Section 173 of the Act.

1.2. This agreement shall come into force on execution by both parties.

1.3. The covenants of this agreement shall run with the land.

2. INTERPRETATION

2.1. LOT

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

2.2. OWNER

In this agreement the word "Owner" unless the contrary intention appears shall be deemed to include Dean Alexander Montgomery his successors assigns and transferees and the obligations imposed on and assumed by Dean Alexander Montgomery shall be binding on the successors transferees purchasers mortgagees assigns of Dean Alexander Montgomery and any person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement; and

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

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

2.3. COUNCIL

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

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

2.4.1. Words denoting the singular number shall include the plural and vice versa.

2.4.2. Words denoting any gender shall include all genders.

2.4.3. Where a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase shall have corresponding meanings.

2.4.4. Words denoting natural persons shall include corporations and vice versa.

2.4.5. References to clauses and schedules are to clauses of and schedules to this agreement.

2.4.6. Headings are for convenience only and do not affect interpretation.

2.4.7. References to any party to this agreement or any other agreement or instrument shall include the party's successors and permitted assigns.

2.4.8. Reference to any agreement or instrument shall be also to such agreement or instrument as amended, novated, supplemented, varied or replaced from time to time.

2.4.9. References to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any legislative provision substituted for, and all regulations and statutory instruments issued under such legislation or provision.

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

2.4.11. As the case may be, a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, jointly and severally.

3. OPERATIVE PROVISIONS

Integrated Land Management Plan

3.1. The Owner acknowledges the land will be in maintained in accordance with the Integrated Land Management Plan endorsed by Council in accordance with the permit.

3.2. Council and the owner agree that the Land Management Plan can be amended, substituted or replaced with the consent of Council, or otherwise in accordance with the Act.

4. REGISTRATION

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

5. DISCLOSURE

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

6. COSTS OF AGREEMENT

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

7. NOTICES

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

8. SUCCESSORS BOUND

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

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

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

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

9. COUNCIL AS ATTORNEY FOR OWNER

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

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

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ADVERTISED

10. FURTHER DOCUMENTATION AND ACTION

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

11. DISPUTE

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

EXECUTED AS A DEED.

THE Common Seal of the **WARRNAMBOOL CITY COUNCIL** was hereunto affixed this 23 day of June 2020 in the presence of:)

~~Councillor:~~

Chief Executive Officer:

SIGNED by **DEAN ALEXANDER MONTGOMERY** in the presence of:)

Dean Alexander Montgomery

Witness:

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TaitsLegal

AGREEMENT PURSUANT TO SECTION 173 PLANNING & ENVIRONMENT ACT

RESPONSIBLE AUTHORITY
WARRNAMBOOL CITY COUNCIL

THE OWNER
DEAN ALEXANDER MONTGOMERY

LAND AFFECTED
250 HOPKINS POINT ROAD, WARRNAMBOOL

DATED
23rd June 2020

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ADVERTISED

PLANNING & ENVIRONMENT ACT
AGREEMENT PURSUANT TO SECTION 173

WARRNAMBOOL CITY COUNCIL

- and –

DEAN ALEXANDER MONTGOMERY

AFFECTED LAND:

Lot 3 on Plan of Subdivision 308904N being the land described in Certificate of Title Volume 10190 Folio 668

THIS AGREEMENT is made on the 23rd day of ~~2020~~ June 2020

BETWEEN:

The Responsible Authority: **WARRNAMBOOL CITY COUNCIL** ("the Council")

of 25 Liebig Street, Warrnambool VIC 3280

The Owner: **DEAN ALEXANDER MONTGOMERY** ("the Owner")

of 6-30 Homestead Drive, St Albans Park VIC 3219

WHEREAS

1. The Owner owns the land being Lot 3 on Plan of Subdivision 308904N being the land described in Certificate of Title Volume 10190 Folio 668, situate at 250 Hopkins Point Road, Warrnambool VIC 3280 ("the land").
2. The land is affected by the provisions of the Warrnambool Planning Scheme ("the Scheme").
3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme.
4. The Council on 21 January 2020 issued planning permit No. PP2019-0115 ("the permit") allowing the Owner to subdivide the land subject to the conditions stated in the permit.
5. The permit is subject to conditions including the following:

   "The owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides that the land will be maintained in accordance with an approved Land Management Plan (LMP)."
6. The parties enter this agreement in satisfaction of this condition of the permit.

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Attachment 84

ADVERTISED

BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

1. OPERATION

1.1. This agreement is made pursuant to Section 173 of the Act.

1.2. This agreement shall come into force on execution by both parties.

1.3. The covenants of this agreement shall run with the land.

2. INTERPRETATION

2.1. LOT

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

2.2. OWNER

In this agreement the word "Owner" unless the contrary intention appears shall be deemed to include Dean Alexander Montgomery his successors assigns and transferees and the obligations imposed on and assumed by Dean Alexander Montgomery shall be binding on the successors transferees purchasers mortgagees assigns of Dean Alexander Montgomery and any person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement; and

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

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

2.3. COUNCIL

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

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

2.4.1. Words denoting the singular number shall include the plural and vice versa.

2.4.2. Words denoting any gender shall include all genders.

2.4.3. Where a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase shall have corresponding meanings.

2.4.4. Words denoting natural persons shall include corporations and vice versa.

2.4.5. References to clauses and schedules are to clauses of and schedules to this agreement.

2.4.6. Headings are for convenience only and do not affect interpretation.

2.4.7. References to any party to this agreement or any other agreement or instrument shall include the party's successors and permitted assigns.

2.4.8. Reference to any agreement or instrument shall be also to such agreement or instrument as amended, novated, supplemented, varied or replaced from time to time.

2.4.9. References to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any legislative provision substituted for, and all regulations and statutory instruments issued under such legislation or provision.

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

2.4.11. As the case may be, a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, jointly and severally.

3. OPERATIVE PROVISIONS

Integrated Land Management Plan

3.1. The Owner acknowledges the land will be in maintained in accordance with the Integrated Land Management Plan endorsed by Council in accordance with the permit.

3.2. Council and the owner agree that the Land Management Plan can be amended, substituted or replaced with the consent of Council, or otherwise in accordance with the Act.

4. REGISTRATION

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

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7. NOTICES

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

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

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

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

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10. FURTHER DOCUMENTATION AND ACTION

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

11. DISPUTE

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

EXECUTED AS A DEED.

THE Common Seal of the **WARRNAMBOOL CITY COUNCIL** was hereunto affixed this ....23.....day of .....June.....2020 in the presence of:)

~~Councillor:~~

Chief Executive Officer:

SIGNED by **DEAN ALEXANDER MONTGOMERY** in the presence of:)

Dean Alexander Montgomery

Witness:

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28 September 2020

Planning Department
Warrnambool City Council
PO Box 198
WARRNAMBOOL VIC 3280

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

Dear Planning Department

Planning Permit Application – 250 Hopkins Point Road, Warrnambool

Please find enclosed a planning application for the above address.

We trust the information contained within this planning application is satisfactory to allow Council to undertake the necessary assessments.

However, should you have any questions or require further information, please do not hesitate to contact me on telephone 03 5562 9443 or dan@myersplanninggroup.com.au.

Yours sincerely

Dan Pech
Senior Planning Consultant
Myers Planning Group

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

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MYERS PLANNING GROUP

APPLICATION FOR PLANNING PERMIT

BUILDINGS AND WORKS FOR A DWELLING (REPLACEMENT DWELLING) AND USE OF LAND FOR HOST FARM

250 Hopkins Point Road, Warrnambool

Warrnambool Planning Scheme

Prepared on behalf of permit applicant

January 2021

Myers Planning Group
182B Lava Street
Warrnambool, Victoria
p. (03) 5562 9443
www.myersplanninggroup.com.au

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Schedule of documents

Appendix A - Certificate of Title

Appendix B - Planning Permit PP2019-0115 and endorsed plan of subdivision.

Appendix C - Site Plans and Architectural Drawings (prepared by Designs by Nature)

Appendix D - Integrated Land Management Plan (prepared by Myers Planning Group).

Appendix E - Land Capability Assessment (prepared by Greening Structural and Civil Engineers)

Appendix F - Bushfire Management Statement (prepared by Okologie)

Appendix G - Vegetation Assessment (prepared by Okologie)

Appendix H - Coastal Hazard Vulnerability Assessment (prepared by Eco-tainable)

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Myers Planning Group Quality System			
Author	DP	**Checked By**	DP/SM
Date issue	28 September 2020	**Revision Number**	2
Date issue	12 November 2020	**Revision Number**	3
Date issue	19 January 2020	**Revision Number**	4

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1 Introduction

Myers Planning Group has been engaged by Dean Montgomery to prepare a Town Planning Report in support of an application at 250 Hopkins Point Road, Warrnambool. A planning permit was recently issued (PP2019-0115) for a dwelling excision at 250 Hopkins Point Road, Warrnambool resulting in the subdivision of land and subsequent creation of a new lot at 260 Hopkins Point Road, Warrnambool. This application seeks approval for the use and development of land for 'host farm' and buildings and works associated with a dwelling (replacement dwelling), which is required to support the use of the land as an integrated farming and accommodation property.

The abovementioned permit (PP2019-0115) required the endorsement of an Integrated Land Management Plan prior to certification of the plan of subdivision. This proposal seeks to implement an updated Integrated Land Management Plan, which contains details of how land on 250 Hopkins Point Road, as separate to 260 Hopkins Point Road, should be enhanced to increase the environmental and agricultural capacity of the site.

The report assesses the merits of the proposal and finds that the proposal is consistent with the recommendations of the proposed Integrated Land Management Plan.

This report also outlines the planning context for the site and finds that the proposal requires a permit under the Warrnambool Planning Scheme in accordance with Clause 35.07 (**Farming Zone**) and Schedule 1 to the Clause 42.03 (**Significant Landscape Overlay**). Consideration is also given to Clause 52.17 **Native Vegetation**, Clause 42.01 (**Schedule 1 to the Environmental Significance Overlay**), Clause 13.01-S (**Coastal inundation and erosion**), the **Victorian Coastal Strategy 2014** and **Planning Practice Note 53** *Managing coastal hazards and the coastal impacts of climate change*.

The report finds that the proposal is appropriate, given the environmental and landscape sensitivities of the site and surrounding land and the directions in the planning scheme regarding the protection of agricultural land and support for coastal and heritage tourism.

Accordingly, this report provides a standard assessment against the planning provisions that apply to the site and provides details of the site, relevant planning controls and policies, and a discussion of relevant planning matters.

ADVERTISED

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

- Planning Permit PP2019-0115 and certified plan of subdivision.
- Site Plans and Architectural Drawings (prepared by Designers by Nature).
- Integrated Land Management Plan (prepared by Myers Planning Group).
- Land Capability Assessment (prepared by Greening Structural and Civil Engineers)
- Bushfire Management Statement (prepared by Okologie)
- Vegetation Assessment (prepared by Okologie)
- Coastal Hazard Vulnerability Assessment (prepared by Eco-tainable)

2 Subject site, site interfaces and nearby land uses

2.1 Subject Site

The subject site is currently recognised by the rated address of 250 Hopkins Point Road, Warrnambool, and is further described and identified by its current title details, which are Lot 1 Plan of Subdivision 842676.

Titles were recently issued for the subject site, following a process of subdivision for the site and addressed land at 260 Hopkins Point Road, Warrnambool (PP2019-0115). See **Appendix B** for a copy of the permit and endorsed plan of subdivision. A Land Management Plan, required as a condition to PP2019-0115, was also registered to both titles following the grant of a planning permit.

The following subsections describe the existing conditions and details of the proposal on the subject site (250 Hopkins Point Road, Warrnambool).

2.2 Existing conditions

The subject site is located on the southern side of Hopkins Point Road, Warrnambool, and comprises an irregular rectangular shape. The subject lot has a frontage of 221.9 metres to Hopkins Point Road and is accessed via this road using one rural vehicle crossover for farm and residential vehicle access. The subject lot is approximately 12.86 hectares in area and is located approximately 210 metres east of Warrnambool's urban boundary.

The site topography is undulating and generally declines from the northern boundary to the southern boundary. The site levels range from approximately 48 metres Australian Height Datum (AHD) at the high point on the north-western segment of the subject site to marginally above sea-level where the southern boundary of the land adjoins the Southern Ocean.

The subject site is currently sub-optimal for productive agriculture and supports modest grazing and fodder production. The site is a heritage property used for modest livestock grazing and horse stables, and contains agricultural sheds, post and wire paddock fencing, stock water tanks, a heritage 'homestead' and associated outbuildings. The 'heritage' homestead comprises a 5,000 square metre curtilage around the existing dwelling (known as the 'Motang' residence) and associated heritage buildings.

The southern part of the land contains vegetated coastal dunes, with a variable width of approximately 170-130 metres from the southern boundary. From this point, the land slopes up to the high point of the dune (approximately 32 metres AHD) and then further south to the beach including a steep drop.

The land adjoins the Logans Beach/Warrnambool Bay coastal environs, which is a valued scenic environment located close to Warrnambool's urban boundary. The subject site is subject to a number of landscape and environmental constraints by virtue of this location. Specifically:

- The entire site and adjoining lands are located within the Significant Landscape Overlay (Schedule 1). Low lying areas adjoining the northern edge of the dunal system near the western and eastern property boundaries are the least visible areas on the site, when views are aggregated from adjoining and nearby areas. The remaining sections of the site are most visible either to nearby and adjoining residences and/or from publicly accessible areas such as Hopkins Point Road and the coast.
- The lowest point of the site (north of the dunal system on the western boundary) comprises a natural depression and soakage area of approximately 7,000 square metres, and contains the shallowest depth to groundwater on the site (likely 5 metres to groundwater, depending on ground level elevation).
- The land inclines steeply toward the dunal system from the low-lying depression before sloping downwards to the Warrnambool Bay coastline, which forms the southern boundary of the subject site. These coastal environs comprise approximately 3.25 hectares of the subject site and are contained within the Environmental Significance Overlay (Schedule 1).
- The dunal system is part of a contiguous strip of shrubland vegetation which stretches to the mouth of the Hopkins River and is contained in the Bushfire Management Overlay.
- Large parts of the southern paddock and part of the dunal environs have been invaded by exotic weed species.

See the Site Plan and Architectural Drawings (**Appendix C**) for further details of the site and its surrounds.

Figure 1. Subject site and surrounds (Image source: NearMap)

2.3 Site interfaces, nearby land uses and key views

The site is located within the Farming Zone approximately 210 metres from the edge of Warrnambool's urban settlement boundary, which contains a mix of rural living, agricultural and coastal environs. The surrounding subdivision and land use pattern comprises predominantly small rural lifestyle and farming lots, most of which are supported by a dwelling.

North

- The northern boundary of the site is formed by the Hopkins Point Road road reserve contained in the Road Zone Category 2. Beyond this land are three properties located in the Farming Zone. These properties consist of a small rural lifestyle dwelling lot of 0.8 hectares and two larger farming lots, of approximately 24 hectares and 16.5 hectares, respectively.

East

- The eastern boundary of the site is formed by 260 Hopkins Point Road (created as part of PP2019-0115). Beyond this land to the east is freehold land located in the Farming Zone, comprising approximately 15 hectares. This land contains a dwelling and supports modest agricultural activities (grazing and fodder production).

South

- The southern boundary of the site is formed by the Warrnambool Bay coastline and represents the municipal boundary (high-water mark).

West

- Adjoining land to the west comprises two 6-hectare lots contained in the Farming Zone. Both these properties contain a dwelling and are predominately used for rural lifestyle purposes with modest agricultural activities (grazing and fodder production).

Figure 2. View of Motang dwelling and surrounds (foreground) and coastal environs (background) (northern and western panoramic perspective).

Figure 3. View of Motang dwelling and surrounding pastoral land (foreground) and coastal environs (background) (northern and eastern panoramic perspective).

Figure 4. View of dunal system on 'Lot 1' (western perspective).

Figure 5. View of pasturelands north of the dunal system on 'Lot 1' and adjoining pasture lands to the east (southern and western panoramic perspective).

Figure 6. View of livestock and Motang dwelling (western perspective).

Figure 7. View of livestock and former stables (foreground) and pastoral lands and rural lifestyle development (background) western perspective).

Figure 8. View of raised area adjoining dunal system (proposed dwelling location) (northwestern perspective).

Figure 9. View of dunal system (background) atop high point of the subject site (northwestern perspective).

Figure 10. View of dunal system from western boundary. (northwestern perspective)

Figure 11. View of pastoral areas (foreground) and rural lifestyle and dunal environs (background) (northern and western panoramic perspective).

Figure 12. View of permitted dwelling area on neighbouring land (foreground) via PP2020-0076 and the proposed dwelling area on the subject site (background) (northern and eastern panoramic perspective).

Figure 13. View of landscaped dwelling curtilage to the west of the subject site (northeastern perspective).

Figure 14. View of subject site (far background) from Logans Beach Coastal Village eastern boundary (foreground) and landscaped dwelling curtilages (mid-ground) to the west of the subject site (western perspective).

Figure 15. View of the adjoining dunal system west of the subject site and dwelling west of the subject site from the southern boundary of the Logans Beach Coastal Village (western perspective).

Figure 16. View of coast and dunal system adjoining and opposite the subject site from Logans Beach (western (perspective).

Figure 17. Partial Elevation View of the subject site's southern boundary, dunal system and adjoining beach area (southern perspective).

Figure 18. View of the subject site (background), and neighbouring land from the crest of Hopkins Point Road (northeastern perspective).

Figure 19. View of the subject site (background) and neighbouring land from the crest of Hopkins Point Road (northeastern perspective).

Figure 20. View of the 'Motang' residence (foreground) and dunal environs (background) from Hopkins Point Road.

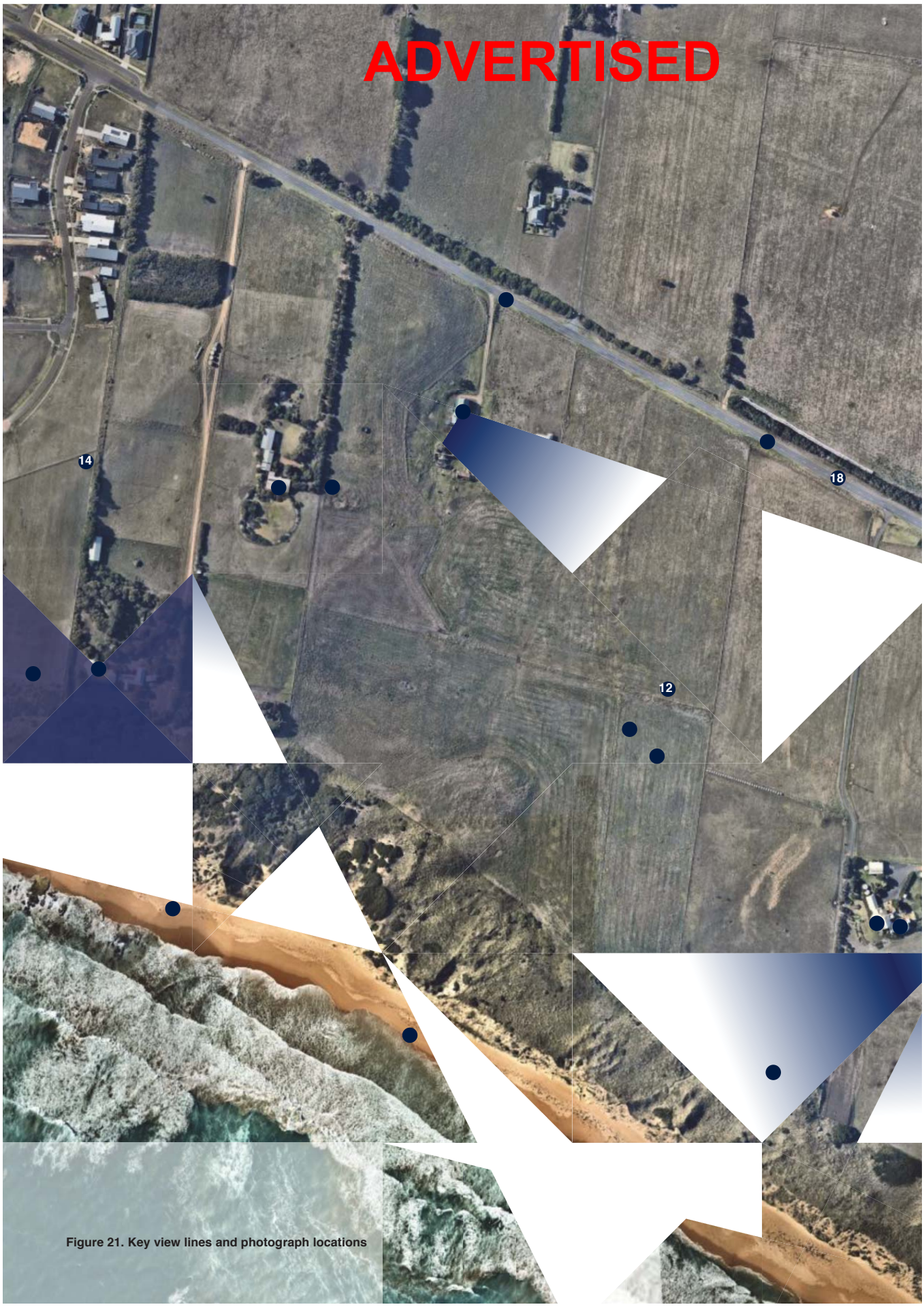

Figure 21. Key view lines and photograph locations

3 The proposal

This application seeks planning approval for the use of the land for 'host farm' accommodation and buildings and works associated with a dwelling (replacement dwelling) at 250 Hopkins Point Road. The vision for the proposal is two-fold, as follows:

- re-adapting the use of the Motang residence as part of a hosted on-farm accommodation experience (host farm).
- buildings and works associated with a replacement dwelling, which is required to ensure that the land management functions, and agricultural and environmental values of the site are enhanced by providing a workplace and residence from which to conduct environmental and agricultural land management activities for the subject site, predicated by PP2019-0115 and the attached Integrated Land Management Plan (LMP).

Host farm

As mentioned in Section 2.2, the site contains a 'heritage' homestead comprising a 5,000 square metre curtilage around the existing dwelling (known as the 'Motang' residence) and associated heritage buildings.

The existing 'Motang' residence is aged and, while decent and habitable, it does not meet the expectations of a permanent modern rural family dwelling, which would be likely to attract a land manager for the ongoing management of the land in accordance with the Integrated Land Management Plan. The Motang residence also comprises significant heritage values and making changes to the building to create a desirable, modern, permanent dwelling is likely to detract from the heritage fabric of the building and should be avoided. In this light, the ongoing use of the 'Motang' residence is better served as a short-stay accommodation building, given its decent and habitable condition.

The business vision for the 'Motang' residence as a 'host farm' accommodation building is to create a destination for guests who wish to be immersed in the amenity and environment of a historic agricultural and rural homestead. This will be reflected in the marketing and method of accommodation bookings.

The concept of the host farm is to provide a farm living experience for guests, who will be able to observe and participate in the activities involved in animal husbandry and living in a rural landscape. Guests will be permitted to take part in appropriate farm activities, thus enhancing their appreciation and understanding of the rural environment. The host farm accommodation will not impact upon agricultural production within and surrounding the property and is reliant on the enterprises of the farm and the quality of these enterprises on offer to guests for its

function. A schedule of activities compatible with the property's modest agricultural productivity is outlined in the table below:

Activity	Description
Induction and welcoming	All guests will receive a verbal orientation of farming activities which will occur on site during their stay, both for safety and experiential purposes.
Yearlings and stock handling	Various rotations of calves, lambs, kids (goats), ponies, yearlings and mature livestock will regularly graze on site. This provides an opportunity for guests to undertake supervised feeding and light stock handling activities suited to age, ability and interest and to be taught about the handling and rearing of livestock through their lifecycles.
Horse riding	Horses and ponies will be brought in intermittently to the site (dependent on season and guests) for hand-led horse riding based on guest age, ability and daily climate.
Stargazing	"Bush-astronomy" and indigenous astronomy classes will be offered based on climate and season.
Catered picnic experience	Guests will be able to select from a range of fresh local produce produced on and off-farm for consumption as part of a catered picnic experience.
Passive unsupervised activities	A range of 'passive' seasonal activities safe for all abilities and age groups will be available to guests dependent on season, climate and stock availability. These include walks through designated areas on the farm, collection of chicken eggs from coups and hand feeding of secure small livestock and yearlings.

The subject site has been selected for this proposal primarily due to it's proximity to the Great Ocean Road visitor tourism market and the capacity for the site to accommodate short-stay visitors/guests without interruptions to the existing farm operations and with minimal impacts to surrounding rural lifestyle and agricultural properties.

The proposed accommodation use within the existing Motang dwelling will have a planned capacity of four persons and will be used only for short-term accommodation by persons away from their normal place of residence.

The building, not individual rooms, will be available for bookings as a short-term rental accommodation and bookings will occur through a local holiday rental agency and/or online holiday booking system. The majority of clientele expected to book accommodation will comprise visitors from the 'nature tourism', 'agri-tourism', 'short break' and 'family' market segments.

The accommodation building will comprise two guest bedrooms (with up to 2 guests per room), shared living spaces, kitchen, laundry and amenities.

'Host farm' has been assessed as the most accurate characterisation of the proposal and is defined as follows:

> *An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes.*

No external buildings or works are proposed in conjunction with the proposed 'host farm' use aside from car park surfacing and landscape screening.

Please refer to Town Planning Drawings prepared by Designers by Nature (**Appendix C**) for further details (**Appendix D**).

<u>Integrated Land Management Plan implementation</u>

A high degree of on-site surveillance, routine works and land management activities are required to implement the regime of land management objectives enclosed in the attached Integrated Land Management Plan (see **Appendix D**). The objectives of the Integrated LMP are drawn from the notations in permit PP2019-015 and are summarised below:

- To protect and enhance the native flora and fauna on the land;
- To increase the productivity of the cleared pastured areas;
- To rehabilitate natural features/risk areas on the land; and
- To increase the long term sustainability of the property.

The details of works required to achieve the above land management objectives are outlined in **Appendix D** and cover ongoing improvements to farm infrastructure, stock management, pasture and soil health, weed and pest management, restoration works for

the dunal environs and monitoring of the land for environmental risks such as bushfire and erosion.

The measures contained in the Integrated LMP are unlikely to be effective without an ongoing presence on the land by a dedicated land manager, which will ensure a level of surveillance and interaction with the land that can only be achieved through direct proximity. A long-term presence is required to implement the actions contained in the Integrated LMP, due to the extensive nature of works required to improve the lands agricultural productivity and environmental capacity.

It follows that the proposed replacement dwelling is directly related to the implementation of the Integrated LMP.

Replacement dwelling design

The design and siting of the proposed replacement dwelling is also driven, in part, by the requirements of the Integrated LMP. The replacement dwelling is sited within the building envelope specified in the Integrated LMP, which comprises a 60 metre (l) x 20 metre area. The location of the building envelope has been located to:

- avoid areas important for agricultural infrastructure and agricultural productivity.
- avoid areas identified for their environmental value.
- maximise surveillance of areas requiring active conservation and agricultural management.
- avoid impacts on viewsheds and prominent view lines.

The dwelling consists of:

- a ground floor comprising driveway, outdoor paved areas and a garage/enclosed storage for land management equipment and farm machinery, outdoor paved areas, which are embedded into the topography of the site through an appropriate cut and fill regime;
- a rectangular 1st floor area comprising 741 square metres, which includes:
    - five bedrooms;
    - an open plan kitchen/living/dining area;
    - additional indoor areas to allow for home offices;
- a green roof, with sections of glassed roofing and a secure area for a roof terrace.

The exterior of the building has been carefully designed to blend with the coastal landscape. Materials incorporated into the design of the building include:

- External walls comprised entirely of glass with thin frames in matte black.
- Concrete slab and roofing materials with natural finish.

- Paths, retaining walls and driveway areas comprising bluestone material.
- Garage door in 'charred' natural timber.
- Landscaping incorporating native species from the Warrnambool Plains Bioregion, including Coastal spear grass, Coastal Daisy Bush, Silver Banksia, and Drooping Sheoak.

Please refer to Town Planning Drawings prepared by Designers by Nature (**Appendix C**) for further details of the proposed development and how it relates to the Integrated Land Management Plan (**Appendix D**).

4 Planning Provisions

Clause 65 identifies the relevant decision guidelines that a responsible authority must consider in assessing a planning permit application. The following are relevant to this proposal:

- The matters set out in section 60 of the Planning and Environment Act 1987.
- 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 provisions.
- The orderly planning of the area.
- The effect on the 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.
- 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.

These matters form the framework of the sections of this report.

4.1 Planning Policy Framework

The Planning Policy Framework (PPF) seeks to ensure the objectives of planning in Victoria (as set out in Section 4 of the Act) are fostered through appropriate land use and development policies and practices. The PPF informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls, and seeks to integrate relevant environmental, social and economic factors in the interest of net community benefit and sustainable development.

The PPF seeks to protect productive agricultural land and ensure that any proposed use and development protects the environmental and landscape values of the land. Those clauses most relevant to this proposal include (see overleaf):

Settlement

- Clause 11.03-4S **Coastal settlement**: To plan for sustainable coastal development.
- Clause 11.03-5S **Distinctive areas and landscapes**: To protect and enhance the valued attributes of identified distinctive areas and landscapes.
- Clause 11.03-5R **The Great Ocean Road region**: To manage the sustainable development of the Great Ocean Road region.
- Clause 11.03-6S **Regional and local places**: To facilitate integrated place-based planning.

Environmental and Landscape Values

- Clause 12.01-1S **Protection of biodiversity**: To assist the protection and conservation of Victoria's biodiversity.
- Clause 12.01-2S **Native vegetation management**: To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- Clause 12.02-1S **Protection of coastal areas**: To recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources.
- Clause 12.05-1S **Environmentally sensitive areas**: To protect and conserve environmental sensitive areas.
- Clause 12.05-2S **Landscapes**: To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Environmental Risks and Amenity

- Clause 13.01-2S **Coastal inundation and erosion**: To plan for and manage the potential coastal impacts of climate change.
- Clause 13.02-1S **Bushfire planning**: To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 13.04-2S **Erosion and landslip**: To protect areas prone to erosion, landslip or other land degradation processes.

Natural Resource Management

- Clause 14.01-1S **Protection of agricultural land**: To protect the state's agricultural base by preserving productive farmland.
- Clause 14.01-2S **Sustainable agricultural land use**: To encourage sustainable agricultural land use.
- Clause 14.02-2S **Water quality**: Protect reservoirs, water mains and local storage facilities from potential contamination. Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

Built Environment and Heritage

- Clause 15.01-5S **Cultural identity and neighbourhood character**: To recognise and protect cultural identity, neighbourhood character and sense of place.
- Clause 15.01-6S **Design for rural areas**: To ensure development respects valued areas of rural character.
- Clause 15.02-1S **Energy and resource efficiency**: To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.
- Clause 15.03 **Heritage conservation**: To ensure the conservation of places of heritage significance.

Housing

- Clause 16.01-5S **Rural residential development**: To identify land suitable for rural residential development.

Economic Development

- Clause 17.01-1S **Diversified economy**: To strengthen and diversify the economy.
- Clause 17.01-1R **Diversified economy – Great South Coast**: Support agriculture as a primary source of economic prosperity and increase the region's contribution to the nation's food production.
- Clause 17.04-1S **Facilitating tourism**: To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

- Clause 17.04-1S **Tourism – Great South Coast**: Provide flexibility and opportunities for a diverse range of tourism development, including an increase in the supply of appropriate accommodation and tourism infrastructure.

Assessment against the Planning Policy Framework:

The PPF seeks to ensure settlements in Victoria do not encroach on areas that have high agricultural and environmental value. Coastal areas are recognised as needing particular protection, and in general, residential development should be contained within settlement boundaries, to avoid undermining the long-term non-urban use of land in agricultural and coastal landscapes. The development of small lots in rural zones for purely residential use should be discouraged. Any proposed use and development outside of settlement boundaries in distinctive areas and landscapes and coastal areas should enhance the valued characteristics of the area. (Clauses 11.03-4S **Coastal settlement**, 11.03-5S **Distinctive areas and landscapes**, 11.03-5R **The Great Ocean Road region**, 16.01-5S **Rural residential development**). This application complies with these policy directions, as the proposed replacement dwelling will support and enhance the sustained agricultural and environmental management of the land. The landowners are directed by the attached Integrated Land Management Plan (LMP) to improve the agricultural productivity of the site through enhancements to farm infrastructure, soil and pasture health and stock management. The land managers will also be required by the Integrated LMP to enhance, regenerate and protect the remnant area of Coastal Dune Scrub (Ecological Vegetation Class 160 - EVC160) on the southern part of the land. The coastal dunal ecological system extends throughout the Great South Coast, however it is highly fragmented and degraded, particularly on the subject site, due to longstanding agricultural uses alongside the dune system (see **Appendix D** Land Management Plan - Environmental Management Plan). Without active restorative management, the land will continue to degrade its capacity for biodiversity and habitat. The degree of active restorative management directed in the Land Management Plan will be greatly facilitated by the land manager residing on-site, and is unlikely to be effective without the ongoing presence of a land manager on-site. As such, the proposal complies with the policy direction to enhance the valued characteristics of the area, and to avoid undermining the non-urban use of the land.

The proposal complies with the policies of Clauses 12.01-1S **Protection of biodiversity**, 12.02-1S **Protection of coastal areas**, and 12.05-1S **Environmentally sensitive areas**. The Integrated LMP was informed by a comprehensive Environmental Management Plan (see **Appendix D**), which used a wide range of sources to demonstrate the biodiversity values and current condition of the site and presents a list of site-specific environmental objectives, actions and indicators. By residing on the site and implementing the Integrated LMP, the proposal will facilitate the landowners to protect and conserve the Coastal Dune Scrub EVC. In particular, the implementation of the Integrated LMP will protect the dunal

system on the site from erosion and other land degradation processes (Clause 13.04-2S **Erosion and landslip**). The ongoing presence of the landowners will also assist with managing risk from bushfire and grass fire, by actively managing paddock cell rotation to keep pasture grass at no more than 100mm in height and removing woody weeds (particularly Coast Wattle) from dunal areas on site (Clause 13.02-1S **Bushfire Planning**).

Clause 13.02-1S **Bushfire planning** also requires that new development be permitted only where the risk to human life and property from bushfire can be reduced to an acceptable level. As identified within the Bushfire Management Statement accompanying the application, the proposal gives priority to the protection of human life, ensuring an appropriate setback to grassland and shrubland vegetation on the site, building construction standards to BAL 29 and a 10,000 litre rainwater tank for fire-fighting purposes (Clause 13.02-1S **Bushfire planning**).

Clause 13.01-2S **Coastal inundation and erosion** is relevant to the proposal and seeks to plan for and manage the potential costal impacts of climate change. Specific strategies, practice notes and policy documents are considered as part of the coastal hazard vulnerability assessment contained at **Appendix H**, with results integrated into the design of the replacement dwelling and ongoing environmental management of the land.

The PPF is clear that productive farmland should be preserved and should be protected from incompatible uses. This proposal, in tandem with the actions of the Integrated LMP, will result in improvements to the productive capacity of the land. The proposal is consistent with the Integrated LMP and will provide the workplace and residential functions necessary for future land managers to implement the Integrated LMP. The Integrated LMP requires that the land is managed to improve, not simply maintain, agricultural productivity including enhancements to farm infrastructure, soil and pasture health and stock management. Compliance with the detailed objectives and implementation items contained in the Integrated LMP will also ensure compliance with the objectives and strategies of Clauses 14.01-1S **Protection of agricultural land** and 14.01-2S **Sustainable agricultural land use**.

The proposed 'host farm' accommodation use intends to leverage off the subject site's existing use for rearing and grazing livestock and will not result in the removal of land from agricultural production or disrupt the subject site's current use for extensive animal husbandry. The absence of any significant buildings and works to enable the use of the existing Motang dwelling for 'host farm' demonstrates the suitability of existing buildings and infrastructure for the proposed use and its compatibility with existing agricultural activity. The appropriate use of land which leverages the lands productive capacity for agriculture is supported by Clause 14.01-1S **Protection of agricultural land** and Clause

14.01-2S **Sustainable agricultural land use**, which seeks to ensure agricultural land is used sustainably and protected from uses which unduly inhibit agricultural productivity.

While the land is unlikely to generate a primary source of income from agriculture, the property will contribute to the agricultural economy of the Great South Coast. The proposal will enable the gross income generated by the property to potentially increase from $18,000 per annum (under its current management regime) to $30,000 per annum, thereby increasing the region's contribution to the nation's food production (see **Appendix D** Land Management Plan - Agricultural Management Plan). (Clauses 17.01-1S **Diversified economy**, and 17.01-1R **Diversified economy - Great South Coast**).

There is a need for additional high quality, experiential short term accommodation opportunities between Warrnambool and Port Campbell, which is expected to see increasing tourist numbers. There is a clear opportunity to service this market and value add to the region's accommodation offering by pairing accommodation with another of the region's economic strengths (natural assets and agricultural production). These considerations are supported by **Clause 17.01-1S Diversified economy** and Clause 17.02-1S **Business**, **Clause 17.04-1S Facilitating tourism** which seek to maximise and diversify the local economy by harnessing the region's natural assets in tourism.

The PPF seeks to achieve built form in rural settings that protects and enhances areas of valued rural character, particularly along the approaches to settlements on tourist routes. The proposed replacement dwelling has been designed to blend into the landscape, and extensively utilises glass on all elevations, with a green roof to soften the edges of the roofs concrete construction, and a cut and fill regime which nestles the building appropriately into the topography of site. No native vegetation is proposed to be removed, lopped or destroyed. (Clauses 12.01-2S **Native vegetation management**, 12.05-2S **Landscapes** 15.01-6S and **Design for rural areas**). The replacement dwelling will enjoy generous passive insolation in the colder months due to the northern glazing on the main living area, with that area being shaded by eaves during the summer. (Clause 15.02-1S **Energy and resource efficiency**).

The proposal also supports the Motang homestead's historical affiliation with agricultural uses (i.e. grazing, stables and racehorse training) by retaining its association with agricultural uses on a working agricultural property (albeit modest), by adapting a suitable accommodation use to the building which is integrated with the site's agricultural function. The proposed replacement dwelling will demonstrably assist with the conservation of the significance of the heritage place, by incorporating new facilities within a separate building away from the Motang residence, which would otherwise be required within the building envelope of the Montag

homestead to support the implementation of the Integrated Management Plan (**Clause 15**, **Clause 15.01-5** and **15.03**).

It is considered that the proposal addresses the PPF, which seeks to:

- Protect productive agricultural land and ensure that the agricultural productivity of the land is not compromised;
- Prioritise human life in all planning decisions, with regard to coastal inundation and bushfire risk;
- Ensure that any proposed use and development protects the environmental and landscape values of the land, and encourage building design that minimises adverse visual impact of the aesthetic qualities of the landscape;
- Encourage energy efficient buildings that will reduce greenhouse gas emissions;
- Support tourism uses in appropriate locations.

4.2 Municipal Planning Strategy

The Municipal Planning Strategy (MPS) sets out the local strategic planning context for a municipality. Those clauses most relevant to this proposal include:

- Clause 21.01 **Municipal Profile, Council Vision and Strategic Directions**
- Clause 21.03-1 **Environment and Landscape Values - Biodiversity**
- Clause 21.03-2 **Environment and Landscape Values - Native vegetation management**
- Clause 21.03-3 **Environment and Landscape Values - Coastal areas**
- Clause 21.03-4 **Environment and Landscape Values - Significant environments and landscapes**
- Clause 21.04-5 **Environmental Risks - Bushfire**
- Clause 21.05-1 **Natural Resource Management - Agriculture**
- Clause 21.06-2 **Built Environment and Heritage - Sustainable development**
- Clause 21.08-3 **Tourism**

There are no local planning policies at Clause 22 relevant to this application.

<u>Assessment against the Municipal Planning Strategy</u>:

The MPS identifies the importance of the rural and coastal landscape character to the community, and the potential for development to have an impact on biodiversity. The MPS also notes that the urban-agricultural interface must be appropriately managed to protect existing farming operations and maintain a green belt around Warrnambool's settlement

boundary, ensuring that the City's unique rural character is protected from urban development. Agricultural land in the municipality is limited, and must be protected to ensure agricultural uses remain viable, and land use conflict is avoided. (Clauses 21.01 **Municipal Profile, Council Vision and Strategic Directions**, 21.05-1 **Natural Resource Management - Agriculture**). The MPS contains detailed policy regarding the protection and enhancement of sensitive environmental areas, and seeks to encourage revegetation on private land, in particular for those Ecological Vegetation Classes rated as having high conservation significance. (Clauses 21.03-1 **Biodiversity**, 21.03-2 **Native vegetation management**).

The proposal complies with the objectives and strategies in these clauses, as the proposed replacement dwelling will be tightly integrated with the sustainable management of the land and will result in vastly improved agricultural and environmental outcomes. The land has been underutilised with regard to agricultural production, and has suffered continual environmental degradation, particularly in the sensitive areas within the Coastal Dune Scrub (Ecological Vegetation Class EVC 160). See **Appendix D** (Land Management Plan) for details on planned improvements to these areas.

The MPS also discusses landscape values at Clause 21.03-3 **Coastal Areas** and 21.03-4 **Significant environments and landscapes**. Privately owned coastal land should be developed in a manner that respects the values of nearby coastal Crown land. Vantage points and view lines should be protected, and visual impact minimised so that existing vistas throughout Warrnambool are not impeded. New development should respond to the characteristics of the coastal environment, demonstrating a high standard of contemporary expression and finish. New development should also demonstrate ecological sustainable development principles that achieve comfortable indoor conditions (Clause 21.06-2 **Sustainable development**).

The proposal complies with these objectives and strategies. The building envelope on the Integrated LMP ensures that the siting of the replacement dwelling is appropriate with regard to landscape and environmental objectives. The design is of a high standard that blends with the natural environment and utilises northern orientation for passive winter warmth in the main living area.

The MPS reiterates the policy in the PPF regarding bushfire risk (Clause 21.04-5 **Bushfire**). The proposal gives priority to the protection of human life, ensuring an appropriate setback to shrubland vegetation on the site, building construction standards to a minimum BAL 29 and a 10,000 litre rainwater tank for fire-fighting purposes. The proposal will support land management practices that reduce the risk of bushfire, particularly by active management of livestock grazing and removal of woody weeds from the area of Coastal Dune Scrub (see **Appendix D** - Land Management Plan).

The MPS contains policy regarding the role of tourism within Warrnambool. In particular, Clause 21.08-3 **Tourism**, which seeks to develop Warrnambool as the western gateway to the Great Ocean Road and as a hub for exploring southwest Victoria. The proposal complies with this objective and with strategies which seek to improve the quality and quantity of tourist accommodation, and which support coastal tourism that is environmentally responsive and easily accessible from Warrnambool.

The proposal appropriately addresses the objectives and policies within the Municipal Planning Strategy, particularly with regard to environmental and landscape values, the maintenance of agricultural land use on rural land and the location of tourism uses.

4.3 Zones

The application site is zoned Farming Zone (Clause 35.07). The purposes of the Farming Zone include:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

Pursuant to Section 35.07-1 (Table of uses) the use of land for 'host farm' is a Section 2 use and the use of land for 'dwelling' is a Section 2 use, as the subject lot area is less than 15 hectares.

Pursuant to Clause 35.07-2 (Use of land for a dwelling), a lot used for a dwelling must meet the following requirements:

Requirement	Response
Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.	**Complies.** Access will be provided via an existing vehicle crossover and an extension to the existing driveway made to the specifications of the CFA.

Requirement	Response
The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.	**Complies.** A new wastewater system is proposed to be treated by a suitable EPA approved treatment system. Design and siting of the treatment system will be finalised following grant of a planning permit. No improvements are required to the existing wastewater system to enable the use of the Motang dwelling for 'host farm' accommodation.
The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.	**Complies.** Potable water will be provided via rainwater harvesting (see **Appendix C** for rainwater harvesting calculations). Bores for stock watering and potentially for supplementary domestic use will be installed. A static water supply will be provided for firefighting purposes.
The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.	**Complies.** The dwelling will be connected to a reticulated electricity supply.

An assessment of relevant decision guidelines contained in the Farming Zone is outlined in the table overleaf.

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Decision guidelines	Assessment
General issues	
The Municipal Planning Strategy and the Planning Policy Framework.	The Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF) have been considered in this report. Please see **Sections 4.1** and **4.2**.
Any Regional Catchment Strategy and associated plan applying to the land.	The Glenelg Hopkins Regional Catchment Strategy 2013-2019 applies to the subject site. The document contains content regarding coastal areas and biodiversity, and notes that Coastal Dune Scrub is one of the major vegetation communities in the coastal region of the Glenelg Hopkins catchment. It notes that inappropriate planning and development, and pest plants and animals are key threats to the Glenelg Hopkins coastline. It follows that restoration of the land within the Coastal Dune Scrub will increase the propagation of this EVC and is supported by the Strategy. The proposed replacement dwelling will directly enhance the surveillance and monitoring of the dunal scrub for pest plants and animals, thereby increasing the ability of land managers to eradicate and prevent invasions by pest plants and animals, which is supported by the Strategy. Other relevant plans referenced in the document are the Glenelg Hopkins Invasive Animal Strategy (2010-2015), Glenelg Hopkins Soil Health Strategy and Soil Health Plan, the Glenelg Hopkins Regional Weed Plan (2008-2012), the South West Victoria Regional Coastal Action Plan, and the Victorian Coastal Strategy. These documents have been reviewed in detail as part of the attached Integrated LMP, which is implemented, in part, through this application.

Decision guidelines	Assessment
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	There is sufficient area to treat wastewater onsite from the proposed replacement dwelling. Wastewater is proposed to be treated to a secondary standard by a suitable EPA approved treatment system. Design and siting of the treatment system will be finalised following a decision on the planning permit application.
How the use or development relates to sustainable land management.	This application is accompanied by an Integrated Land Management Plan (LMP) and is to be registered on title through a Section 173 Agreement. The Integrated LMP puts forward a clear framework of land management objectives and actions/outcomes to achieve these objectives, which ultimately seek to increase the long-term sustainability of the property (see **Appendix D** for details). The implementation of the Integrated LMP will result in significant long-term enhancements to the land's agricultural productivity and environmental capacity. The proposed replacement dwelling is an integral part of the implementation of the Integrated LMP. The recommendations of the Integrated LMP require constant monitoring and frequent action from the landowner and land manager. These will be more practicably achieved through the landowners residing on the land. It is considered unlikely that the objectives of the Integrated LMP could be achieved to the same extent if the land owners are not closely connected to the site and able to observe changing conditions on a daily basis, particularly given the amount of work expected by the Integrated LMP to restore the sensitive coastal dunal system and improve agricultural productivity.

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Decision guidelines	Assessment
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses	The site is able to accommodate the replacement dwelling and 'host farm' accommodation building without adverse environmental or visual impact. The proposed use for 'host farm' and the development of a replacement dwelling is compatible with the adjoining and nearby land uses, which comprise predominantly rural lifestyle lots with modest agricultural activity. Adapting the existing dwelling as a 'host farm' accommodation building will not interrupt the site's existing agricultural uses. Minimal works are required and no additional curtilage is required to enable this Section 2 use. The proposed guest activities can be integrated within the farm operations of the subject site without significant impost to the ongoing management of the farm. The proposed addition of a boutique, experiential short-term accommodation facility will also help diversify on-farm income and will help make the existing farm more resilient to economic 'shocks'. The proposed use of the subject land for 'host farm' and development of a replacement dwelling is compatible with adjoining and nearby land uses, particularly as the proposal is integrated with active and ongoing agricultural activity.

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Decision guidelines	Assessment
How the use and development makes use of existing infrastructure and services	The existing infrastructure and services on the land consist of fencing, stock water bores, and a rural vehicle crossover. The proposed dwelling will be connected to the reticulated electrical network along Hopkins Point Road and will rely on the existing vehicle crossover to Hopkins Point Road. Fencing and stock bores will be retained and enhanced in line with the Integrated LMP. Adapting the existing dwelling for 'host farm' accommodation will utilise existing buildings and infrastructure. Minimal works are required to adapt the use of the existing Motang dwelling for 'host farm' accommodation.

Decision guidelines	Assessment
Agricultural issues and the impacts from non-agricultural uses	
Whether the use or development will support and enhance agricultural production.	The Integrated LMP forms the basis of this proposal and is extensively considered throughout this report. The agricultural issues of the site are addressed in the Integrated LMP, which is informed by an Agricultural Management Plan and Environmental Management Plan (see **Appendix D** Land Management Plan). The agricultural capacity of the site was assessed by Rural Consulting Group, and determined to be currently managed at less than its optimum level of productivity. The site's agricultural productivity can be improved for more optimal agricultural uses through actions outlined in the Integrated LMP. The proposal will support and enhance agricultural production on the site, as the replacement dwelling provides the base of operations from which landowners/managers can implement the Integrated LMP. The Integrated LMP marks out a building envelope, which is likely to be removed from pasture production. However, the dwelling will enable land owners/managers to improve the site's agricultural productivity, and the area lost to pasture production will be offset by these improvements. The proposed addition of a modest, boutique short-term accommodation facility will also help diversify on-farm income and will help make the existing farm more resilient to economic 'shocks'.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production. The capacity of the site to sustain the agricultural use.	
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	
Any integrated land management plan prepared for the site.	
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The development of a replacement dwelling and use for 'host farm' is not expected to limit the operation or expansion of adjoining and nearby agricultural uses.

Decision guidelines	Assessment
Dwelling issues	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	The proposed replacement dwelling is a reasonably expected outcome following the approved subdivision and endorsed plan under by PP2019-0115. The dwelling will be within the building envelope which has been designed to allow the land to be used productively in accordance with the requirements of the proposed LMP. The proposal will result in the agricultural productivity of the land being enhanced.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	Due to the setbacks of the replacement dwelling from adjoining property and the proposed subdivision boundary for PP2019-0115, the replacement dwelling is considered unlikely to be adversely affected by agricultural activities beyond the subject site boundaries. The proposed 'host farm' accommodation and development of a replacement dwelling is considered unlikely to adversely affect the operation and expansion of agricultural uses beyond the subject site boundaries.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	The proposal is not expected to result in or lead to a change of character to the area and is unlikely to impact on the existing agricultural capacity of surrounding agricultural land.

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Decision guidelines	Assessment
Environmental issues	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	The proposal is subject to the requirements of the LMP, which requires that the landowner sustain and improve the natural resources of the land, including the remnant areas of native flora, habitat for native fauna and soil health. The design of the dwelling responds to the landscape values of the site by ensuring no native vegetation, natural resources or coastal hazards will be adversely impacted by the proposal. See **Appendix G** for further details on the proposals impact on native vegetation and **Appendix H** for details on the proposals impact on coastal hazards. The siting of the replacement dwelling and associated wastewater treatment system has been located (as per the Integrated LMP) at a suitably elevated position to ensure wastewater systems can be designed and located to avoid impacts on groundwater.
Impact of the use or development on the flora and fauna on the site and its surrounds.	
The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	

Decision guidelines	Assessment
Design and siting issues	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	The proposed replacement dwelling is located within the building envelope required by the Integrated LMP, which has considered landscape impacts from a siting perspective. The design of the dwelling is responsive to the character of the area (which comprises coastal and pastoral landscape characteristics) through the selection of proposed materials, building height, approach to cut and fill and the location and species of landscaping, which result in minimal visual impact when viewed from beyond the site boundaries. The design is unlikely to detriment the architectural, historic, scientific or natural scenic beauty or importance of the site and surrounds. These impacts are further explored in **Section 4.4**.
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	The proposal will utilise the existing infrastructure services provided along Hopkins Point Road. Proposed infrastructure (such as wastewater treatment areas and water tanks) will be located within proximity of the proposed dwelling.
Whether the use or development will require traffic management measures.	The proposal does not require any special traffic management measures.

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4.4 Overlays

The subject site is fully covered by the **Significant Landscape Overlay (Schedule 1)** (Clause 42.03) and partially covered by the **Environmental Significance Overlay (Schedule 1)** (Clause 42.01) and the **Bushfire Management Overlay** (Clause 44.06).

The proposed dwelling will not be located on land covered by the Environmental Significance Overlay.

Clause 42.03 Significant Landscape Overlay (Schedule 1):

The relevant purpose of the **Significant Landscape Overlay** is:

- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Under Clause 42.03-2, a permit is required to construct a building or carry out works. The proposal does not meet any of the exemptions.

Under Clause 42.03-4, an application must be accompanied by any information specified in a schedule to this overlay.

Permit requirements are specified under Schedule 1 (Clause 42.03) at Section 3.0. A response to these requirements is provided in the table below.

A permit application must, as appropriate, be accompanied by a site analysis and plans of the proposal which includes the following:

Application requirement	Response
The topography of the site and location of any existing native vegetation, sand dunes and drainage lines. The location of any existing and proposed buildings and works, including fences of a height of more than 1.5 metres. Elevations of any proposed buildings or works including exterior surface treatments. The elevations must illustrate the existing and proposed ground level in relation to the proposal.	**Requirement met.** See **Appendix C** for Town Planning Drawings prepared by 'Designers by Nature', including: ▪ Existing Site Plan ▪ Site Context Plan ▪ Proposed Site Plan ▪ Elevations ▪ Landscaping Plan
A Landscaping Plan which shows all existing vegetation, any vegetation to be removed, areas to be planted with indigenous species, and type of species to be planted. Plants recognized locally as environmental weeds should not be included.	
Photographs of the site of the proposal, as viewed from any nearby residential areas, roads, or other public activity areas towards the coast. A photographic montage or wide-angle photographs should be submitted with an accompanying plan, which shows the location from which the photographs were taken.	**Requirement met.** See **Section 2.3** for photographic montage and a depiction of photograph locations and key view lines.

Decision guidelines are specified at Clause 42.03-5. The relevant matters to be considered have been assessed in the table below.

Decision Guidelines	Response
The statement of the nature and key elements of the landscape and the landscape character objective contained in Schedule 1. The conservation and enhancement of the landscape values of the area.	**Guideline met.** The design of the replacement dwelling responds to the coastal landscape. The proposed siting, building materials, architectural approach and landscaping approach will result in minimal visual impact when viewed from beyond the site boundaries. Specifically, the building will appear below the dune line when viewed from Hopkins Point Road (the only public viewing area) and will be fully or partially screened by internal and perimeter boundary landscaping. Where visible, the buildings will be obscured through the proposed landscaping regime, including the use of a 'green roof' which will incorporate coastal grasses to effectively soften the edge of the roof line. The building will also be constructed of materials which will blend with the dunal environs and skyline, which is the primary backdrop from external viewing areas to the site. Please see Sheet 16 and Sheet 17 of the Town Planning Drawings (**Appendix C**) for visual renderings.
The need to remove, destroy or lop vegetation to create a defendable space to reduce the risk of bushfire to life and property.	**Not applicable.** The development footprint has been sited within a highly modified area dominated by exotic vegetation. The defendable space requirement around the replacement dwelling is 9 metres, which can be achieved within the area of exotic dominated vegetation. See the Vegetation Assessment at **Appendix G** for further details.

Decision Guidelines	Response
The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation. The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area. The impact of buildings and works on significant views.	**Guideline met.** The replacement dwelling has been carefully designed to enhance the landscape character objectives listed in Schedule 1. The building will nestle into and blend with the landscape by utilizing cut and fill, extensive use of glass windows, green roofs, and landscaping comprised of indigenous coastal species. The impact of the proposal on the landscape and on significant views is considered to be minimal and appropriately managed.
Any other matters specified in a schedule to this overlay.	**Guideline met.** Permit requirements specified at part 3.0 of the schedule have been met, see above. Decision guidelines for the schedule are specified at **part 4.0**. The relevant matters to be considered have been assessed in the table overleaf.

Schedule 1: Decision guidelines	Response
The extent of intrusion of the development upon views towards the coast, particularly from existing residential areas, major roads and other public locations.	**Guideline met.** The replacement dwelling has been designed to have minimal intrusion upon views towards and from the coast.
The desirability of site responsive structures in locations of high visual prominence. The desirability of using exterior finishes/colours and landscape screens to reduce the impact of a development. The desirability of relocating the proposal to a less prominent location on the site to reduce the impact on views towards the coast. The need to retain and replant indigenous coastal species.	**Guideline met.** The replacement dwelling is required to be sited within the building envelope marked on the Integrated LMP, which has been placed to avoid locations of high visual prominence. The replacement dwelling will be minimally visible from Hopkins Point Road. It will not be visible from the public realm of the coast (beach and ocean). A stepped approach to cut and fill will ensure the building can be recessed into the topography of the site and is an appropriate response for development on sloped land. The building will blend into the landscape due to: - the profile of the building being at a similar level to the crest of the dune line and either obscured from public views or minimised due to the distance between the building and viewable aspects to the site; - clad mostly with glass material in order to mirror and blend colours with the surrounding landscape; - use of natural colours and muted tones via the concrete slab and roof. - use of 'greening' via the proposed green roof to comprise of indigenous coastal species. On balance, the proposal has considered relevant landscape impacts and put forward a design which suitably blends with the coastal and pastoral environs through appropriate selection of materials, colours, bulk, height and siting of the proposed development.

Schedule 1: Decision guidelines	Response
The desirability of maintaining existing hedgerows as part of the coastal landscape and to screen existing and proposed development.	**Guideline not applicable.**

This assessment demonstrates that the proposal will result in development that responds to the statement of nature and key elements of landscape and complies with the landscape character objectives of Schedule 1 to the Significant Landscape Overlay.

4.5 Particular Provisions

The particular provisions are specific prerequisites or planning provisions for a range of particular uses and development and apply consistently across the State. The following particular provisions apply to the proposal:

Clause 53.02 - Bushfire Planning

The subject site is affected by the Bushfire Management Overlay and an assessment against the requirements of the Bushfire Management Overlay is required.

A Bushfire Management Statement has been prepared by Okologie and addresses the requirements of Clause 44.06 and should be read in conjunction with this report.

The assessment finds that the surrounding landscape corresponds to the Broader Landscape Type 2 (Practice Note 65, DTPLI 2014).

At a site scale, defendable space is able to be located within the property of the site and has been calculated based on the hazard of shrubland to the south, southwest and southeast and grassland to the north and east. A minimum construction standard of BAL 29 is recommended for the site, based on the proximity to bushfire hazard and defendable space requirements. See **Appendix D** for further information on the bushfire hazard site assessment.

On a broad landscape scale, the most probable bushfire scenario is likely to arise from north or north-westerly winds associated with high-threat or extreme bushfire conditions from a local ignition point. The presence of the Hopkins River, local road network and modified grazing paddocks would likely reduce the potential for direct flame contact, while ember attack represents the greatest type of bushfire threat to future development from this scenario.

See **Appendix D** for further information on the bushfire hazard landscape assessment.

The siting of the proposed replacement dwelling and a minimum BAL 29 construction standard are sufficient measures to manage down bushfire risk to an acceptable level.

4.6 Notice and review

This application 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 Planning and Environment Act 1987.

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5 Conclusion

This report has assessed the proposal against the relevant policy and controls of the Warrnambool Planning Scheme (**Farming Zone**, **Significant Landscape Overlay** and **Bushfire Planning**), the Municipal Planning Strategy and the Planning Policy Framework. It has found:

- The use of land for 'host farm' and the development of the proposed replacement dwelling addresses the **Municipal Planning Strategy** and **Planning Policy Framework**, which carefully controls accommodation uses and development in rural areas. The MPS and PPF contains policy support for proposals which demonstrate they support agricultural productivity, enhance the environmental values of the land and which help diversify the economy of the Great Ocean Road region and the City of Warrnambool. The development of the proposed replacement dwelling is consistent with the endorsed Land Management Plan and will provide an appropriate base for the landowners to implement the Land Management Plan, which will directly enhance the lands agricultural productivity and regenerate key biodiversity values.

- The proposal appropriately addresses the decision guidelines of the **Farming Zone** and will support and enhance agricultural productivity. The zone seeks to encourage use and development of land based on comprehensive and sustainable land management practices. The proposal will achieve this outcome due to the integrated nature of the proposed replacement dwelling and actions contained in the Integrated Land Management Plan.

- The proposed dwelling complies with the purpose and decision guidelines of Clause 42.03 **Significant Landscape Overlay (Schedule 1**), which seeks to protect and enhance the significant landscape qualities of the coastal hinterland of Warrnambool.

- The risk from bushfire can be managed with standard measures including defendable space, access for emergency vehicles, water supply and construction to a minimum BAL 29 standard. The proposal will not increase risk from bushfire.

The assessment undertaken in this report has demonstrated the proposal complies with the Warrnambool Planning Scheme.

The proposal is commended to Council and, on behalf of our client, we look forward to working with you toward a positive outcome for the application.

Dan Pech

Associate, Myers Planning Group

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MYERS PLANNING GROUP

INTEGRATED LAND MANAGEMENT PLAN

250 Hopkins Point Road, Warrnambool

October 2020

Prepared by:
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Quality Information

Document:	Integrated Land Management Plan
Reference:	2020-139
Date:	October 2020
Prepared by:	Dan Pech

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Schedule of Documents

Appendix A - Endorsed Plan of Subdivision

Appendix B - Agricultural Management Plan

Appendix C - Bushfire Management Statement (October 2020)

Appendix D - Vegetation Assessment (October 2020)

Appendix E - Coastal Hazard Vulnerability Assessment (September 2020)

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1 INTRODUCTION

Myers Planning Group Pty Ltd has prepared this Integrated Land Management Plan on behalf of Dean Montgomery. This Integrated Land Management Plan replaces the previously endorsed Integrated Land Management Plan required by Condition 1 of the planning permit PP2019-0115 which allows for a 'Two (2) Lot Subdivision in accordance with the endorsed plans' at 250 Hopkins Point Road, Warrnambool.

This plan outlines key land management objectives to be achieved on land known as 'Lot 1 PS842676S'. These objectives are supported by specific outcomes and implementation measures which will result in overall improvements to the management of the subject site.

This plan is to be implemented by occupants and site managers in order to guarantee adequate protection and enhancement of the environmental and agricultural features of the subject site.

2 SITE CONTEXT

2.1 Site description

The subject site is broadly recognised by the rated address of 250 Hopkins Point Road, Warrnambool and is further described and identified by its relevant title details, which are:

- Lot 1 on Plan of Subdivision 842676S

The subject site is located on the southern side of Hopkins Point Road, Warrnambool and comprises an irregular shape. The property has a 221-metre frontage to Hopkins Point Road and contains one rural vehicle crossovers for farm and conventional vehicle access onto Hopkins Point Road. The property is approximately 12.86 hectares in area and is located approximately 200 metres east of Warrnambool's urban boundary.

The site is a heritage property used for modest cattle grazing, horse stables, and contains agricultural sheds, post and wire paddock fencing, stock water tanks, a dwelling and associated outbuildings. The dwelling is known as the 'Motang' residence, which comprises a 5,000 square metre curtilage containing heritage buildings associated with the dwelling.

The land adjoins the Logans Beach/Warrnambool Bay coastal environs, which is a valued scenic environment located close to Warrnambool's urban boundary. The site environs are further described in **Appendix C** (Bushfire Management Statement), **Appendix D** (Vegetation Assessment) and **Appendix E** (Coastal Hazard Vulnerability Assessment).

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Plans have been recently certified under PP2019-0115, which allows for the subdivision of land. Further details of the approved subdivision are outlined, below.

2.2 Subdivision

Planning Permit PP2019-0115 approved a two (2) lot subdivision of land at 250 Hopkins Point Road.

Lot 1 comprises 12.86 hectares of land with a 220-metre frontage to Hopkins Point Road. The lot contains an existing early Victorian era dwelling ('Motang' homestead) and associated outbuildings, stock water storage areas, three timber and wire post fenced paddocks and a rural vehicle crossover/accessway. Agricultural uses (albeit small) are expected to continue on the proposed dwelling excision lot as there is a close affiliation between the 'Motang' homestead and the agricultural use of the land.

Lot 2 comprises 10.59 hectares of land with a 175-metre frontage to Hopkins Point Road. The lot is vacant and contains a rural vehicle crossover/accessway and stockyard. The land is expected to be used for modest agricultural purposes.

See **Appendix A** for a copy of the endorsed plan of subdivision.

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3 INTEGRATED LAND MANAGEMENT PLAN

3.1 Land Management Objectives

The following land management objectives have guided the preparation of the Integrated Land Management Plan:

- To increase the agricultural productivity of cleared pastured areas on the subject site.
- To identify and sustainably manage any potential environmental risks on the subject site.
- To identify and sustainably manage any significant environmental assets on the subject site.
- To identify suitable areas for future buildings and associated works.

The above objectives are derived from 'Note i' provided on PP2019-0115. The table set out in **Section 3.2** outlines how the above objectives will be achieved and implemented.

3.2 Land Management Outcomes and Implementation

This section of the report outlines proposed outcomes for land management on the subject site and how the outcomes will be realised through implementation actions (see the table overleaf). These outcomes and implementation measures are derived from supporting assessments contained in **Appendix B** (Agricultural Management Plan), **Appendix C** (Bushfire Management Statement), **Appendix D** (Vegetation Assessment) and **Appendix E** (Coastal Hazard Vulnerability Assessment).

The table (overleaf) should also be read in conjunction with the above appendices and **Map 1** (Integrated Land Management Plan), containing actions from Table 1 which can be appropriately illustrated.

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The outcome and implementation measures (below) apply to land known as Lot 1 on Plan of Subdivision 842676S.

Table 1. Integrated Land Management Plan

Outcome	Implementation
Agricultural Land Management	
Maintain fertility and improved phosphorus levels on Lot 1.	Regular applications of maintenance fertiliser based on annual livestock production to be calculated annually.
Creation of paddocks to enable effective grazing.	Separate the lot into at least 4 separate paddocks of similar size to enable cell grazing and seasonal management. Existing fencing is adequate. Additional fencing should take into consideration the need for future building envelopes. Creation of paddocks should account for recommendations around vegetation management in the environmental plan.
Improved pasture species on both lots through a re-sowing regime.	Re-sow one paddock per year for 4 years with a perennial ryegrass, sub-clover and cocksfoot pasture blend. A re-sown paddock, under best management should last for between 4 and 8 years depending upon seasonal conditions.
Optimise pasture yield through seasonal strategies.	Allow pasture plants to grow up to two-three full leaves, prior to grazing. Graze pasture to 5-6cm residual height and no lower. Use electric fencing to make smaller paddock areas in periods of high growth

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Table 1. Integrated Land Management Plan

Outcome	Implementation
(continued)	and use 'back fences' to limit re-grazing of pasture when stock in paddocks for more than 3 days. Place containment feed stock in one paddock over the dry period to protect perennial pastures. Conserve spring surplus of grass as hay or silage for feeding during the dry period. By 'locking up' one of the paddocks as pasture growth increases in spring, the land manager will be able to manage quality of the remaining area more effectively.
Enhance pest and weed management.	Spray broadleaf weeds in the Autumn and early winter on advice from agronomist targeting weeds present. Inspect regularly (i.e. monthly) for insect pests and consult agronomist for treatment as required.
Retain access to stock water on Lot 1.	Ensure dwelling infrastructure does not impact on stock water bores and trough infrastructure.
Improve stock handling infrastructure.	Stock yards should be installed with a working race, cattle crush and loading ramp to enable transporting stock. Incorporate any tracks required for buildings within vehicle accessways for stock races.

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Table 1. Integrated Land Management Plan

Outcome	Implementation
Siting of future potential building envelopes to contribute to agricultural land management.	Site future potential building envelopes to: - avoid high agricultural productivity areas and areas best suited for agricultural infrastructure (i.e. bores, troughs and stock yards). - maximise surveillance of agricultural management areas.
Environmental Risk Management	
Control of potential weed infestations within remnant vegetation areas of both lots.	Planned and opportunistic spot-spraying and cut-stump weed control methods, based on monthly monitoring regime.
Reduction of opportunistic weed introductions into the coastal dunal system, which contain areas of remnant vegetation.	Exclude stock from areas proximal to remnant vegetation areas to reduce wind-dispersed weed seed into remnant sites through setting back fenceline 5 metres from the current southern fenceline, during repair and maintenance of stock fencing as required. Maintain pasture cover over non-remnant areas of the site (i.e. areas outside of the coastal dune system) to reduce potential for ongoing weed impact to areas of remnant vegetation contained within the coastal dune system.
Control dominating exotic grassland species suppressing remnant vegetation within Lot 1.	Complete patch-based herbicide-based control of exotic grasses arresting the development of fenced remnant vegetation within the coastal dune system on Lot 1.

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Table 1. Integrated Land Management Plan

Outcome	Implementation
Control clusters of Coast Wattle dominating parts of the coastal dune system fenced areas.	Removal of Coastal Wattle utilising cut-stump and other woody weed control treatments, based on monthly monitoring regime.
Assess/monitor potential weed infestation levels within the coastal dune system on an ongoing basis.	Regular (i.e. monthly) monitoring of potential weed infestations on each lot.
Monitor pest animal populations on an ongoing basis and initiate eradication measures as guided by the requirements of the *Catchment and Land Protection Act 1994, Prevention of Cruelty to Animals Act 1986* and associated regulations.	Complete inspections of the property on a regular basis and implement appropriate prescribed measures for the eradication of pest animals such as baiting, ripping, property hygiene, exclusion fencing, shooting and use of guardian animals following results of monitoring and assessment.
Monitor and repair - infrastructure to manage spread of pest animals.	Regular monitoring (i.e. monthly) and assessment of internal paddock fencing infrastructure to limit transit/spread of pest animals.
Enhance fencing requiring repair/modification to manage spread of weeds and pest animals.	Install improved fencing as fence repair is required, including replacement of internal paddock fencing with pest animal fencing.
Management of potential acid sulfate soils.	Locate any potential building envelope outside the lowest elevation points within the site to avoid the risk of interaction with potential acid sulfate soils.

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Table 1. Integrated Land Management Plan

Outcome	Implementation
Management of erosion of coastal dune system.	Strictly maintain vegetation cover over the site, excluding areas where potential building envelopes are proposed, around the curtilage of existing buildings and access tracks. Exclude stock grazing from coastal dune areas. Exclude unauthorized access to coastal dune areas. Maintain effective fencing protecting coastal dune vegetation areas.
Protection of groundwater.	Site potential domestic (or other) on-site wastewater systems at highest elevation possible to reduce potential groundwater impact. Site agricultural runoff from sheds and operation areas to avoid entry to groundwater. Monitor groundwater depth and quality (where practicable) through stock and bores.
Reduce grass and bushfire risk using environmental and agricultural land management measures.	Use stock to graze exotic pasture grassland at rates to maintain pasture at 100mm height. Maintain and monitor stock exclusion fencing on the boundary of the coastal dunal system to support ongoing stock pasture grassland grazing in a managed state.

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Table 1. Integrated Land Management Plan	
Outcome	**Implementation**
(continued)	Monitor and remove Coastal Wattle infestations and weeds within coastal dune system that could contribute to intense fire, based on monthly monitoring regime.
Siting of future potential building envelopes to contribute to environmental and landscape management.	Site future potential building envelopes to: - avoid low-lying land. - avoid areas of native vegetation. - ensure bushfire defendable space requirements do not impact on native vegetation areas (i.e. shrubland). - maximise surveillance of environmental management areas.
Environmental Asset Management	
Conservation of indigenous coastal remnant vegetation within the coastal dunal system (i.e. elements of EVC160 Coastal Dune Scrub).	Regularly monitor weed infestation levels within the coastal dunal system, which contain areas of remnant vegetation, and eradicate noxious weeds as outlined in this table. Maintain and monitor fencing infrastructure protecting remnant vegetation as outlined in this table. Ensure structural and protective suitability of stock and pest animal fencing based on DELWP best practice guidelines on protective fencing (stock exclusion).
	Direct-seeding and hand planting, bare-earth triggers and intensive weed control of remnant vegetation areas. Direct-seeding and hand planting to comprise 100 plantings per hectare of

Table 1. Integrated Land Management Plan

Outcome	Implementation
(continued)	cleared area within the coastal dunal system. Suitable species to be planted include (subject to nursery availability): - Coast Beard-heath (*Leucopogon parviflorus*); - Coast Daisy-Bush (*Olearia axillaris*); - Seaberry Saltbush (*Rhagodia candolleana ssp. candolleana*); and - Bower Spinach (*Tetragonia implexicoma*).
Conservation of potentially viable native fauna habitat areas within the coastal dune system (i.e. White-footed Dunnart and Agile Antechinus).	Monitor pest animal infestation levels within the coastal dune system, which contain areas of remnant vegetation, as outlined in this table. Maintain and monitor fencing infrastructure protecting remnant vegetation as outlined in this table. Ensure structural and protective suitability of stock and pest animal fencing based on best practice fencing guidelines.
Coastal erosion	Monitor beach and erosion levels annually to confirm trends and rate of coastal erosion.

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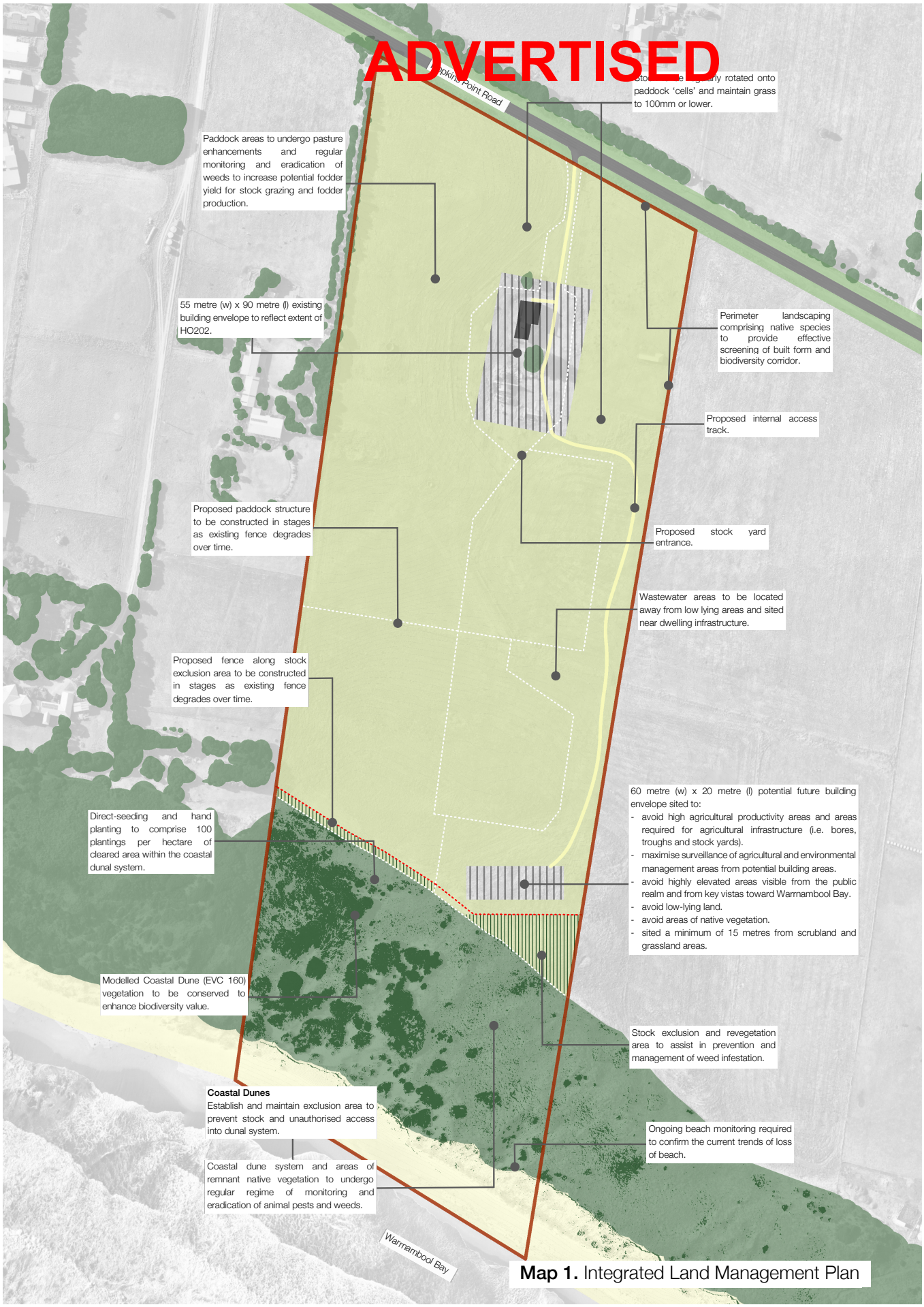
Table 1. Integrated Land Management Plan

Outcome	Implementation
Siting of future potential building envelopes to contribute to environmental and landscape management.	Site future potential building envelopes to: - avoid highly elevated areas visible from the public realm and from key vistas toward Warrnambool Bay. - avoid areas of native vegetation. Utilise perimeter landscaping comprising native species to provide for effective screening of built form and to provide for biodiversity corridors through the site.



Map 1. Integrated Land Management Plan

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4 REVIEW AND MANAGEMENT

This plan will be reviewed periodically and information within this plan will be maintained and updated on an as-needs basis.

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PLANS		
	2	SITE CONTEXT + TITLE
	3	PROPOSED SITE
	4	FLOOR PLANS
	5	ROOF LEVEL
ELEVATIONS		
	6	PROPOSED
	7	PROPOSED
BUILDING SECTIONS		
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	11	LANDSCAPING 1
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VIEWS		
	15	PERSPECTIVES

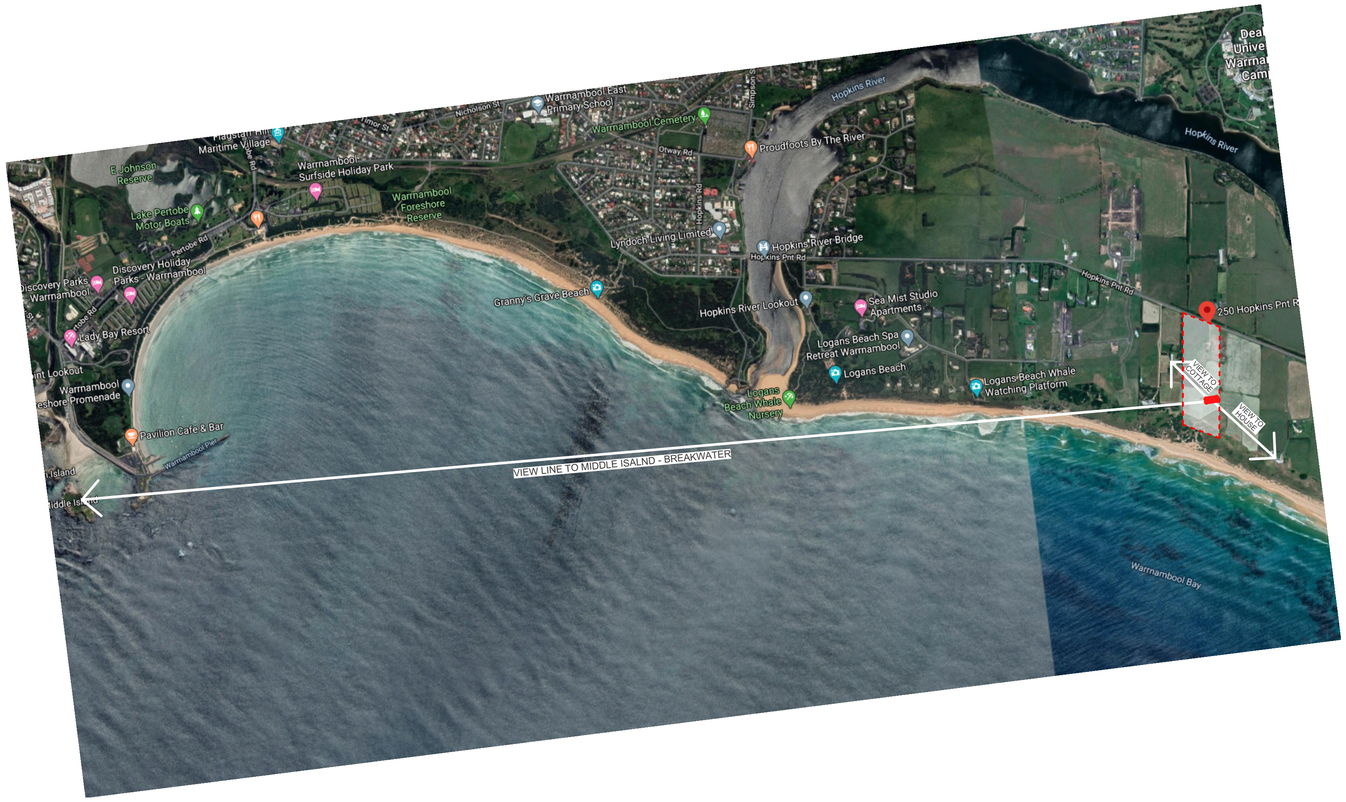

IMAGE Breakwater
N.T.S

Designers by Nature

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General Notes
The Builder shall check all dimensions and levels on site prior to construction.
Notify any errors, discrepancies or omissions to the designer.
Drawings shall not be used for construction purposes until issued for construction.
Do not scale drawings.
All boundaries and contours subject to survey

REV ID	ISSUED FOR	DATE	NAME
02	Town Planning Application - Rev. A	29/09/2020	Dechlan Picken
01	Town Planning Application	26/08/2020	Dechlan Picken

REV ID	CH ID	CHANGE	DATE
02			29/09/2020

REV ID	CH ID	CHANGE	DATE

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

N

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN

PLOT DATE: 29/10/2020

REVISION NO. 02

DRAWING TITLE : GENERAL INFO
DRAWING LISTS & SYMBOLS

SHEET NO. 1

20-43
MONTGOMERY RESIDENCE
02

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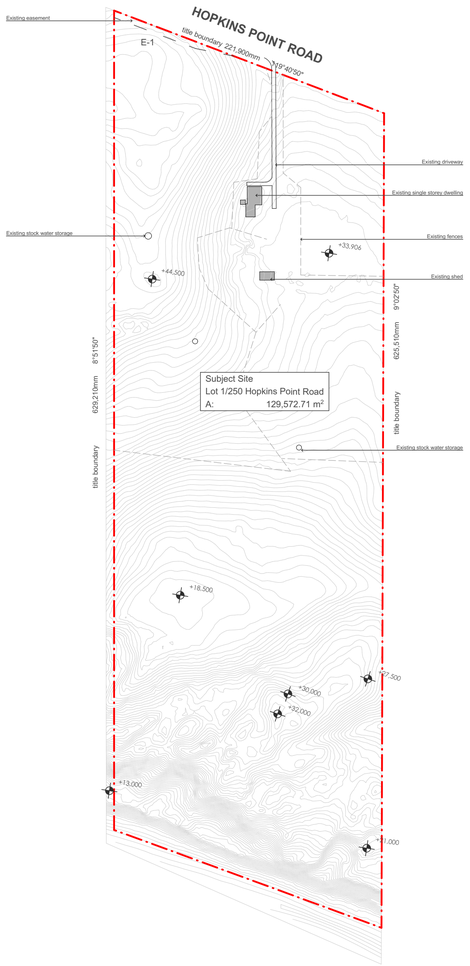

ES Existing Site
Scale 1:2000

SC Site Context
Scale 1:2000

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01	Town Planning Application	26/08/2020	Dechlan Picken

REV ID	CH ID	CHANGE	DATE
02			29/09/2020

REV ID	CH ID	CHANGE	DATE

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

N
0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN
PLOT DATE: 29/10/2020
REVISION NO. 02
DRAWING TITLE : PLANS
SITE CONTEXT + TITLE
SHEET NO. 2

20-43
MONTGOMERY RESIDENCE
02

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AREA ANALYSIS

LEVEL		AREA	TOTAL	%
site				
---		---		
---	Subject Site	---		
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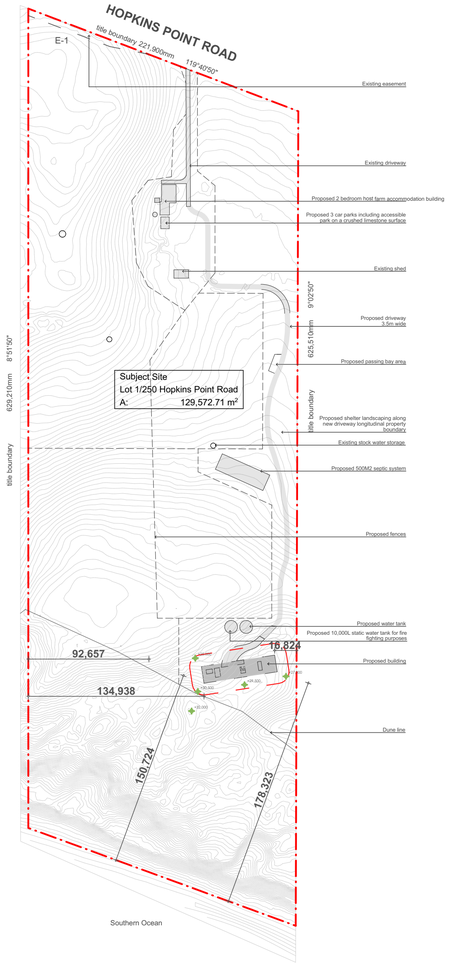
08	Proposed Residence	741.0		



PSP Proposed Site Plan
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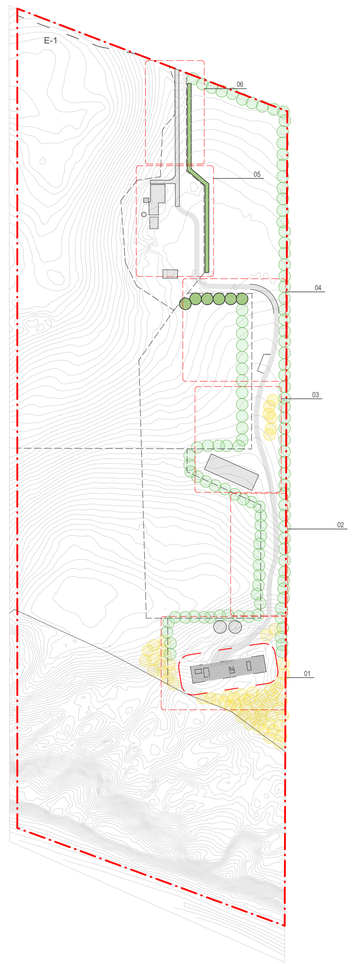

LDP Landscaping Details Plan
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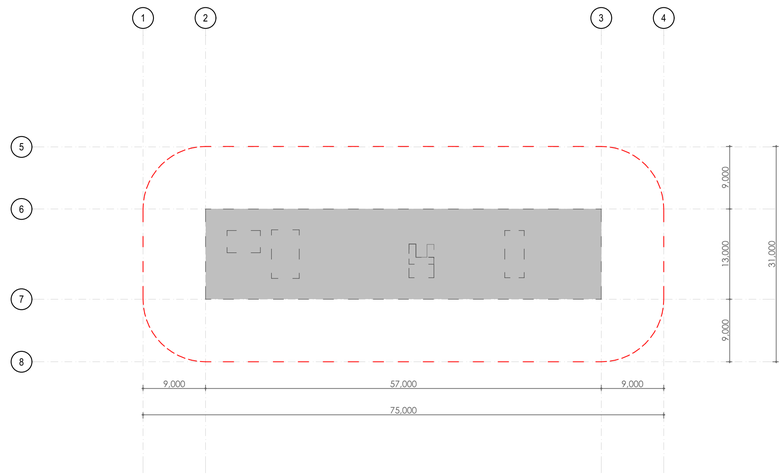

BEP Building Envelope Plan
Scale 1:375

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01	Town Planning Application	26/08/2020	Dechlan Picken

REV ID	CH ID	CHANGE	DATE
02			29/09/2020

REV ID	CH ID	CHANGE	DATE

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

N
0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN
PLOT DATE: 29/10/2020

DRAWING TITLE : PLANS
PROPOSED SITE

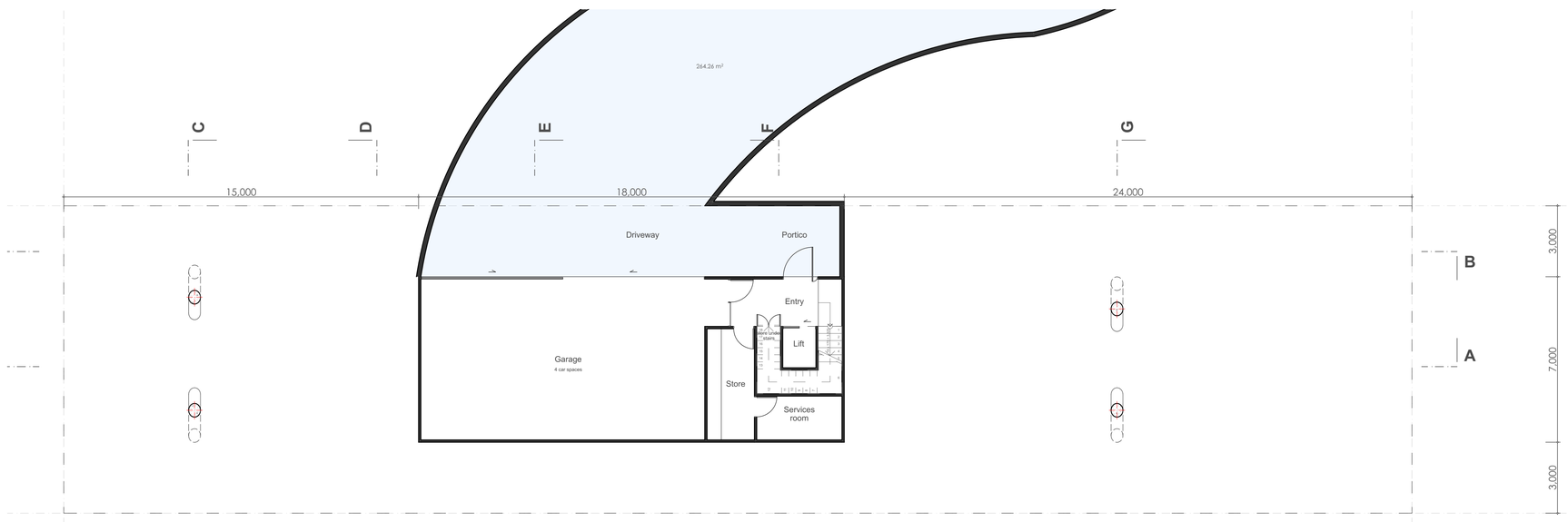
REVISION NO. 02

SHEET NO. 3

20-43
MONTGOMERY RESIDENCE
02

ADVERTISED

GFP Ground Floor Plan
Scale 1:100



BP Basement Plan
Scale 1:100

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REV ID	ISSUED FOR	DATE	NAME
02	Town Planning Application - Rev. A	29/09/2020	Dechlan Picken
01	Town Planning Application	26/08/2020	Dechlan Picken

REV ID	CH ID	CHANGE	DATE	REV ID	CH ID	CHANGE	DATE
02			29/09/2020				

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN
PLOT DATE: 29/10/2020
DRAWING TITLE : PLANS FLOOR PLANS
REVISION NO. 02
SHEET NO. 4

20-43
MONTGOMERY RESIDENCE
02

ADVERTISED

STORMWATER CATCHMENT - annual estimations		
Extensive Green Roof	519m. sq * 807mm rain fall * 30% retention =	125,773 ltrs
Trafficable Roof	222m. sq * 807mm rain fall =	179,355 ltrs
Driveway	264m. sq * 807mm rain fall =	213,048 ltrs
	TOTAL WATER CATCHMENT	518,176 ltrs

ESTIMATED USAGE (based on 4 persons average occupancy)
AAA rated water devices
Typical water usage with water saving technologies

TOTAL WATER USAGE 225,000 ltrs

CFA static water suppy available all year round via dedicated underground storage with above ground quick coupling

NOTE: Intensive green roof changes to approximately 10% retention which DOES NOT impact on supply requirements

RFP **Roof Level Plan**
Scale 1:100

Designers by Nature

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ABN 280 979 293 72
Registration Number DP-AD 1430

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03	Town Planning Application - Rev. B	29/10/2020	Dean Picken
02	Town Planning Application - Rev. A	29/09/2020	Dechlan Picken
01	Town Planning Application	26/08/2020	Dechlan Picken

REV ID	CH ID	CHANGE	DATE
03			29/10/2020

REV ID	CH ID	CHANGE	DATE

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

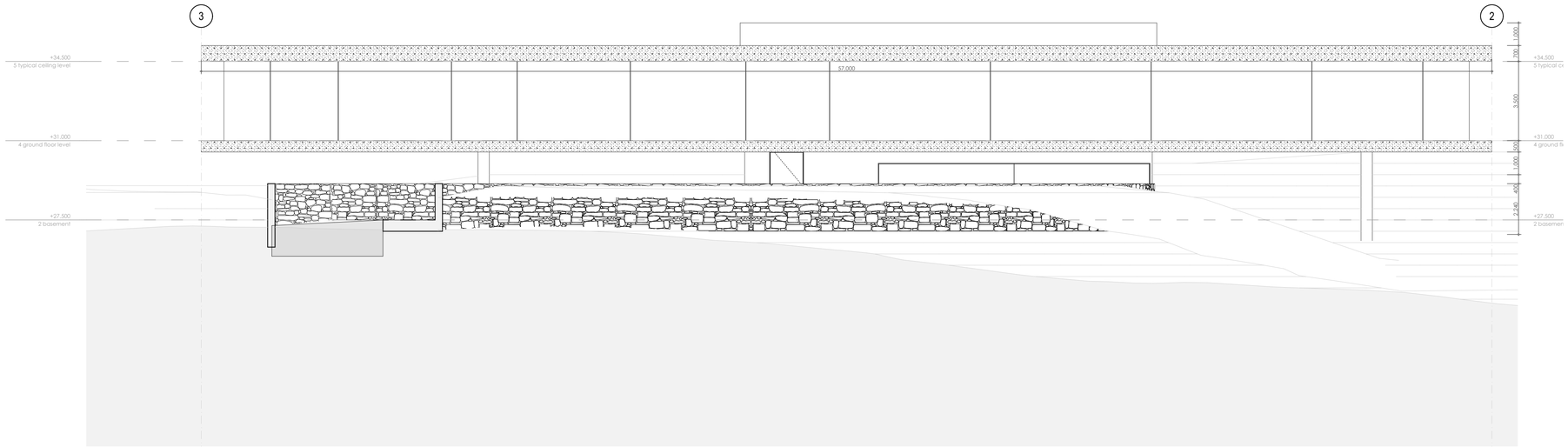
SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

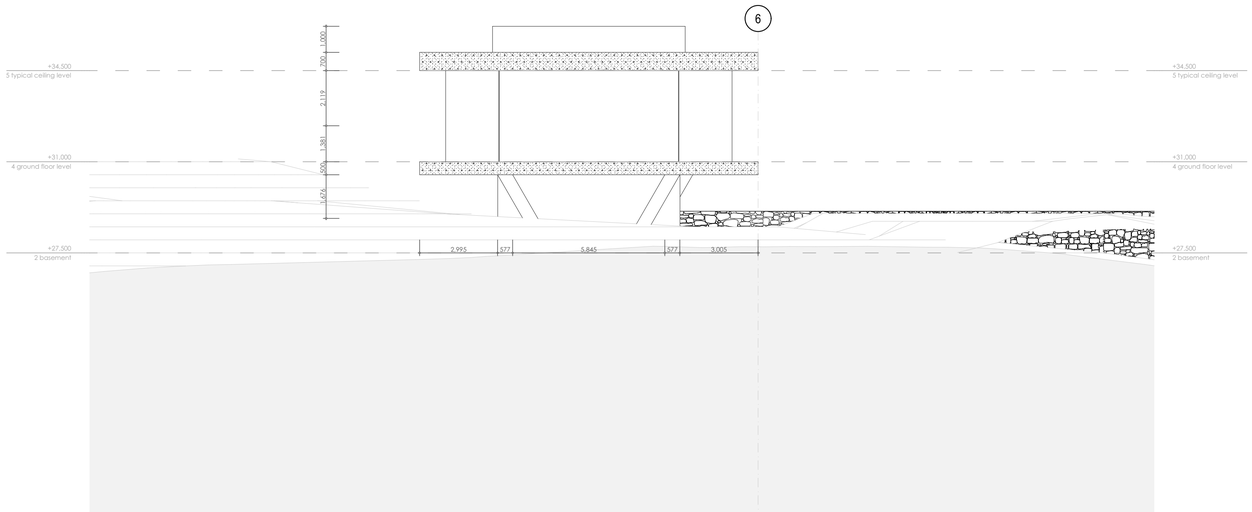
DRAWN BY : DEAN
PLOT DATE: 29/10/2020
DRAWING TITLE : PLANS ROOF LEVEL
REVISION NO. 03
SHEET NO. 5

20-43
MONTGOMERY RESIDENCE
03

ADVERTISED



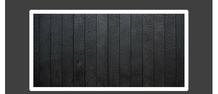
NORTH Elevation
Scale 1:100



EAST Elevation
Scale 1:100

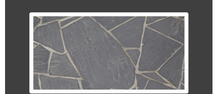
ROOF - GREEN ROOF+CONCRETE

WINDOWS - THIN BLACK FRAME

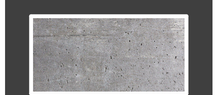


GARAGE DOOR - CHARRED TIMBER

WALLS - BLACK FINISHES



RETAINING WALL - STONE



SLAB+ROOF - CONCRETE

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02			29/09/2020				

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

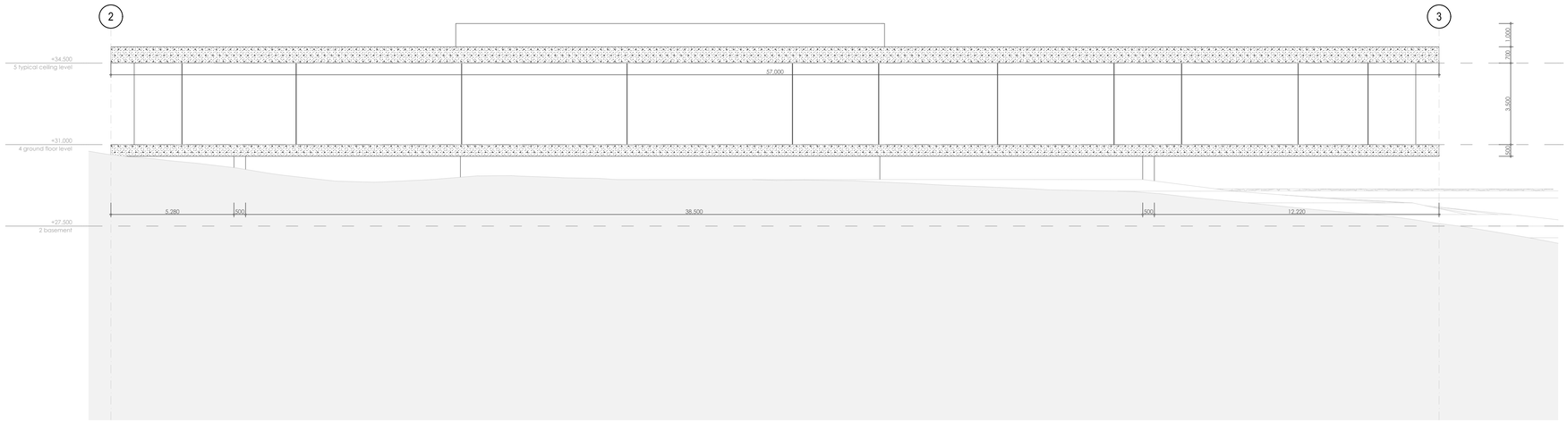
SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

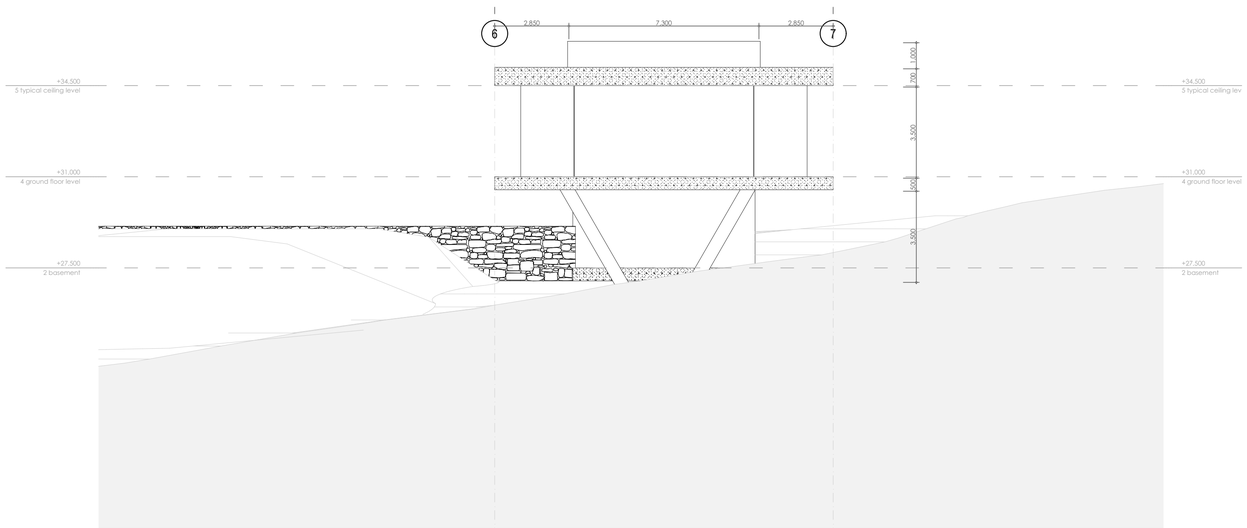
DRAWN BY : DEAN
PLOT DATE: 29/10/2020
DRAWING TITLE : ELEVATIONS PROPOSED
REVISION NO. 02
SHEET NO. 6

20-43
MONTGOMERY RESIDENCE
02

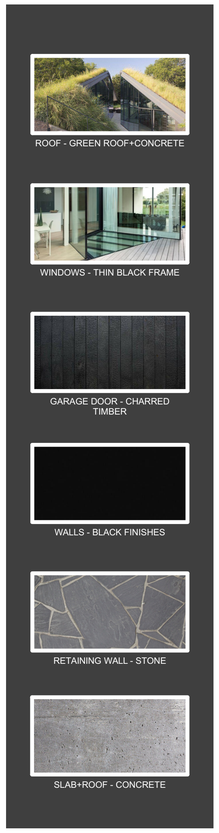
ADVERTISED



SOUTH Elevation
Scale 1:100



WEST Elevation
Scale 1:100



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02			29/09/2020				

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

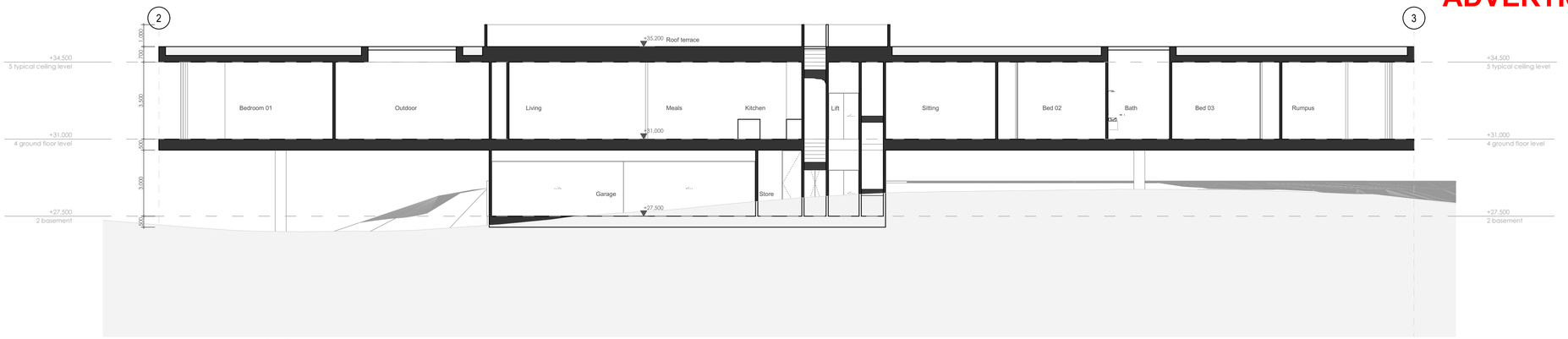
SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

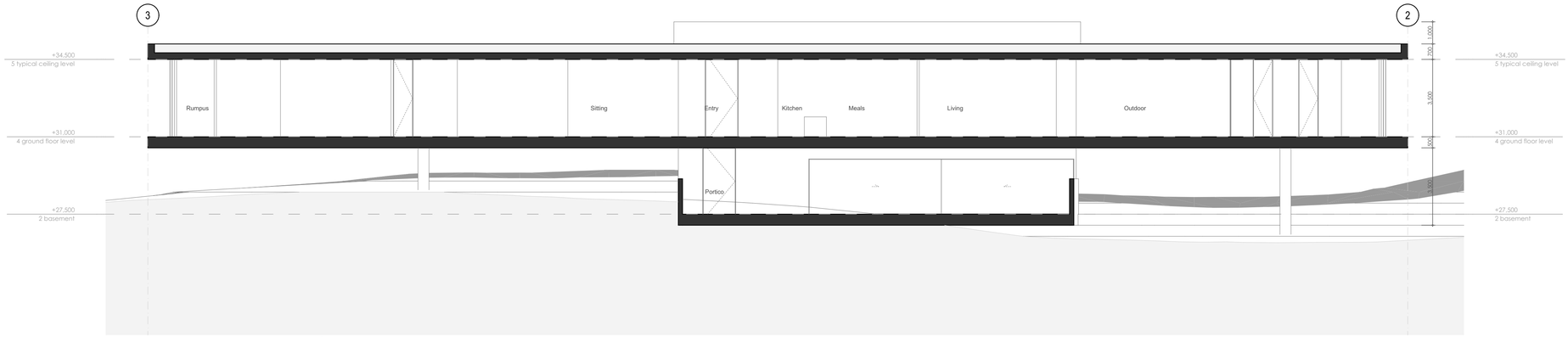
DRAWN BY : DEAN
PLOT DATE: 29/10/2020
DRAWING TITLE : ELEVATIONS PROPOSED
REVISION NO. 02
SHEET NO. 7

20-43
MONTGOMERY RESIDENCE
02

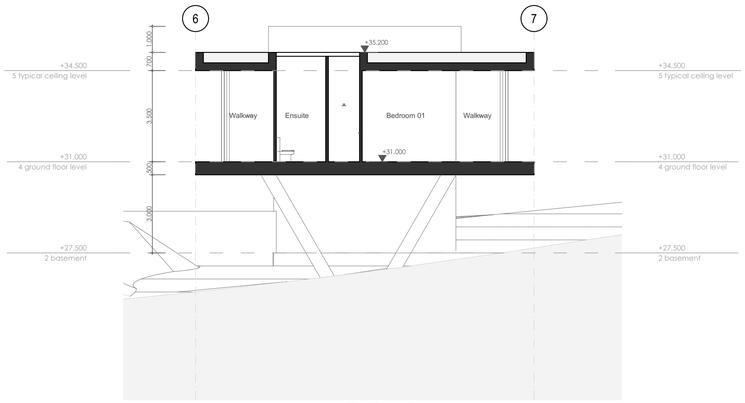
ADVERTISED



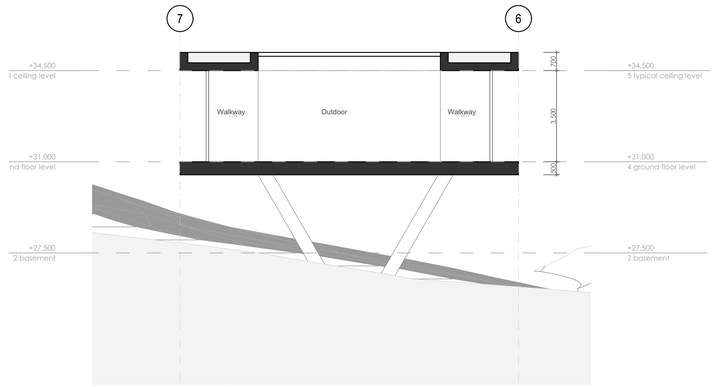
A Section
Scale 1:100



B Section
Scale 1:100



C Section
Scale 1:100



D Section
Scale 1:100

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02			29/09/2020

REV ID	CH ID	CHANGE	DATE

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

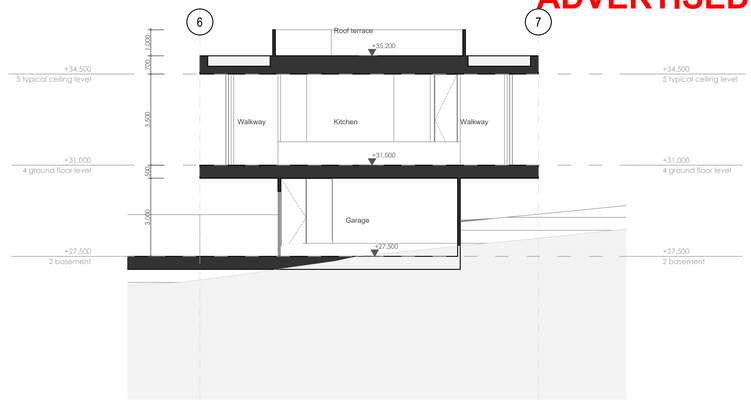
SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

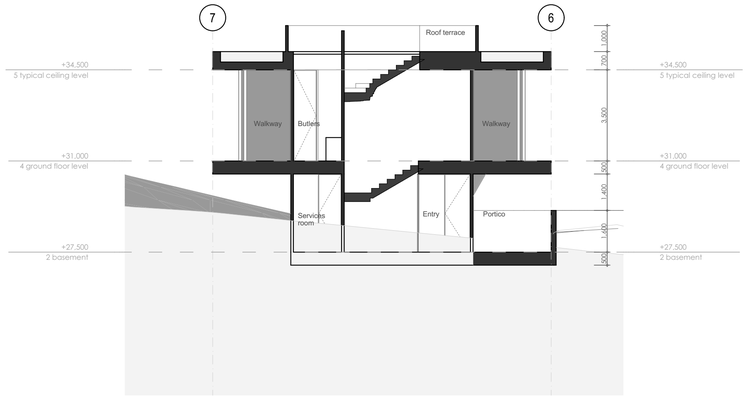
DRAWN BY : DEAN
PLOT DATE: 29/10/2020
DRAWING TITLE : BUILDING SECTIONS
PROPOSED A - D
REVISION NO. 02
SHEET NO. 8

20-43
MONTGOMERY RESIDENCE
02

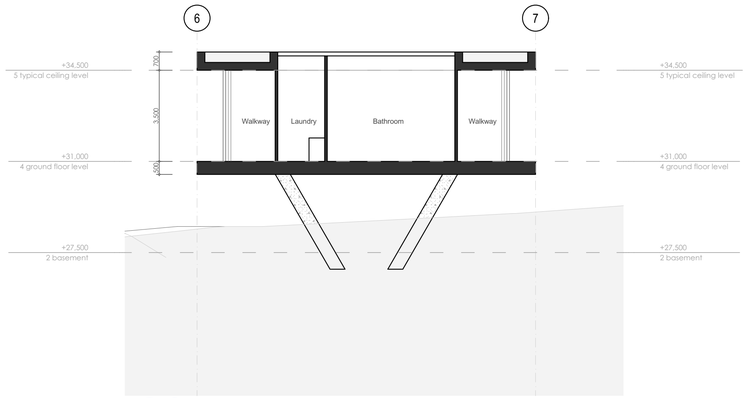
ADVERTISED



E Section
Scale 1:100



F Section
Scale 1:100



G Section
Scale 1:100

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ABN 280 979 293 72
Registration Number DP-AD 1430

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02			29/09/2020

REV ID	CH ID	CHANGE	DATE

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN
PLOT DATE: 29/10/2020

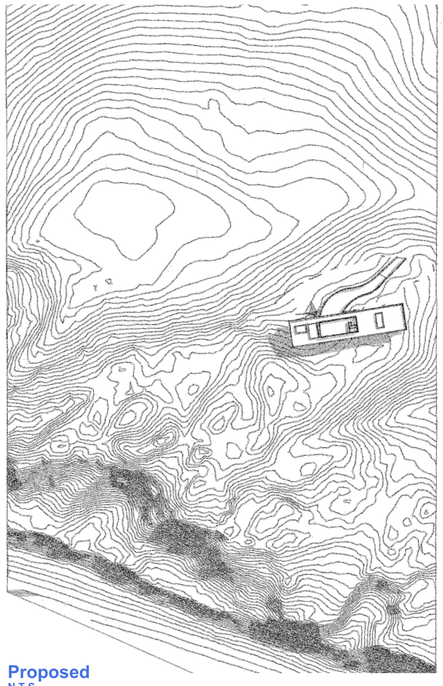
DRAWING TITLE : BUILDING SECTIONS
PROPOSED E - G

REVISION NO. 02

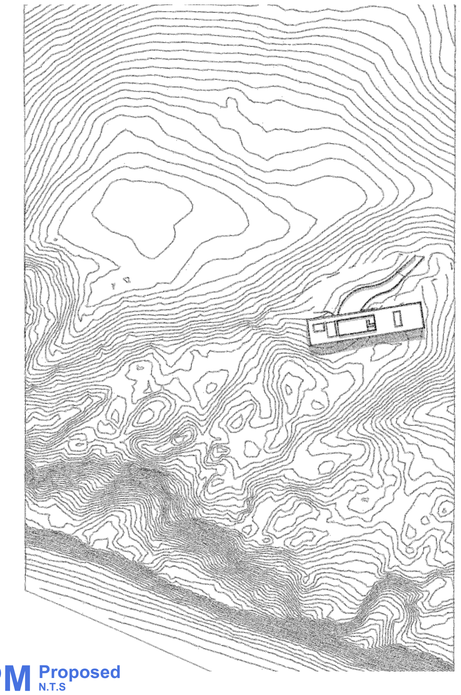
SHEET NO. 9

20-43
MONTGOMERY RESIDENCE
02

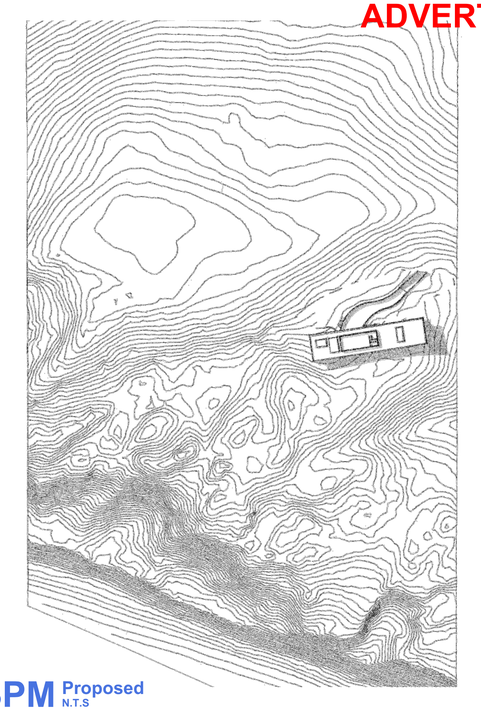
ADVERTISED



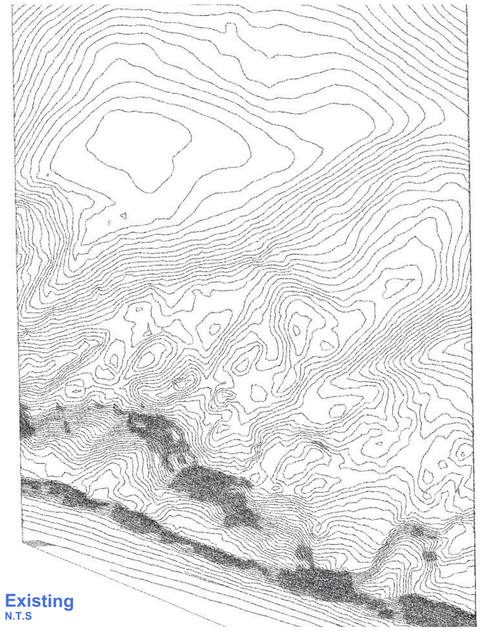
9AM Proposed
N.T.S



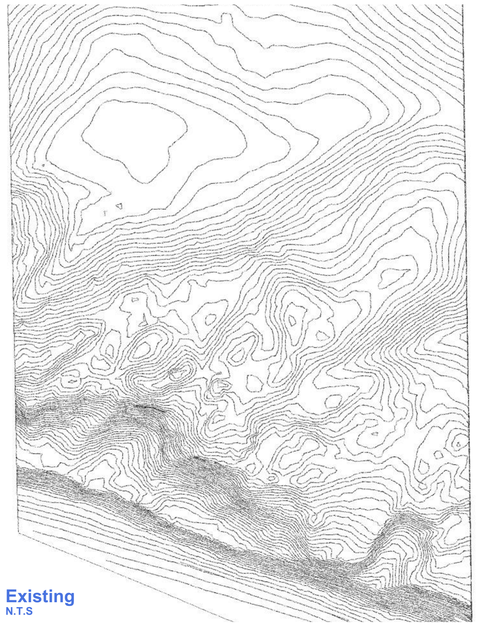
12PM Proposed
N.T.S



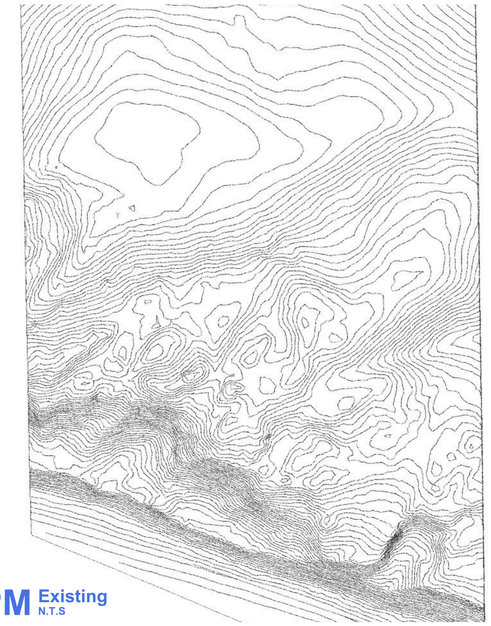
3PM Proposed
N.T.S



9AM Existing
N.T.S



12PM Existing
N.T.S



3PM Existing
N.T.S

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02			29/09/2020

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN

PLOT DATE: 29/10/2020

DRAWING TITLE : COUNCIL DOCUMENTS
SHADOW DIAGRAMS
SEPTEMBER 21

REVISION NO. 02

SHEET NO. 10

20-43
MONTGOMERY RESIDENCE
02

ADVERTISED

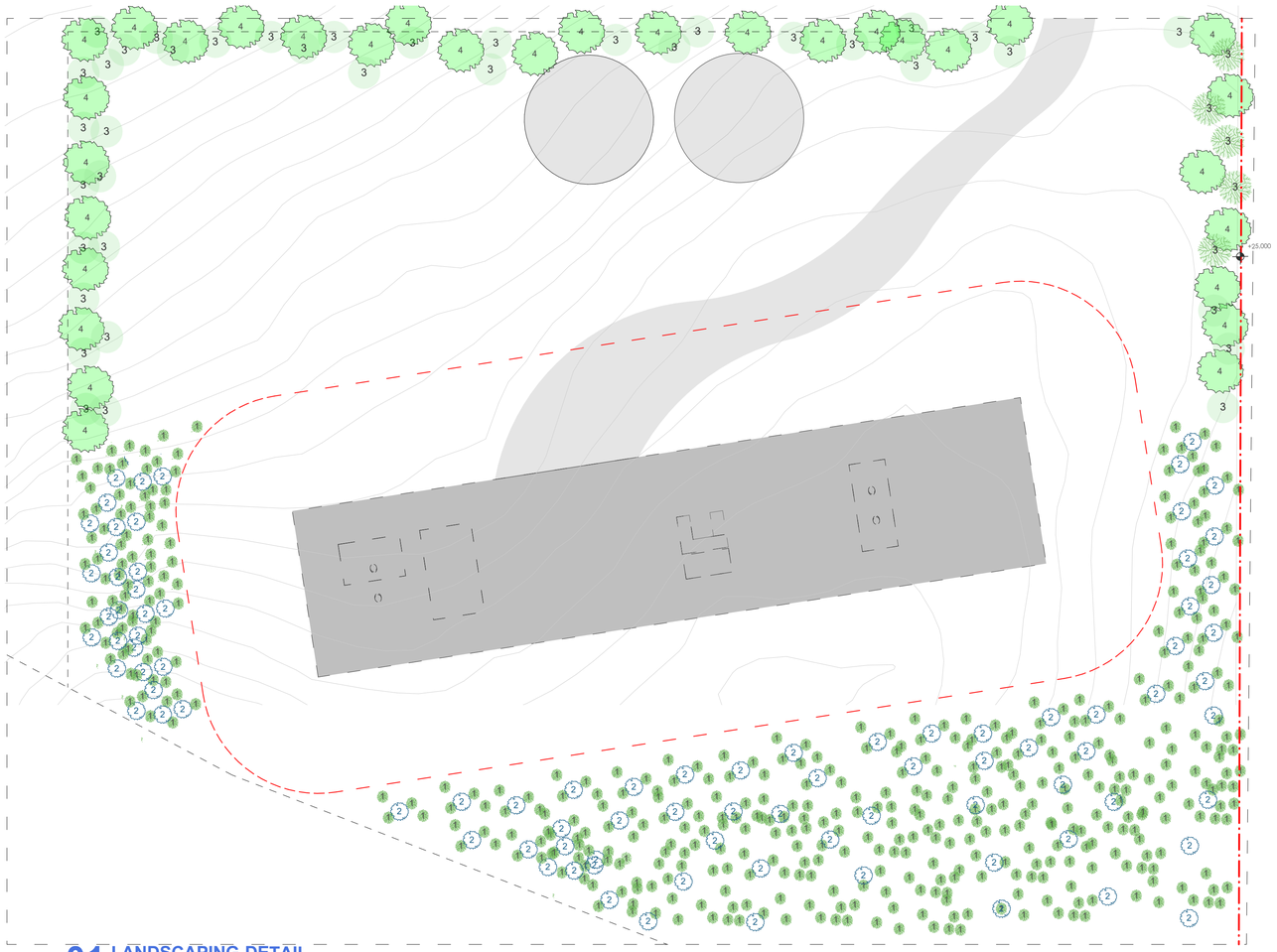
LEGEND	
1	Coastal spear grass
2	Coastal Daisy Bush
3	Silver Banksia
4	Drooping Sheoak
5	Proposed new residence
6	Proposed new driveway
7	New fences
8	New septic system
9	New water tank
10	Native hedge row 2m high
11	Native evergreen screening tree

1

3

2

4



01 LANDSCAPING DETAIL
Scale 1:200

designers by nature
ABN 280 979 293 72
Registration Number DP-AD 1430

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REV ID	CH ID	CHANGE	DATE

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

N

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN

PLOT DATE : 29/10/2020

DRAWING TITLE : COUNCIL DOCUMENTS
LANDSCAPING 1

REVISION NO. 02

SHEET NO. 11

20-43
MONTGOMERY RESIDENCE
02

ADVERTISED

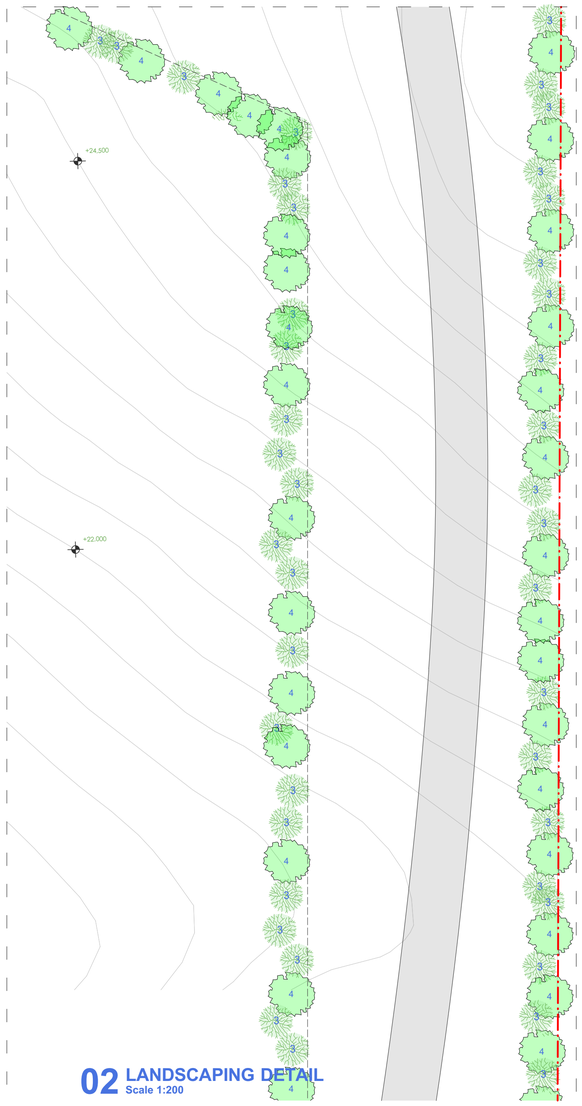
LEGEND	
1	Coastal spear grass
2	Coastal Daisy Bush
3	Silver Banksia
4	Drooping Sheoak
5	Proposed new residence
6	Proposed new driveway
7	New fences
8	New septic system
9	New water tank
10	Native hedge row 2m high
11	Native evergreen screening tree

1

3

2

4



02 LANDSCAPING DETAIL
Scale 1:200

03 LANDSCAPING DETAIL
Scale 1:200

Designers by Nature

designers by nature
ABN 280 979 293 72
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02			29/09/2020				

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

N

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN

PLOT DATE: 29/10/2020

DRAWING TITLE : COUNCIL DOCUMENTS
LANDSCAPING 2-3

REVISION NO. 02

SHEET NO. 12

20-43
MONTGOMERY RESIDENCE
02

ADVERTISED

LEGEND	
1	Coastal spear grass
2	Coastal Daisy Bush
3	Silver Banksia
4	Drooping Sheoak
5	Proposed new residence
6	Proposed new driveway
7	New fences
8	New septic system
9	New water tank
10	Native hedge row 2m high
11	Native evergreen screening tree

1

3

2

4

04 LANDSCAPING DETAIL
Scale 1:200

Designers by Nature

designers by nature
ABN 280 979 293 72
Registration Number DP-AD 1430

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PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

N

0 1 2 3
PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN

PLOT DATE: 29/10/2020

DRAWING TITLE : COUNCIL DOCUMENTS
LANDSCAPING 4

REVISION NO. 02

SHEET NO. 13

20-43
MONTGOMERY RESIDENCE
02

ADVERTISED

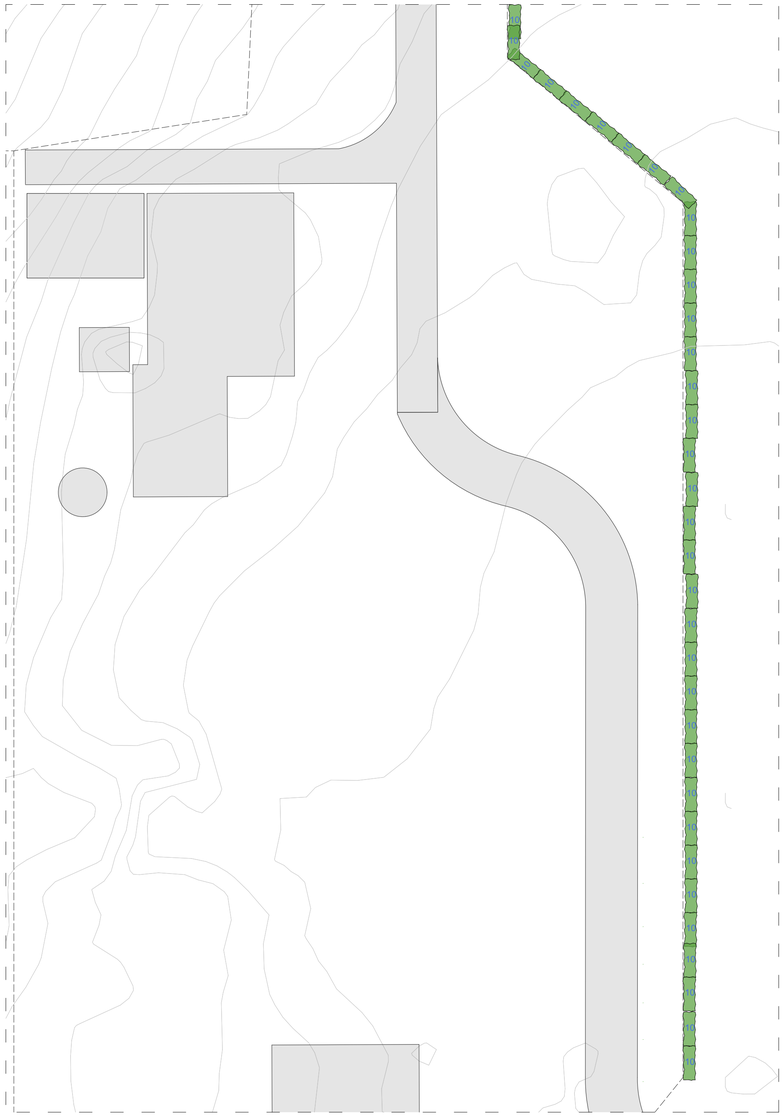
LEGEND	
1	Coastal spear grass
2	Coastal Daisy Bush
3	Silver Banksia
4	Drooping Sheoak
5	Proposed new residence
6	Proposed new driveway
7	New fences
8	New septic system
9	New water tank
10	Native hedge row 2m high
11	Native evergreen screening tree

1

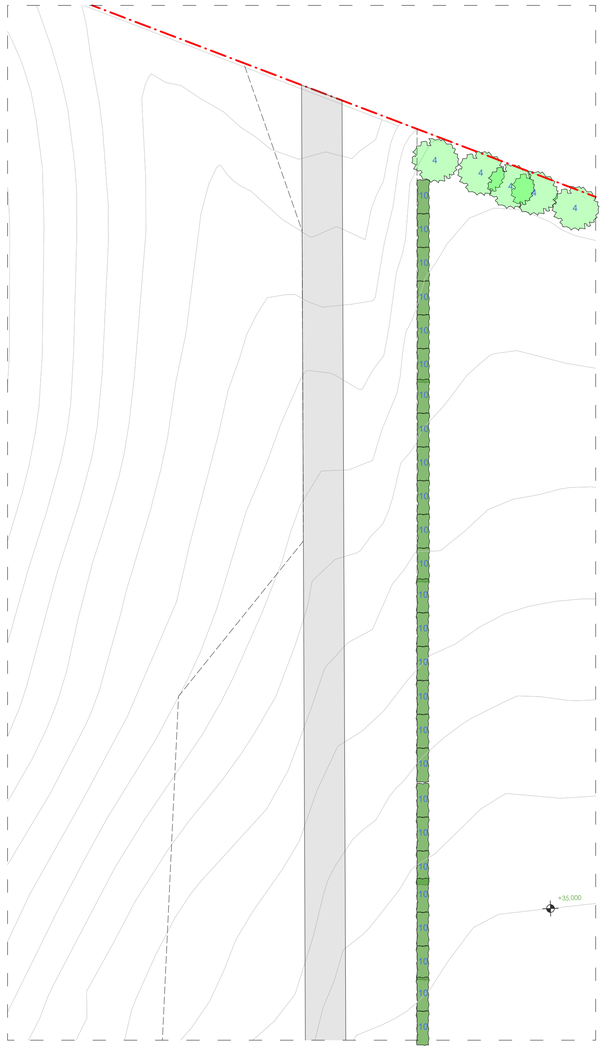
3

2

4



05 LANDSCAPING DETAIL
Scale 1:200



06 LANDSCAPING DETAIL
Scale 1:200

Designers by Nature

designers by nature
ABN 280 979 293 72
Registration Number DP-AD 1430

Address: REAR 79 LIEBIG STREET OZONE CARPARK WARRNAMBOOL VICTORIA 3280 AUSTRALIA
P +0499 058 417 | **E** dean@designersbynature.com.au |
W www.designersbynature.com.au

General Notes
The Builder shall check all dimensions and levels on site prior to construction.
Notify any errors, discrepancies or omissions to the designer.
Drawings shall not be used for construction purposes until issued for construction.
Do not scale drawings.
All boundaries and contours subject to survey

REV ID	ISSUED FOR	DATE	NAME
02	Town Planning Application - Rev. A	29/09/2020	Dechlan Picken
01	Town Planning Application	26/08/2020	Dechlan Picken

REV ID	CH ID	CHANGE	DATE	REV ID	CH ID	CHANGE	DATE
02			29/09/2020				

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

N

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PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN

PLOT DATE: 29/10/2020

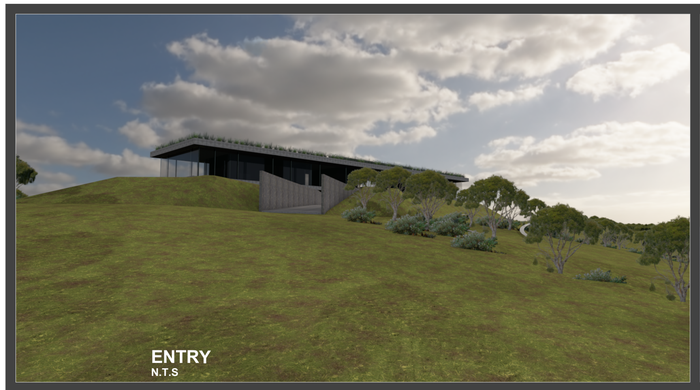
DRAWING TITLE : COUNCIL DOCUMENTS
LANDSCAPING 5-6

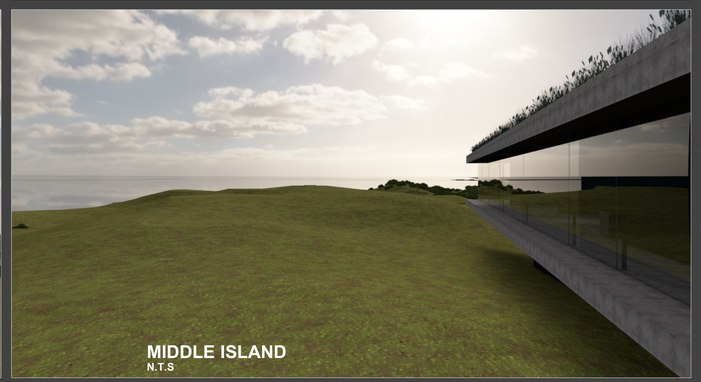
REVISION NO. 02

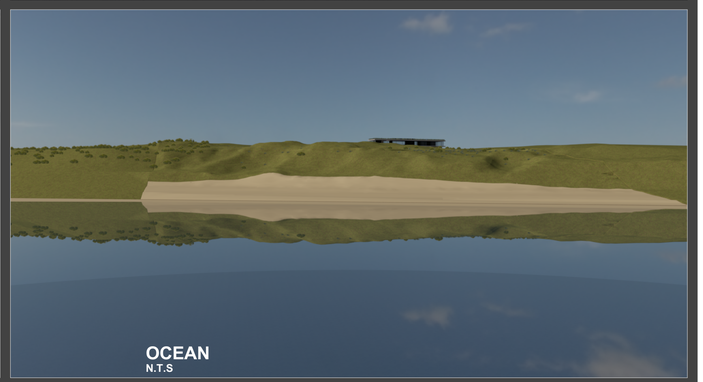
SHEET NO. 14

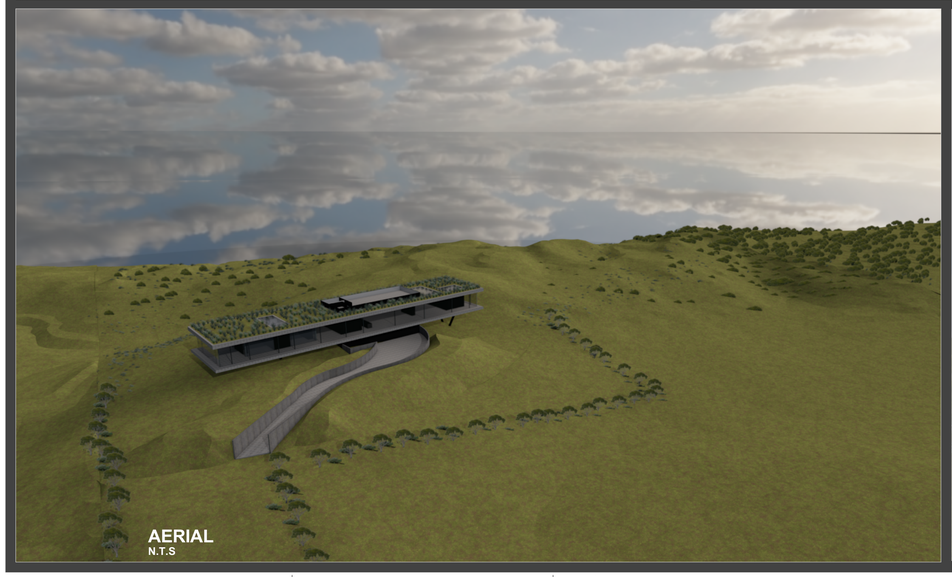
20-43
MONTGOMERY RESIDENCE
02

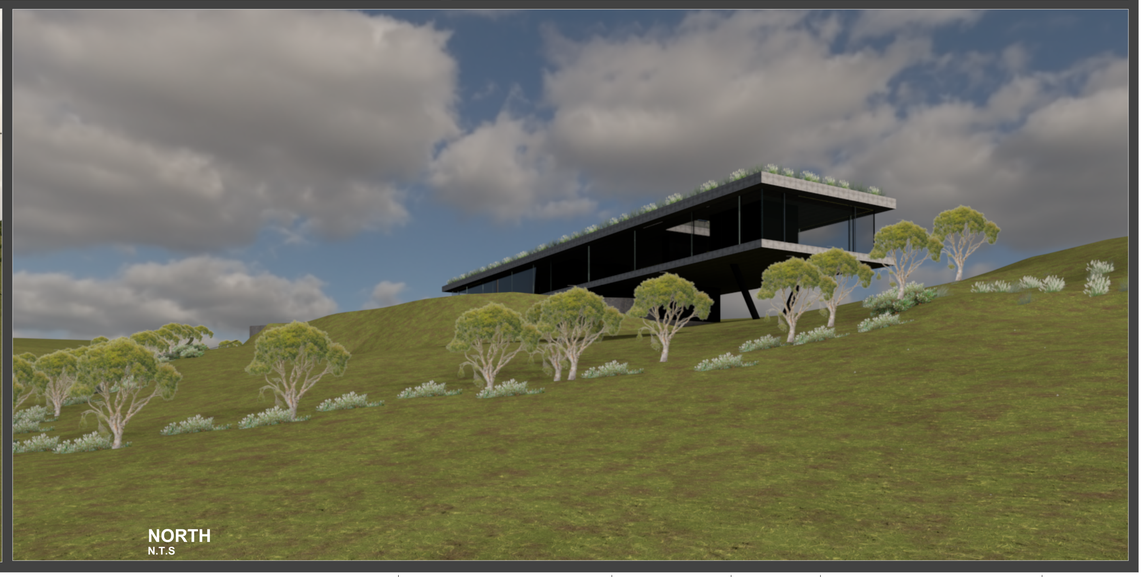
ADVERTISED











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01	Town Planning Application	26/08/2020	Dechlan Picken

REV ID	CH ID	CHANGE	DATE	REV ID	CH ID	CHANGE	DATE
02			29/09/2020				

PROJECT NAME :
MONTGOMERY RESIDENCE

CLIENT :
DEAN

SITE :
1/250 HOPKINS POINT ROAD
WARRNAMBOOL

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PRINCIPAL DRAWING SCALE
1:100 (unless noted) @ A1
IN METRES

DRAWN BY : DEAN

PLOT DATE: 29/10/2020

DRAWING TITLE : VIEWS
PERSPECTIVES

REVISION NO. 02

SHEET NO. 15

20-43
MONTGOMERY RESIDENCE
02

PLANNING PERMIT APPLICATION

PP2020-0207

250 Hopkins Point Rd Warrnambool

Objections Received

WARRNAMBOOL CITY COUNCIL

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) CHRIS Surname BEAYNI

Name(s) ..... Surname .....

Address 1/74 MACRINA STREET
OAKLEIGH EAST Post Code 3166

Telephone (Home) ..... Telephone (Work) 9872 4999

Mobile 0418 223145 Facsimile .....

Email cbeayni@hotmail.com

Signatures(s) ..... Date 19/3/2021

Signatures(s) ..... Date .....

Important notes about objections to permit applications

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WARRNAMBOOL CITY COUNCIL

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 2020-0207

What is the address of the land that is proposed to be used or developed?
250 HOPKINS POINT ROAD WARRNAMBOOL

What is proposed? USE & DEVELOPMENT OF A SECOND DWELLING

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

A MONSTROUS DWELLING PROPOSED TO BE BUILT ON LAND THAT IS SIMPLY WAY TOO CLOSE TO SAND DUNES. THE VERY LARGE CONSTRUCTION IS VERY LIKELY TO DISRUPT THE HABITAT + THE ENVIRONMENT OF THE ENDANGERED HOODED PLOVER THAT'S NESTLED WITHIN THE SAND DUNES OF THE BEAUTIFUL COASTLINE. IT IS AN INADMISSABLE INTERFERENCE TO THIS SPECIES IN THE CONSTRUCTION OF THIS DEVELOPMENT.

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

AS A LOCAL INVESTOR IN WARRNAMBOOL WHO FREQUENTS TO THE REGION QUITE A LOT, ~~FURTHERMORE~~ I AM EXTREMELY DISTRESSED AT THE THOUGHT THAT THIS DEVELOPMENT WILL EFFECT MY LOVE & PASSION FOR NATURE & BIRD LIFE IN WARRNAMBOOL.

WARRNAMBOOL CITY COUNCIL

Objection to Grant Planning Permit – Part A

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Who is objecting?

I/We (Names in Block Letters)

Name(s) Paul Surname Barbetti

Name(s) ..... Surname .....

Address 51 Rodger Place

Bushfield Post Code 3281

Telephone (Home) ✓ Telephone ~~(Work)~~

Mobile 0400953393 Facsimile ✓

Email pockie-24@hotmail.com

Signatures(s) P. L. Barbetti Date 18/3/2021

Signatures(s) ..... Date .....

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WARRNAMBOOL CITY COUNCIL

Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number: PP 2020-0207

What is the address of the land that is proposed to be used or developed?
250 Hopkins Point Rd
Warrnambool

What is proposed? Building and using a second dwelling

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

(1) Environmental concerns – this very large dwelling is proposed to be built so close to the sandunes which will propose increased risk to the survival of the already endangered hooded plover the habitat the dunes. We should be protecting their habitat not ruining it.

(2) Aesthetic – the proposed construction is a visually monstrous ided that will ruin the landscape and be very visible from the beach. The land already has a house on it, it is zoned rural & therefore it should stay as it is.

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

I am passionate about the environment & very distressed about further endangering our beatiful species that inhabit it.

I am also concerned/worried about how it will look, by having two large dwellings on a small block that is zoned as rural land.

From: Betty McDowall
To: Town Planning
Subject: Objection to PP2020-0207
Date: Monday, 22 March 2021 4:17:20 PM

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 Warrnambool City Council,

In regard to Planning Permit Application PP2020-0207 by Myers Planning Group. I am 92 years old and I have lived within 5k of our great South West Victorian coastline ALL my life, near Childers Cove.
I have spent many many pleasurable hours swimming, exploring and enjoying the beaches and frontage mostly between Childers Cove and Port Fairy. I have spent a lot of time on Hopkins Point Road at my sister's family farm- Douglas and Patricia Logan.
I am horrified at the destruction of our natural coastline with all the housing developments of late.
I have a great love of our native animals and birds.
I am horrified to read that Mr Myers Planning Group are planning to build what looks like a huge hay shed right on the beach sand dunes that are home to many small creatures and where hooded plovers nest.
I object most strongly know that is terrible news for our native creatures.

I close, hoping common sense prevails as we owe it to our future generations to preserve this natural wonder that is our coastline and bird life!!

Regards BETTY McDowall
0409 146 189

775 Childers Cove Road
Via Nullawarre 3268 Vic.

FAXED

WARRNAMBOOL CITY COUNCIL

Objection to Grant Planning Permit – Part A

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Who is objecting?

I/We (Names in Block Letters)

Name(s) MICHAEL Surname SLEEMAN

Name(s) ELIZABETH Surname HINGSTON

Address 95 STAFFORDS ROAD WARRNAMBOOL

Post Code 3280

Telephone (Home) Telephone (Work)

Mobile 0439306 298 Facsimile

Email SLEELE06@hotmail.com

Signatures(s) Date 18/3/2021

Signatures(s) Date 18/3/2021

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WARRNAMBOOL CITY COUNCIL

Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number PP 2020 - 0207

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

250 HOPKINS POINT ROAD WARRNAMBOOL

What is proposed? USE & DEVELOPMENT OF A SECOND DWELLING

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

An extremely large dwelling proposed to be constructed on land very close to sand dunes. Apart from ~~the~~ the monstrous nature & size of the dwelling, it is also ~~extremely~~ likely to disrupt the habitat & environment of the endangered hooded plover who nest in the dunes.
It is unacceptable that this species be endangered further by this development

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

We are nature and especially bird lovers. We find it extremely distressing that this may further endanger this already very threatened species

Lauren Bourke and Daniel Dooly
14 Brentani Ave
Elsternwick VIC 3185
0438 157 450

To whom this may concern,

We are writing to you to formally object to planning permit application PP2020-0207, for the site at 250 Hopkins Point Rd Warrnambool VIC 3280.

We have reviewed the advertised application documentation and hold concerns regarding the following aspects of the proposal:

- The proposal is not aligned with the objectives of the Planning Policy Framework (PPF), which seeks to protect productive agricultural land and ensure that any proposed use and development protects the environmental and landscape values of the land.
- The proposal is not appropriately aligned with the purposes of the site currently zoned Farming Zone (FZ) as per Clause 35.07 of the planning scheme, and other applicable overlays.
- The proposal threatens to compromise the viability of rural land and the scenic qualities of the coastline.
- The proposal seeks an intensification of the land for the purposes of a 'host farm' and places unnecessary risk upon the agricultural and environmental values therein.
- The proposal supports a development outcome which introduces adverse environmental or visual impacts.
- The proposal for a 'host farm' and the development of a replacement dwelling is incompatible with the adjoining and nearby land uses, and generally in conflict with the prevailing character of the surrounding area.
- The proposed siting and extent of the southern building envelope, adjacent the area identified as coastal dune scrub and affected by the Significant Landscape Overlay (SLO Schedule 1) introduces unnecessary risks and potential impacts to this environmentally sensitive area.
- The proposal is not aligned with the environmental objectives to be achieved through the Environmental Significance Overlay (ESO Schedule 1) affecting the site.
- The proposal will result in an intensification of the land and introduce increased traffic activity along Hopkins Point Road as a result.
- The proposal introduces unnecessary amenity impacts through visual bulk and siting of buildings.

It is my request that Council uphold their responsibility to which includes placing limitations upon the extent of coastal areas available for development and consider a more appropriate location for the proposed development. On balance we request that Council consider refusing a planning permit for the proposed development.

Yours Sincerely,

Lauren Bourke and Daniel Dooly

PLANNING PERMIT APPLICATION

PP2020-0207

250 Hopkins Point Rd Warrnambool

Applicants Response to Objections

Our ref: 2020-139
Your ref: PP2020-0207

28 May 2021

Mr James Philips
Coordinator City Development
PO Box 198
WARRNAMBOOL VIC 3280

Dear James,

Re: Planning Permit Application No. PP2020-0207, 250 Hopkins Point Road, Warrnambool

We continue to act on behalf of Dean Montgomery in regard to the above planning permit application.

The application seeks approval to subdivide land at 250 Hopkins Point Road, Warrnambool (the **subject site**) for the use and development of land for 'host farm' and buildings and works associated with a dwelling (replacement dwelling), which is required to support the use of the land as an integrated farming and accommodation property.

Please find enclosed a response to key items and planning matters raised through submissions of objection received by Council following notice of Planning Permit Application No. P2020-0137. This response should also be read in conjunction with the lodged application documentation, which includes:

- Town Planning Report (by Myers Planning Group)
- Planning Permit PP2019-0115 and the certified plan of subdivision.
- Site Plans and Architectural Drawings (prepared by Designers by Nature).
- Integrated Land Management Plan (prepared by Myers Planning Group).
- Land Capability Assessment (prepared by Greening Structural and Civil Engineers)
- Bushfire Management Statement (prepared by Okologie Consultants)
- Vegetation Assessment (prepared by Okologie Consultants)
- Coastal Hazard Vulnerability Assessment (prepared by Eco-tainable)

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

A number of issues have been raised through five (5) submissions by community members. To our knowledge, no concerns have been raised by referral authorities.

This response only seeks to address matters of planning merit. Responses to these items are outlined in the following section of this letter (below).

1. **Environmental impacts**

The majority of submissions received raised concern regarding the proposals impact on coastal areas and native fauna and flora values of the subject site, with respect to the siting of the proposed replacement dwelling.

In addition to the content outlined in the original submitted Town Planning Report, the design of the site has been informed by thorough environmental assessments, including a Vegetation Assessment by Okologie Consultants (see **Appendix G**), a Coastal Hazard Vulnerability Assessment by Eco-tainable (see **Appendix H**) and an Integrated Land Management Plan by Myers Planning Group (see **Appendix D**), with the following key findings:

- Suitable habitat for native fauna is not present within the proposed development area, which is located in an area of exotic grassland.
- The siting of the dwelling, access track and effluent system has considered the impact to native vegetation and is designed to avoid direct or consequential removal of native vegetation.
- The location of the proposed development and associated infrastructure does not affect any areas containing significant native flora or fauna values.
- The lot currently has an insignificant risk of erosion from the ocean, and the position of the proposed building envelope is considered a suitable setback from the beach front.

In addition to the above, the proposal will result in positive environmental impacts associated with the implementation of the Integrated Land Management Plan (enabled by the proposed replacement dwelling) and landscaping outlined in the architectural drawings.

MYERS PLANNING GROUP

3. Neighbourhood character

The majority of submissions received raised concern regarding the proposals impact on the character of the area, citing visual bulk and location of buildings. A conceptual 3D impression of the proposed development has been prepared to demonstrate the scale and form of development within the subject site.

We re-iterate from the original Town Planning report, that the proposed development seeks to enhance the valued characteristics of the area, as the proposed replacement dwelling:

- will support and enhance the sustained agricultural and environmental management of the land through the measures outlined in the Integrated Land Management Plan, and through the proposed landscaping around both building curtilages;
- will comprise natural and non-reflective materials which are appropriate for the subject site and surrounds;
- has been designed to blend into the landscape and extensively utilises glass on all elevations, with a green roof to soften the edges of the roof's concrete construction, and a cut and fill regime which nestles the building appropriately into the topography of the site;
- will be screened from viewable aspects from nearby dwellings, the coastline and Hopkins Point Road using existing topography and proposed landscaping; and
- has been designed to ensure key vantage points and view lines are protected, and to minimise visual impact so that existing vistas are not unduly impeded. The building envelope within the Integrated Land Management Plan and accompanying architectural drawings ensures the siting of the replacement dwelling is appropriate and the dwelling is constructed to a high standard, with materials and techniques that blend with the natural environment.

A number of standard conditions are invited on any permit to be granted to ensure that the development impacts are consistent with what is shown in the proposed site plans.

The proposal has gone to great lengths to ensure development will contribute positively to the coastal and rural environs of the site, and will make a significant built form contribution to the area.

3. Town Planning Assessment

One submission received has raised concern regarding the alignment of the proposal with the Planning Policy Framework and the purpose of the Farming Zone. A thorough assessment of the proposals alignment with the above items is contained within the lodged Town Planning Report and is supported by the assessments accompanying the application.

The submitted town planning assessment stands and it is considered that, on balance, the proposal is consistent with the Planning Policy Framework, the Municipal Planning Strategy and purpose of the Farming Zone.

4. Traffic impacts

One submission received raised items related to increased traffic activity on Hopkins Point Road. In response to this item, it is noted:

- Hopkins Point Road is an arterial road, zoned Road Zone - Category 1. Any increases in traffic arising from the proposal are unlikely to exceed the limits of anticipated vehicles volumes for Hopkins Point Road, which is a gateway entrance to Warrnambool's urban area.
- Hopkins Point Road is likely to carry relatively high numbers of resident and tourist vehicles unassociated with the proposal. The proposals impact on the surrounding traffic network is likely to be negligible.

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 Daniel Pech of Myers Planning Group on 0436 016 612 or dan@myersplanninggroup.com.au.

Yours sincerely

Daniel Pech
Associate
Myers Planning Group
[enc.]

WARRNAMBOOL CITY COUNCIL

Objection to Grant Planning Permit – Part A

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Who is objecting?

I/We (Names in Block Letters)

Name(s) CHRIS Surname BEAYNI

Name(s) ..... Surname .....

Address 1/74 MACRINA STREET
OAKLEIGH EAST Post Code 3166

Telephone (Home) ..... Telephone (Work) 9872 4999

Mobile 0418 223145 Facsimile .....

Email cbeayni@hotmail.com

Signatures(s) ..... Date 19/3/2021

Signatures(s) ..... Date .....

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WARRNAMBOOL CITY COUNCIL

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 2020-0207

What is the address of the land that is proposed to be used or developed?
250 HOPKINS POINT ROAD WARRNAMBOOL

What is proposed? USE & DEVELOPMENT OF A SECOND DWELLING

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

A MONSTROUS DWELLING PROPOSED TO BE BUILT ON LAND THAT IS SIMPLY WAY TOO CLOSE TO SAND DUNES. THE VERY LARGE CONSTRUCTION IS VERY LIKELY TO DISRUPT THE HABITAT + THE ENVIRONMENT OF THE ENDANGERED HOODED PLOVER THAT'S NESTLED WITHIN THE SAND DUNES OF THE BEAUTIFUL COASTLINE. IT IS AN INADMISSABLE INTERFERENCE TO THIS SPECIES IN THE CONSTRUCTION OF THIS DEVELOPMENT.

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

AS A LOCAL INVESTOR IN WARRNAMBOOL WHO FREQUENTS TO THE REGION QUITE A LOT, ~~FURTHERMORE~~ I AM EXTREMELY DISTRESSED AT THE THOUGHT THAT THIS DEVELOPMENT WILL EFFECT MY LOVE & PASSION FOR NATURE & BIRD LIFE IN WARRNAMBOOL.

From: Betty McDowall
To: Town Planning
Subject: Objection to PP2020-0207
Date: Monday, 22 March 2021 4:17:20 PM

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 Warrnambool City Council,

In regard to Planning Permit Application PP2020-0207 by Myers Planning Group. I am 92 years old and I have lived within 5k of our great South West Victorian coastline ALL my life, near Childers Cove.
I have spent many many pleasurable hours swimming, exploring and enjoying the beaches and frontage mostly between Childers Cove and Port Fairy. I have spent a lot of time on Hopkins Point Road at my sister's family farm- Douglas and Patricia Logan.
I am horrified at the destruction of our natural coastline with all the housing developments of late.
I have a great love of our native animals and birds.
I am horrified to read that Mr Myers Planning Group are planning to build what looks like a huge hay shed right on the beach sand dunes that are home to many small creatures and where hooded plovers nest.
I object most strongly know that is terrible news for our native creatures.

I close, hoping common sense prevails as we owe it to our future generations to preserve this natural wonder that is our coastline and bird life!!

Regards BETTY McDowall
0409 146 189

775 Childers Cove Road
Via Nullawarre 3268 Vic.

FAXED

WARRNAMBOOL CITY COUNCIL

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) MICHAEL Surname SLEEMAN

Name(s) ELIZABETH Surname HINGSTON

Address 95 STAFFORDS ROAD WARRNAMBOOL

Post Code 3280

Telephone (Home) Telephone (Work)

Mobile 0439306 298 Facsimile

Email SLEELE06@hotmail.com

Signatures(s) Date 18/3/2021

Signatures(s) Date 18/3/2021

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.
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WARRNAMBOOL CITY COUNCIL

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 2020 - 0207

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

250 HOPKINS POINT ROAD WARRNAMBOOL

What is proposed? USE & DEVELOPMENT OF A SECOND DWELLING

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

An extremely large dwelling proposed to be constructed on land very close to sand dunes. Apart from ~~the~~ the monstrous nature & size of the dwelling, it is also ~~extremely~~ likely to disrupt the habitat & environment of the endangered hooded plover who nest in the dunes.
It is unacceptable that this species be endangered further by this development

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

We are nature and especially bird lovers. We find it extremely distressing that this may further endanger this already very threatened species

WARRNAMBOOL CITY COUNCIL

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) Paul Surname Barbetti

Name(s) ..... Surname .....

Address 51 Rodger Place

Bushfield Post Code 3281

Telephone (Home) ✓ Telephone ~~(Work)~~

Mobile 0400953393 Facsimile ✓

Email pockie-24@hotmail.com

Signatures(s) P. L. Barbetti Date 18/3/2021

Signatures(s) ..... Date .....

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.
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WARRNAMBOOL CITY COUNCIL

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 2020-0207

What is the address of the land that is proposed to be used or developed?
250 Hopkins Point Rd
Warrnambool

What is proposed? Building and using a second dwelling

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

(1) Environmental concerns – this very large dwelling is proposed to be built so close to the sandunes which will propose increased risk to the survival of the already endangered hooded plover the habitat the dunes. We should be protecting their habitat not ruining it.

(2) Aesthetic – the proposed construction is a visually monstrous ided that will ruin the landscape and be very visible from the beach. The land already has a house on it, it is zoned rural & therefore it should stay as it is.

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

I am passionate about the environment & very distressed about further endangering our beatiful species that inhabit it.

I am also concerned/worried about how it will look, by having two large dwellings on a small block that is zoned as rural land.

Lauren Bourke and Daniel Dooly
14 Brentani Ave
Elsternwick VIC 3185
0438 157 450

To whom this may concern,

We are writing to you to formally object to planning permit application PP2020-0207, for the site at 250 Hopkins Point Rd Warrnambool VIC 3280.

We have reviewed the advertised application documentation and hold concerns regarding the following aspects of the proposal:

- The proposal is not aligned with the objectives of the Planning Policy Framework (PPF), which seeks to protect productive agricultural land and ensure that any proposed use and development protects the environmental and landscape values of the land.
- The proposal is not appropriately aligned with the purposes of the site currently zoned Farming Zone (FZ) as per Clause 35.07 of the planning scheme, and other applicable overlays.
- The proposal threatens to compromise the viability of rural land and the scenic qualities of the coastline.
- The proposal seeks an intensification of the land for the purposes of a 'host farm' and places unnecessary risk upon the agricultural and environmental values therein.
- The proposal supports a development outcome which introduces adverse environmental or visual impacts.
- The proposal for a 'host farm' and the development of a replacement dwelling is incompatible with the adjoining and nearby land uses, and generally in conflict with the prevailing character of the surrounding area.
- The proposed siting and extent of the southern building envelope, adjacent the area identified as coastal dune scrub and affected by the Significant Landscape Overlay (SLO Schedule 1) introduces unnecessary risks and potential impacts to this environmentally sensitive area.
- The proposal is not aligned with the environmental objectives to be achieved through the Environmental Significance Overlay (ESO Schedule 1) affecting the site.
- The proposal will result in an intensification of the land and introduce increased traffic activity along Hopkins Point Road as a result.
- The proposal introduces unnecessary amenity impacts through visual bulk and siting of buildings.

It is my request that Council uphold their responsibility to which includes placing limitations upon the extent of coastal areas available for development and consider a more appropriate location for the proposed development. On balance we request that Council consider refusing a planning permit for the proposed development.

Yours Sincerely,

Lauren Bourke and Daniel Dooly

Our ref: 2020-139
Your ref: PP2020-0207

28 May 2021

Mr James Philips
Coordinator City Development
PO Box 198
WARRNAMBOOL VIC 3280

Dear James,

Re: Planning Permit Application No. PP2020-0207, 250 Hopkins Point Road, Warrnambool

We continue to act on behalf of Dean Montgomery in regard to the above planning permit application.

The application seeks approval to subdivide land at 250 Hopkins Point Road, Warrnambool (the **subject site**) for the use and development of land for 'host farm' and buildings and works associated with a dwelling (replacement dwelling), which is required to support the use of the land as an integrated farming and accommodation property.

Please find enclosed a response to key items and planning matters raised through submissions of objection received by Council following notice of Planning Permit Application No. P2020-0137. This response should also be read in conjunction with the lodged application documentation, which includes:

- Town Planning Report (by Myers Planning Group)
- Planning Permit PP2019-0115 and the certified plan of subdivision.
- Site Plans and Architectural Drawings (prepared by Designers by Nature).
- Integrated Land Management Plan (prepared by Myers Planning Group).
- Land Capability Assessment (prepared by Greening Structural and Civil Engineers)
- Bushfire Management Statement (prepared by Okologie Consultants)
- Vegetation Assessment (prepared by Okologie Consultants)
- Coastal Hazard Vulnerability Assessment (prepared by Eco-tainable)

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

A number of issues have been raised through five (5) submissions by community members. To our knowledge, no concerns have been raised by referral authorities.

This response only seeks to address matters of planning merit. Responses to these items are outlined in the following section of this letter (below).

1. Environmental impacts

The majority of submissions received raised concern regarding the proposals impact on coastal areas and native fauna and flora values of the subject site, with respect to the siting of the proposed replacement dwelling.

In addition to the content outlined in the original submitted Town Planning Report, the design of the site has been informed by thorough environmental assessments, including a Vegetation Assessment by Okologie Consultants (see **Appendix G**), a Coastal Hazard Vulnerability Assessment by Eco-tainable (see **Appendix H**) and an Integrated Land Management Plan by Myers Planning Group (see **Appendix D**), with the following key findings:

- Suitable habitat for native fauna is not present within the proposed development area, which is located in an area of exotic grassland.
- The siting of the dwelling, access track and effluent system has considered the impact to native vegetation and is designed to avoid direct or consequential removal of native vegetation.
- The location of the proposed development and associated infrastructure does not affect any areas containing significant native flora or fauna values.
- The lot currently has an insignificant risk of erosion from the ocean, and the position of the proposed building envelope is considered a suitable setback from the beach front.

In addition to the above, the proposal will result in positive environmental impacts associated with the implementation of the Integrated Land Management Plan (enabled by the proposed replacement dwelling) and landscaping outlined in the architectural drawings.

3. Neighbourhood character

The majority of submissions received raised concern regarding the proposals impact on the character of the area, citing visual bulk and location of buildings. A conceptual 3D impression of the proposed development has been prepared to demonstrate the scale and form of development within the subject site.

We re-iterate from the original Town Planning report, that the proposed development seeks to enhance the valued characteristics of the area, as the proposed replacement dwelling:

- will support and enhance the sustained agricultural and environmental management of the land through the measures outlined in the Integrated Land Management Plan, and through the proposed landscaping around both building curtilages;
- will comprise natural and non-reflective materials which are appropriate for the subject site and surrounds;
- has been designed to blend into the landscape and extensively utilises glass on all elevations, with a green roof to soften the edges of the roof's concrete construction, and a cut and fill regime which nestles the building appropriately into the topography of the site;
- will be screened from viewable aspects from nearby dwellings, the coastline and Hopkins Point Road using existing topography and proposed landscaping; and
- has been designed to ensure key vantage points and view lines are protected, and to minimise visual impact so that existing vistas are not unduly impeded. The building envelope within the Integrated Land Management Plan and accompanying architectural drawings ensures the siting of the replacement dwelling is appropriate and the dwelling is constructed to a high standard, with materials and techniques that blend with the natural environment.

A number of standard conditions are invited on any permit to be granted to ensure that the development impacts are consistent with what is shown in the proposed site plans.

The proposal has gone to great lengths to ensure development will contribute positively to the coastal and rural environs of the site, and will make a significant built form contribution to the area.

3. Town Planning Assessment

One submission received has raised concern regarding the alignment of the proposal with the Planning Policy Framework and the purpose of the Farming Zone. A thorough assessment of the proposals alignment with the above items is contained within the lodged Town Planning Report and is supported by the assessments accompanying the application.

The submitted town planning assessment stands and it is considered that, on balance, the proposal is consistent with the Planning Policy Framework, the Municipal Planning Strategy and purpose of the Farming Zone.

4. Traffic impacts

One submission received raised items related to increased traffic activity on Hopkins Point Road. In response to this item, it is noted:

- Hopkins Point Road is an arterial road, zoned Road Zone - Category 1. Any increases in traffic arising from the proposal are unlikely to exceed the limits of anticipated vehicles volumes for Hopkins Point Road, which is a gateway entrance to Warrnambool's urban area.
- Hopkins Point Road is likely to carry relatively high numbers of resident and tourist vehicles unassociated with the proposal. The proposals impact on the surrounding traffic network is likely to be negligible.

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 Daniel Pech of Myers Planning Group on 0436 016 612 or dan@myersplanninggroup.com.au.

Yours sincerely

Daniel Pech
Associate
Myers Planning Group
[enc.]

7.10. WARRNAMBOOL RESIDENTIAL LAND SUPPLY AUDIT REPORT 2021

DIRECTORATE : City Growth

PURPOSE:

This report provides an update on Residential Land Supply within the Warrnambool Local Government Area (LGA) for 2021.

EXECUTIVE SUMMARY

- The Warrnambool City-Wide Housing Strategy 2013 recommends that Council monitor residential land supply on an annual basis;
- This is to ensure that there is adequate zoned residential land to meet projected growth across the municipality;
- The current report (**Attachment 1**) is an annual audit based on 2020 data which shows a slight decline in residential land supply from 23.2 years to 22.7 years;
- Once endorsed, the 2021 report will be placed on Council's website.

MOVED: CR DEBBIE ARNOTT
SECONDED: CR ANGIE PASPALIARIS

That Council endorse the Residential Land Supply Report – 2021.

CARRIED - 7:0

BACKGROUND

The Warrnambool City-Wide Housing Strategy 2013 recommends that Council monitor residential building permit activity and land supply on an annual basis to ensure that there is adequate zoned residential land to meet projected growth across the municipality.

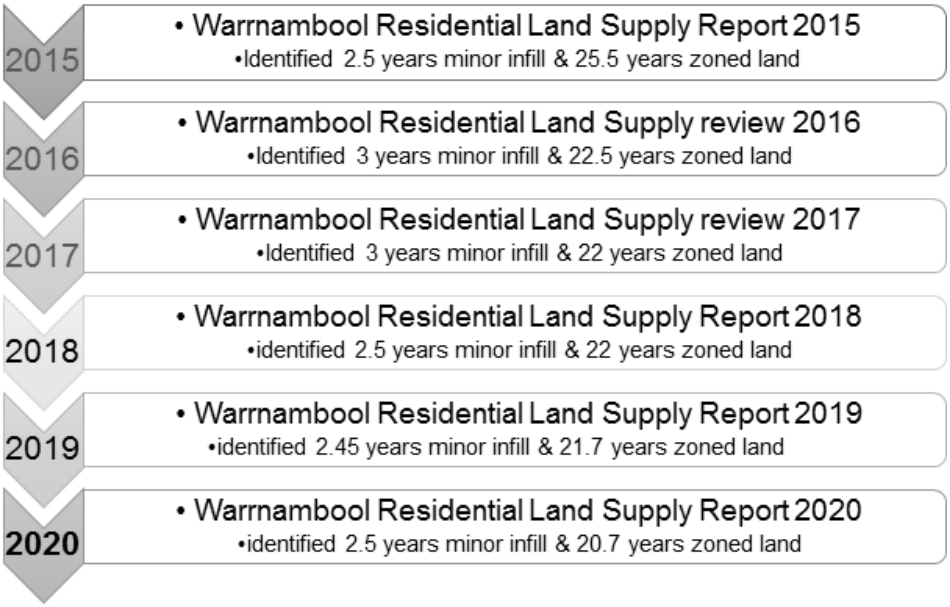
In May 2015, Council endorsed the Warrnambool Residential Land Supply Report 2015. The report, the first of its kind produced by Warrnambool City Council, identified that there was sufficient residential land supply capacity across the municipality to meet project population growth to the year 2031. This report was based on aerial photography and site inspections, and review of Council's records for occupancy (housing completions) and titles released (Statement of Compliance) for new subdivisions from 2011 to 2014.

In the 2015 Warrnambool Residential Land Supply Report, the broad hectare (growth) areas had the potential to provide 4930 lots, being approximately 78% of the total vacant residential land supply. With a total number of 6321 vacant residential lots at the end of 2014 and a predicted rate of construction of 225 dwellings per year (City-Wide Housing Strategy 2013) there was considered to be approximately 28+ years land supply.

Ongoing monitoring following the 2015 Warrnambool Residential Land Supply Report to the end of December 2017 identified that there was a steady residential land supply of approximately 25 years.

In 2018, revised population and dwelling forecast data were released and the predicted construction rate was revised to 245 dwellings per year (Forecast.id). Following this revision, a comprehensive audit of land supply was undertaken and the Warrnambool Residential Land Supply Report 2018 identified there was a land supply of 24.5 years (as at 31 December 2018).

The table below provides a snap shot of residential land supply reports/audits that have been undertaken since monitoring commenced in 2015.



ISSUES

The Residential Land Supply Report – 2021 provides updated information on residential land supply in the Warrnambool LGA (as of 31 December 2020).

The report is based on data from 1 January 2020 to 31 December 2020.

Recent Activity
From 2011 to 2021 residential construction activity within the City of Warrnambool has averaged 182 dwellings (housing completions) per annum and 179 new residential lots (Statement of Compliance) per annum.

There was a total of 183 housing completions in 2020 across the residential areas of the City. This quantum of housing completions is up 12.57 per cent from 2019 and is the highest level since 2012.

The majority of housing completions across the City were separate houses. Of particular note, the highest level of housing completions were in the growth areas of North East Warrnambool (33 per cent), followed by South East Warrnambool (12.5 per cent), Dennington (11.4 per cent) and Warrnambool North of the Merri River (9 per cent).

Residential lot (subdivision) completions increased by 21 per cent from 2019, with a total of 211 new lots made available in 2020 across the residential areas of the City. This quantum of residential lot completion is the highest since 2015.

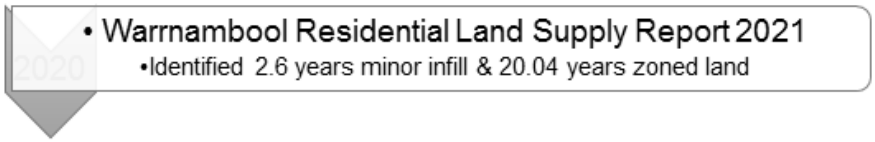
The majority of residential lot completions (84 per cent) were in the growth areas, and the remainder were minor infill in established residential areas.

The number for new housing builds as measured on an annual basis has been relatively consistent from 2016 to 2019. There has been an average of 179 building permits issued per annum (permits for dwellings not number of dwellings i.e., permits may have been issued for multiple dwellings). In 2020, the number for new housing builds was up 38 per cent with 272 building permits issued. This spike in the number for new housing builds is likely to be due to the Commonwealth Government Home Builder Scheme, which sought to bolster the building industry in response to the Covid-19 pandemic.

Projected Demand
Projected dwelling requirements sourced from Forecast.id indicate that from 2018 to 2031 an average of 245 dwellings per annum will be required to house the projected population for the City of Warrnambool.

Identified Residential Land Supply
Based on Council records, it has been possible to determine that as at 31 December 2020 there were 639 development ready lots across the City, 700 major infill and 4211 potential residential lots (land that is generally undeveloped and zoned residential – growth areas). This provides a total supply of 5,550 residential lots across the City.

Years of Residential Land supply
With a projected demand of 245 dwellings per year, this total supply of residential lots would equate to approximately 22.7 years land supply, which includes 2.6 years of development ready lots and around 20.04 years supply of residential land.



A current residential land supply of 22.7 years does not place any immediate pressure on Council to rezone more land.

FINANCIAL IMPACT

The updated audit has been undertaken and completed in-house by the City Strategy team.

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
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.
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.
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

Routine

COMMUNITY IMPACT / CONSULTATION

Once endorsed, the 2021 report will be placed on Council's website.

LEGAL RISK / IMPACT

The Residential Land Supply Report – 2021 meets Council's commitment under the Warrnambool City-Wide Housing Strategy 2013 to ensure that there is adequate zoned residential land to meet projected growth across the Warrnambool LGA.

OFFICERS' DECLARATION OF INTEREST

None declared.

CONCLUSION

In summary, there is an adequate provision of zoned residential land to meet projected demand rates across the Warrnambool LGA. The report will be placed on Council's website, consistent with the Land Supply reports from previous years.

ATTACHMENTS

1. Residential Land Supply 2021 [**7.10.1** - 4 pages]

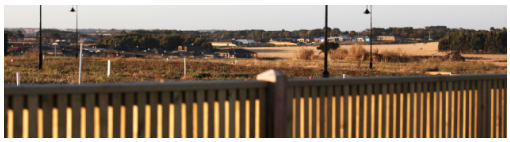
WARRNAMBOOL
CITY COUNCIL

The Residential Land Supply Report - 2021

To encourage and accommodate a growing population Warrnambool requires a large supply of land suitable for residential development

The availability of land supply also has an influence on house and land prices.
Having a long-term supply of land available for residential development helps make a city a more attractive place in which to invest in a home. The Warrnambool City-Wide Housing Strategy 2013 identified that 225 dwellings were needed annually to 2031 to meet projected population growth.
In 2018, this figure was amended to 245 dwellings per year to 2031 based on revised population growth and household size by demographic research company, .id.
Note, data informing this report is taken for the period 1 January 2020 to 31 December 2020.

How long will the current supply last?



2.6 years of infill lots

20.04 years of zoned residential land

How many residential lots are there?

4211 zoned broad hectare lots – 77 per cent of supply

1339 infill lots

12 Estimated houses per hectare

Population forecast

35,181 (ABS ERP 2019) Now

43,304 2031

8123 Increase

245 Dwellings needed each year

5550 Total residential lots available

22.7 years Total years supply

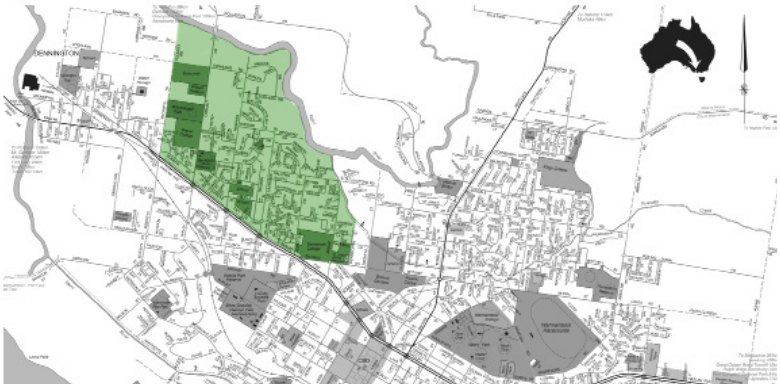
Location of housing land by suburb

Central Warrnambool

Residential lots: **12**

West Warrnambool

Residential lots: **59**

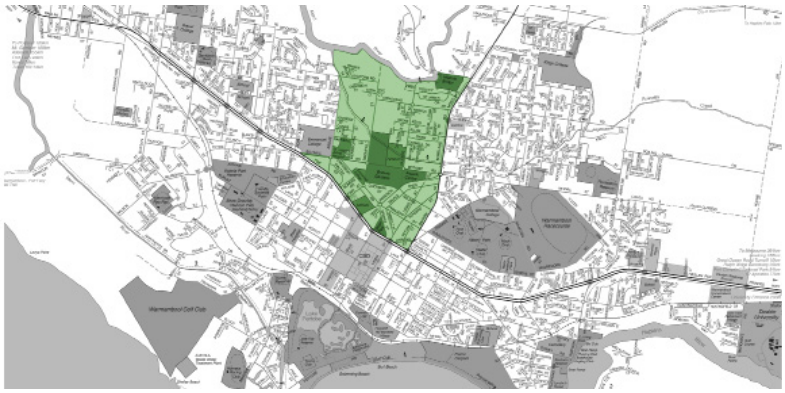


North Warrnambool

Residential lots: **1**

Warrnambool – Botanic precinct

Residential lots: **33**



Location of housing land by suburb

East Warrnambool

Residential lots: **98**

South-east Warrnambool (north of Hopkins Point Road)

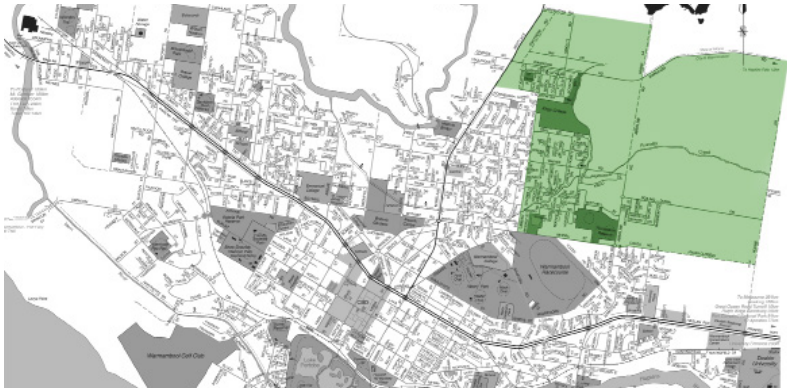
Residential lots: **1044**

South Warrnambool and Merrivale

Residential lots: **257**

North-east Warrnambool

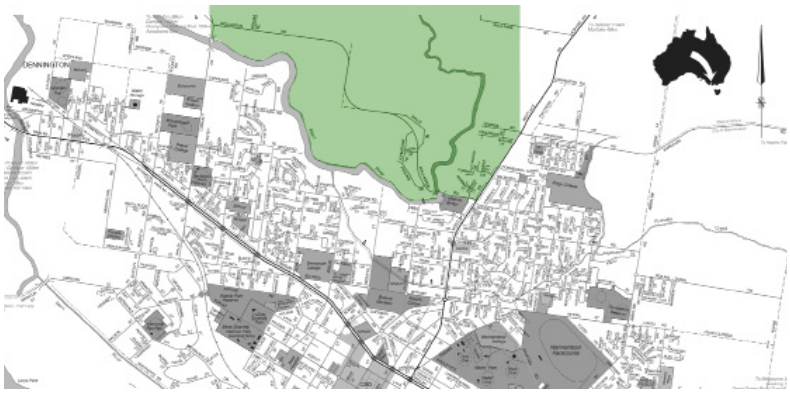
Residential lots: **776**



Location of housing land by suburb

Warrnambool North Merri

Residential lots: **2316**



Dennington

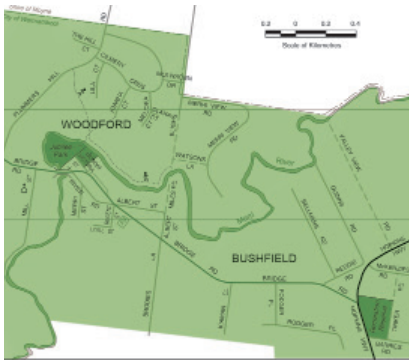
Residential lots: **1252**

Allansford

Residential lots: **19**

Bushfield-Woodford

Residential lots: **82**



7.11. TENDER - SUPPLY AND INSTALLATION OF SOLAR PANELS

- ***Cr. Paspaliaris declared a conflict of interest and left the meeting at 6.50pm.***

DIRECTORATE : City Growth

PURPOSE:

This report provides information on award of Contract 2021051 – Supply and Installation of Solar Panels.

EXECUTIVE SUMMARY

- A public tender was advertised on Saturday 31st July 2021 inviting tender submissions from suitably qualified and experienced contractors for the provision of Supply and Installation of Solar Panels.
- Close of tender was advertised of 2:00pm Friday 3 September 2021, but due to Covid lockdown requirements was extended through to 2:00pm Friday 1st October 2021 and submissions have been assessed by the tender assessment panel.
- The recommendation is to proceed with the tender offer provided by Gippsland Solar Pty Ltd (RACV Solar) for the tendered amount of $378,235.10 Ex. GST.

MOVED: CR BEN BLAIN
SECONDED: CR DEBBIE ARNOTT

That Council:

1. **Award Contract 2021051 – Supply and Installation of Solar Panels to Gippsland Solar Pty Ltd (RACV Solar) for the tendered lump sum amount of $378,235.10 Exc GST.**
2. **That the schedule of rates offered is accepted for the life of the contract.**
3. **Authorise the CEO to sign, seal and vary the contract as required.**

CARRIED - 6:0

BACKGROUND

Council has committed to be a zero net carbon organisation by 2026, electricity usage is currently the major responsible for Council Carbon Emissions. The supply and installation of solar panels at 4 major Council buildings (AquaZone 135kW, Archie Graham 37kW, Civic Centre 75kW and Warrnambool Art Gallery 64kW) will be essential to achieve Council's targets.

Business cases were prepared for each building averaging a return on investment of around 7 years. In addition, structural reports have confirmed the structural adequacy of each building to safely support the proposed solar panel installation.

ISSUES

Council undertook the tender process during a Statewide/Melbourne lockdown inhibiting some companies from undertaking in person walkthroughs of Council facilities.

This was overcome through 4 virtual walkthrough sessions (one per building) and a compulsory Q&A session where companies had the opportunity to ask any questions about the sites. Recordings of the walkthroughs and Q&A session were made available to all companies.

FINANCIAL IMPACT

The total cost to Council is $378,235.10 Ex GST (not including design and structural certification works already completed). These works will be funded by Council as part of the Energy Saving Initiatives budget.

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.

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.
2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

4 A connected, inclusive place
4.4 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
5.1 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
5.3 Customer-focused services: Council will continue to develop a program of Council services that are delivered to the community's satisfaction.
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.
5.6 Risk mitigation: Council will mitigate and manage organisational risks through sound management systems and processes.

TIMING

Contract Award	Friday 10 December 2021
Practical Completion	April 2022
Defect Warranty Period	5 years

COMMUNITY IMPACT / CONSULTATION

Internal engagement and communication has been conducted throughout all phases of the procurement process. An internal working group has been created to oversee the delivery project.

LEGAL RISK / IMPACT

Procurement processes are occurring in line with the approved contract specific procurement plan.

OFFICERS' DECLARATION OF INTEREST

No officer involved in the preparation of this report has declared a conflict of interest.

However, it was noted that Council was successful on its application for the RACV Solar's Resilience in the Regions grant in November 2020, 7 months prior this tender was advertised. The outcome of the grant did not influence the outcome of this tender.

CONCLUSION

Acceptance of the recommended tender represents best value for Council.

ATTACHMENTS

Nil

- ***Cr Paspaliaris returned to the meeting at 6.53pm.***

7.12. WARRNAMBOOL LIBRARY - FEES AND CHARGES

DIRECTORATE : Community Development

PURPOSE:

This report provides background information and makes a recommendation to include additional fees and charges in Council's Fees and Charges schedule specifically for library operations.

EXECUTIVE SUMMARY

Warrnambool City Council exited from the Corangamite Regional Library Corporation from 1st July 2021. This exit was 12 months earlier than anticipated and at a time that staff resourcing was very low. Therefore, the fees and charges schedule were not updated at the time of the transition. This report provides information on the fees and charges previously collected by Corangamite Regional Library Corporation and seeks Council endorsement to update Council's schedule of fees and charges specific to library operations.

MOVED: CR BEN BLAIN
SECONDED: CR ANGIE PASPALIARIS

That the following fees and charges be included in Council's Schedule of Fees and Charges:-

Photocopying and printing	**Black and white A4 page**	**{resolution}.20**
	Black and white A3 page	**{resolution}.40**
	ColourA4 page	**{resolution}.60**
	Colour A3 page	**$1.20**
Lost or damaged item		**Cost of item**
Inter-library loan	**Service**	**$03.00**
	Cost recovery	**Cost of service**
Debt recovery		**$15.00 plus debt**
Replacement library card		**$02.00**
Merchandise		**P.O.A**
Withdrawn item		**P.O.A**

All charges include GST.

That the changes to the fees and charges apply effective immediately.

CARRIED - 7:0

BACKGROUND

Warrnambool City Council exited from the Corangamite Regional Library Corporation from 1st July 2021. This exit was 12 months earlier than anticipated therefore the fees and charges were not included in the previous budget. was not updated at the time of the transition.

The library has been either closed and/or providing limited service since the transition due to State Government restrictions. With restrictions now lifting, services will recommence that would usually attract a fee. Council's Schedule of Fees and Charges does not currently include any fees or charges relating to the operation of the library.

The recommended fees and charges are based on industry benchmarking. The main difference from CRLC's fees and charges schedule is the recommendation that Warrnambool City Council does not charge overdue fees.

ISSUES

Overdue fees

This report recommends that overdue fees not be reinstated. Globally public libraries are rethinking the purpose and efficacy of charging overdue fines as a deterrent to overdue books. Major public library systems such as the New York Public Library removed fines from children's items after they discovered that 1 in 5 children in New York were banned from using the library because of unpaid fines with over half of these members concentrated in the poorer suburbs[1]. Other research studies show that library fines punish the poorer library members harder and that the economic basis for library fines has shown that the loss of trust in the library as a welcoming community place is a far greater cost to the library service than the revenue gained from the fines on overdue items[2].

In Australia, the City of Sydney ran an 8-month trial of no fines in 2017. They reported that three times as many overdue books were returned to the library over this period. People reported that they had been afraid to return the books that were past their due date because of a fear they would be punished. Staff morale also rose as they no longer anticipated confronting exchanges with members who were angry, distraught, or indignant about overdue fines. The trial also identified that the fear that removing fines would result in all books being seriously overdue was unfounded as 95 percent of all materials were returned within a week of their due date.[3]

A recent survey of Victorian Public Libraries identified that of the 44 responses received:

- 32 libraries (73% of respondents) have abolished library fines altogether
- Of the 12 libraries that charge library fines, 11 (92%) have suspended fines during lockdown
- 4 of the 12 libraries (33%) that charge fines specified that they do not charge for children's books
- 2 of the 12 libraries that charge fines commented that they are looking to remove fines

In the transition from CRLC it was identified that $105,763 of outstanding fines were sitting against Warrnambool library members dating back as far as 2002. While overdue notices had been sent (at additional cost) only those members that were willing or could afford to pay had done so. The administrative burden and cost of recovering these mostly low value fines, is made even less judicious when we consider that this would have resulted in thousands of residents over many years being blocked from using the library service (for any fine over $5.00), which goes against every principal of public libraries and might explain our exceptionally low membership base.

To recover outstanding items, customers are notified through email when items are 1 day overdue and again when 2 weeks overdue. During this time, it is expected (based on experiences of other library services) that most items will be returned. Library staff will follow up with a phone call as the items become 4 weeks overdue before further borrowing is suspended until the items are returned. If items are not returned in weeks 6 weeks, an invoice for the replacement of the items will be issued, allowing 2 further weeks for the items to be returned before the invoice becomes firm at 8 weeks overdue. The invoice will be for the replacement cost of the items plus the $15 service fee.

[1] The case against library fines – according to the head of the New York Public Library, Anthony W. Marx December 18, 2017 https://qz.com/1158839/the-case-against-library-fines-according-to-the-head-of-the-new-york-public-library/ accessed 12/07/2018

[2] Long Overdue: Why public libraries are finally eliminating the late-return fine. Ruth Graham, February 6, 2017 http://www.slate.com/articles/arts/culturebox/2017/02/librarians_are_realizing_that_overdue_fines_undercut_libraries_missions.html accessed 12/07/2018

[3] City of Sydney is axing fines for overdue library books because they don't work, Benedict Brook July 5, 2017 https://www.news.com.au/finance/money/costs/city-of-sydney-is-axing-fines-for-overdue-library-books-because-they-dont-work/news-story/9499de2a9a6b76be408b34177867ec4c
Accessed 18/07/2017

FINANCIAL IMPACT

The 20/21 budget has been built on projected income provided by CRLC. Projected income in the 20/21 budget includes:

- Printing/copying $9000
- Lost/damaged items $3000
- Inter-library loans $1000
- Sundry $4500
- Overdue fees $7000.

Given closures due to the pandemic and that new fees and charges will not apply until December, Council should expect that income will be less than anticipated across the board and if council endorses the recommendation not to charge overdue fees, then $7000 will not be received.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community
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.

TIMING

It is proposed that the recommended fees and charges be incorporated into Council's Schedule of Fees and Charges from the November Council Meeting, that community be made aware of these changes through media and Council reports for one month before the charges are applied.

COMMUNITY IMPACT / CONSULTATION

The positive public sentiment that could be achieved through not reintroducing library fines will only be surpassed by the societal benefits of welcoming back our community to the library and enabling equal access to information, print and digital literacy, social inclusion, and lifelong learning opportunities.

LEGAL RISK / IMPACT

N/A

OFFICERS' DECLARATION OF INTEREST

N/A

CONCLUSION

Council's Schedule and Fees and Charges needs to be updated to include fees and charges that relate to library operations. This report recommends that Council does not apply overdue fees.

ATTACHMENTS

Nil

7.13. STADIUM - UPDATE TO FEES AND CHARGES SCHEDULE

DIRECTORATE : Community Development

PURPOSE:

This report recommends and seeks Council's endorsement to a change to Council's fees and charges that relate to the Warrnambool Stadium. It is proposed that the new fees be implemented from January 2022.

EXECUTIVE SUMMARY

Resident sports associations at the Warrnambool Stadium have expressed an interest in reducing the cost of accessing the facilities at Warrnambool Stadium (including Val Bertrand Stadium). Industry analysis and engagement with Stadium user groups has identified that fee for court hire is the more common model for charging sports for use of facilities, furthermore this model would better enable user groups to manage their sports resourcing and support their ongoing sustainability and provide greater equity.

MOVED: CR DEBBIE ARNOTT
SECONDED: CR BEN BLAIN

1. **That Council endorse a change to the model of charging stadium users to a licence model for resident sports clubs and associations for their regular sports activities and access to other facilities including storage and office space.**
2. **That Council's Schedule of Fees and Charges be updated to reflect the following table.**

Description of Fee or Charge	Unit of Measure	Amount (2021/22)	Action/Change
Current Fees to be removed			
Adult player admission to Sports Association's domestic competitions.	Per Player	$11.00	To be removed from schedule of fees.
Junior player admission to Sports Association's domestic competitions.	Per Player	$9.00	To be removed from schedule of fees.
Off Peak training court hire for resident Sports Associations.	Per Hour	$32.00	To be removed from schedule of fees.
New Court Hire Rate for Resident Sports Association Licences			
Court hire for resident Sports Associations domestic competitions and training.	Per Hour	$40.00	To be added to schedule of fees.
Changes to how Fees are applied			
Tournament hire – Courts 4 & 5 with hire of courts 1 to 3.	Per Day	$950	No longer applicable to licenced resident sports associations tournaments.
Commercial Kitchen Hire.	Per Day	$180	No longer applicable to licenced resident sports associations tournaments & events.

3. **That changes to fees and charges apply from 1 January 2022.**

CARRIED - 7:0

BACKGROUND

Council has a vital role in the provision of high-quality sport and recreation facilities to encourage participation in sport and in supporting the sustainability of sports. Sports Associations are better able to thrive when they have control of their own fees and charges to their members and participants.

The Warrnambool Stadium, including the Val Bertrand Netball Stadium is home to the following sports associations:

- Warrnambool Badminton Association
- Warrnambool Basketball Association
- Warrnambool City Netball Association
- Warrnambool Indoor Biased Bowls Association
- Warrnambool Volleyball Association

All of these sports associations utilise the Stadium courts for training, competitions, and tournaments and all have exclusive use of office space and storerooms within the facility.

Prior to March 2020 the Badminton, Basketball and Volleyball Associations did not pay court hire for their domestic competitions at the Stadium, Council collected game fees from individual participants and paid a portion of this income back to the sports associations in monthly rebates.

All sports at the Stadium have requested a review of the costs associated with accessing the courts at the Stadium. A court hire system was introduced for all sports associations following the initial COVID shutdown last year. This current court hire system has enabled all sports associations to safely resume activity at the Stadium.

Charging by court hire is industry best practice and the preferred model for Stadium users.

ISSUES

Pricing model

Council's schedule of fees and charges requires an individual player admission fees of $10.80 per Senior and $8.80 per Junior and rebates $2 per player admission to the Badminton, Basketball and Volleyball Associations. There is an administrative burden to Council to collect individual fees and process rebates and this model creates financial uncertainty for Associations. It also results in some sports paying more to access courts than others. Basketball as the sport with the most users pay far more than other sports and are subsidising the running of the Stadium.

To align with Council's intention to implement consistent user licences for sports associations and clubs across the city it is proposed to introduce licences for the sports associations at the Stadium. Licence fees are calculated by the projected regular sports activity at the Stadium. Licences would also recognise the sports association's access to off court facilities. Sports Associations at the Stadium would only pay for facilities they use and may hire Stadium facilities casually for irregular and additional activities throughout the licence period. Sports Associations will set and collect their own player fees which will enable them to better manage and resource their sport.

Netball Association Lease

The Netball Association holds a 42 week per annum lease for the Val Bertrand Stadium until 2023. The Netball Association hires courts to the Indoor Biased Bowls Association and charges for participation in other sports such as Pickle Ball. The hire and maintenance of the Val Bertram Stadium places additional administrative burden on the Association and a duplication of Centre Management on site.

Benchmarking

The proposed base court hire fee for licenced sports associations at the Stadium is a flat $40 per hour which is comparable to other regional facilities.

Bench Marking - Court Hire Per Hour	Hamilton	Colac Blue-water	Wangaratta	Shepparton	Albury	Sale	Traralgon	Warrnambool Emmanuel Col-lege	Warrnambool Brauer College	Average
Off Peak court hire	$49.00	$41.00	$26.00	$29.20	$38.00	$36.00	$40.60	$55.00	$33.00	$38.64
Peak court hire	$49.00	$47.00	$42.00	$50.00	$58.00	$50.00	$50.00	$55.00	$33.00	$48.22

Note: under the proposed model the administration of the collection of fees from participants will be transferred to sports associations to absorb.

FINANCIAL IMPACT

While Council will initially receive less income from new licences at the Stadium compared with pre-COVID player fee income and the existing netball licence, activity levels and court hire are expected to increase with all 5 multipurpose courts able to be scheduled across the full year by Council's Stadium Management. Efficiencies in the cleaning and maintenance of facilities would also be achieved.

Licences issued to clubs/association will be based on the regular bookings for training and development sessions and for weekly domestic competition. In addition to these annual (3-year licence) fees, clubs would also pay for any additional use or for tournaments for any hours beyond what is agreed in the licence.

It is important to note that any initial reduced income to Council corresponds directly to increased income for sports associations to make their sports more sustainable and accessible. Sports Associations have expressed a willingness reinvest in their sports to grow participation and increase the amount of activity they undertake at the Stadium. This outcome supports Council's aim to increase participation in physical activity identified in the Health and Wellbeing Plan and maximises use of Council facilities.

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.
1.5 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.

This recommendation is proposed to align with the Draft Recreation Facilities Occupancy Policy.

TIMING

It is proposed that licence agreements and the new fee schedule are in place and implemented by 1st January 2022.

The proposed change is being recommended now, instead of in the 2022/2023 financial year budget process, as this court hire model has been in place throughout the past two years in response to the pandemic. With return to play now possible, it makes sense for the proposed model to commence with the new basketball season commencing in January 2022 rather than to re-establish the current practice of Council collecting fees and providing a rebate to the Clubs.

COMMUNITY IMPACT / CONSULTATION

Engagement with the Stadium's resident sports associations has progressed through 2021:

- **Warrnambool Basketball Incorporated** are very keen to progress a new licence and access a reduced court hire rate for their domestic competitions.
- **Warrnambool City Netball Association** have considered the new licence proposal and have indicated strong interest to relinquish their current 42-week licence for a new licence based on court hire.
- The **Warrnambool Volleyball Association** and the **Warrnambool Badminton Association** have both reacted positively to a licence model in preliminary consultation.
- Council officers will consult with the **Warrnambool Indoor Biased Bowls Association**, once discussions with the Netball Association have progressed.

LEGAL RISK / IMPACT

N/A

OFFICERS' DECLARATION OF INTEREST

N/A

CONCLUSION

Stadium users pay a hefty price for participating in their sport compared to other sports across the city. The current fee model of collection individual user fees and paying a rebate back to clubs is administratively inefficient and does not support the clubs to be independent and sustainable. A court hire fee that is benchmarked with similar venues and Councils and converted to a licence fee, is consistent with the draft Policy for Occupancy of Sports Facilities that is being implemented for all other sports.

ATTACHMENTS

Nil

7.14. WINTER SPORTS GROUND TENANTS REFUND REQUEST

DIRECTORATE : Community Development

PURPOSE:

This report recommends that Council supports a partial refund to the winter tenancy fee charged to sports ground user groups for access and use of facilities for training and competition during 2021.

EXECUTIVE SUMMARY

Various clubs have not been able to operate for six (6) weeks out of an eighteen (18) week winter season due to the number of lockdowns and restrictions imposed by the State Government in 2021.

The impact to club training and competition has not only impacted participation but under the guidelines, no spectators were permitted at venues which has restricted each club's capacity to generate revenue.

It is recommended that Council refund a third of the seasonal tenancy fee charged. This recommendation does not include those clubs who operate under an exclusive use lease of a pavilion.

MOVED: CR MAX TAYLOR
SECONDED: CR BEN BLAIN

That Council endorse a refund of a third ($21,425) of the winter tenancy fee charged for the access and use of sports grounds and associated infrastructure for part of the 2021 season.

CARRIED - 7:0

BACKGROUND

The Recreation Unit have been monitoring the status of COVID-19 on our sport and recreation clubs throughout 2021 and the impact to access and use of facilities for training and competition that restrictions and lockdowns have had.

Given the impact of the pandemic in 2020 and the restrictions imposed by the State Government, Council had agreed to waive winter tenancy fee for all user groups, totaling $74,300.

Once again with the effects of the pandemic, statewide lockdowns and levels of restrictions imposed by the State Government in 2021, winter sporting and recreation clubs have been severely impacted financially with limited access and limited ability to operate.

ISSUES

Council's winter sports ground tenants (football, netball, soccer, hockey, dog training and pony club) were invoiced in May 2021 following the commencement of training and competition scheduling for the 2021 season. These sporting clubs utilise facilities under a seasonal tenancy arrangement and are charged for use in accordance with Council's Schedule of Fees and Charges.

On the 27 May 2021, lockdown number four was announced, initially for seven days and then extended for a further seven days. Lockdown five was announced from 15 July 2021 for 5 days and then extended for an additional 7 days. On 5 August 2021 the sixth lockdown was announced and lasted 5 days until Regional Victoria was released until 21 August 2021 and then lockdown seven was announced.

The numerous lockdowns have had a significant impact on clubs. The disruption to training and competition for football, netball, soccer and hockey has not only impacted participation but under the guidelines imposed by State Government, no spectators were allowed at venues which has restricted the capacity to generate revenue.

Clubs have not been able to operate for six (6) weeks out of an eighteen (18) week winter season. Finals series for all sports were cancelled.

Because clubs have had a third of the season without access and use of facilities, it is recommended that Council refund a third of the fee charged to the User Groups impacted.

FINANCIAL IMPACT

The cost to Council for the recommended partial refund to impacted Clubs would be $21,425

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

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.
5.5 Organisational and financial sustainability: Council will ensure organisational and financial sustainability through the effective and efficient use of Council's resources and assets.

TIMING

Following approval, the request to refund can be submitted to finance and completed at Council's next available payment run. Recreation Officers will inform Clubs via a direct email which will detail the refund amount.

COMMUNITY IMPACT / CONSULTATION

Nil

LEGAL RISK / IMPACT

Nil

OFFICERS' DECLARATION OF INTEREST

Nil

CONCLUSION

Due to State Government mandated restrictions, various clubs were unable to participate in their sports which has impacted membership and ability to fund raise. In 2020, Council agreed to waive fees for Summer sports due to the inability to participate in sport and has waived fees for local businesses. For reasons of equity it would be appropriate to refund fees partial fees for winter sports.

ATTACHMENTS

Nil

7.15. ADVISORY COMMITTEE REPORTS

DIRECTORATE : Executive Services

PURPOSE

This report contains the record of four Advisory Committee meetings.

REPORT

- Planning Advisory Committee – 17 November 2021 – refer **Attachment 1.**
- Environment & Sustainability Advisory Committee – 18 November 2021 – refer **Attachment 2.**
- South West Victorian Livestock Exchange Advisory Committee – 19 November 2021 – refer **Attachment 3.**
- Community & International Relations Advisory Committee – 23 November 2021 – refer **Attachment 4.**

ATTACHMENTS

1. PAC Minutes November 2021 [**7.15.1** - 2 pages]
2. ESAC Minutes November 2021 [**7.15.2** - 2 pages]
3. 19 November 2021 [**7.15.3** - 4 pages]
4. 211123 CIRAC MINUTES [**7.15.4** - 2 pages]

MOVED: CR BEN BLAIN
SECONDED: CR DEBBIE ARNOTT

That the records of the following Advisory Committee meeting be received:-

- **Planning Advisory Committee held on 17 November 2021**
- **Environment & Sustainability Advisory Committee held on 18 November 2021**
- **South West Victorian Livestock Exchange Advisory Committee held on 19 November 2021**
- **Community & International Relations Advisory Committee held on 23 November 2021**

CARRIED - 7:0

WARRNAMBOOL
CITY COUNCIL

Planning Advisory Committee Meeting Record					
Date	Wednesday 17 November 2021	Time	4:00pm	Location	Reception Room, Warrnambool Civic Centre
Committee Members	Chair Cr. Angie Paspaliaris Jeff Moreland-Hunt William Welsh Leanne Williams Apologies – Absent – Fiona Golding, John McNeil				
Council Officer Attendance	Luke Coughlan – Acting Manager City Strategy & Development Lauren Schneider – Acting Coordinator City Strategy Apologies – Andrew Paton, Director City Growth, Julie Glass, Coordinator City Strategy				

No	What	Who
1.	Welcome & Apologies - Chair Cr. Angie Paspaliaris opened the meeting with welcome to new Committee members and introductions.	Chair
3.	Terms of Reference – An overview of the terms of reference was provided, including purpose and role of the Committee. Discussion around: • Roles/Objectives • Powers / responsibilities • Frequency of meetings	Chair

	• Term Each committee member introduced themselves and outlined their reasons for nominating for the committee and their focus	
4.	4.1 Warrnambool Residential Land Supply Audit Report 2021 – An overview of the Residential Land Supply Report was provided and opened up to general discussion and questions. • Discussion around the available land supply compared to land that could be immediately developed • A lot of the residential zoned land is not currently feasible to develop as it is well away from available services, it won't become feasible until development fronts reach these areas • Important for multiple developers to be available to buy into these areas to ensure many development 'fronts' can operate at once 4.2 Municipal Planning Strategy – Deferred to next meeting.	LC
5.	General Business Opened to group discussion and suggestions for potential future agenda items. • One committee member expressed concern at media reports of using land near the Pavilion for private horse training • A suggestion was to review the use of the coastal crown land near the Pavilion and a previous plan by the former Land and Development Advisory Committee. • A reporting update on the Warrnambool 2040 plan. • Enforcement of dogs on lead particularly around Lake Pertobe	All

Environment & Sustainability Advisory Committee Meeting Record					
Date	Thursday 18 November 2021	Time	4:00pm	Location	Reception Room, Warrnambool Civic Centre
Committee Members	Chair Mayor Richard Ziegeler Sabine Schreiber Geoff Spencer Bill Yates Apologies – Absent – Shirley Duffield, Jeff Moreland-Hunt				
Council Officer Attendance	Andrew Paton - Director City Growth Luke Coughlan – Acting Manager City Strategy & Development Lauren Schneider – Acting Coordinator City Strategy				

No	What	Who
1.	Welcome & Apologies – Mayor Richard Ziegeler opened the meeting with welcome to new Committee members and introductions.	Chair
3.	Terms of Reference – An overview of the terms of reference was provided, including purpose and role of the Committee. Discussion around: • Roles/Objectives • Powers / responsibilities • Frequency of meetings	Chair

	• Term Each committee member introduced themselves and outlined their reasons for nominating for the committee and their focus, along with their previous experience and qualifications relevant to the committee	
4.	Green Warrnambool Plan – An overview of Green Warrnambool was provided and opened to discussion and questions. • Officers presented a slideshow summarising the plan • Committee members had questions and discussion points throughout	LS
5.	General Business Opened to group discussion and suggestions for potential future agenda items. • The Committee would like to see greater involvement in the implementation of the Wild Coast Master Plan and the Belfast Coastal Management Plan. • There is interest in biodiversity data and strategic planning for biodiversity and catchment management. • Suggestion of the Committee contributing technical advice to inform Green Warrnambool goals and monitoring implementation. • Committee were keen to get in on the ground level of new Policies to be developed	All

South West Victorian Livestock Exchange Advisory Committee

MINUTES OF THE MEETING HELD ON FRIDAY 19 NOVEMBER 2021 AT 2PM IN COUNCILLORS COMMITTEE ROOM, WARRNAMBOOL CIVIC CENTRE AND VIA ZOOM

PRESENT COMMUNITY MEMBERS: Rodney Boyle
Dan Carey
Michael McClusky
David Thompson
Jim Doukas (via Zoom)

PRESENT COUNCIL MEMBERS: Cr. Ben Blain (Chairperson)
Cr. Vicki Jellie
Peter Utri, Director Corporate Strategies
David Harrington, Manager Financial Services
Aaron Huttig
Paul White, Service Manager SWVLX

1. APOLOGIES

Nil.

2. CONFIRMATION OF MINUTES

MOVED: Dan Carey
SECONDED: Rodney Boyle

That the record of the South West Victorian Livestock Exchange Advisory Committee meeting held on 18 December 2020 be confirmed.

CARRIED

Matters arising from the minutes:

Michael McCluskey queried if the motion put forward by Dan Carey in relation to if James Taylor should attend a Council meeting and outline future State Government funding had been completed.

James has been approached and at this point there is no funding available.

3. DECLARATION BY SPECIAL COMMITTEE MEMBERS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA

Nil.

4. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE MANAGER'S REPORT

4.1. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE MANAGER'S REPORT

Paul White presented the report.

Items raised in the Managers Report included:

- Throughout
- Seasonal conditions and forecasts
- Social value of saleyards
- Price comparisons
- Value of stock
- Value of stock throughput
- COVID-19 actions
- Stocklive online bidding platform
- Funding opportunity from ALTRA

Paul White outlined the year to date numbers ending 31 October 2021 were only slightly down on last year by just 587 adult cattle. Whilst the drop in cattle numbers is not ideal we have had some challenges in the past 12 months as all businesses have.

Store sale numbers have also been going along quite nicely with some big sales toward the back end of this year. The annual female and weaner sales are scheduled for early 2022.

MOVED: David Thompson
SECONDED: Rodney Boyle

That the Managers Report be accepted.

CARRIED

5. FINANCIAL REPORT

5.1. FINANCIAL REPORT

This financial report sets out the actual revenue and expenditure financial results for the 4 months ended 31 October 2021. Income is down on expectations with lower throughput in cattle and store cattle sales. There was also an assumption of the Stock Agents fees moving to commission based model which is expected to be implemented following major improvement works.

Expenditure is slightly lower than budget to date with savings in salaries due to vacant positions.

The SWVLX capital works contains the walkways rectifications which are currently underway with committed spend of $108,496.

The major improvement works are budgeted at $2.5m with a market analysis completed by an external consulting firm. Works are expected to commence in the new calendar year.

MOVED: Vicki Jellie
SECONDED: Michael McCluskey

That the Financial Report be accepted.

CARRIED

6. CAPITAL WORKS

6.1. CAPITAL WORKS

Aaron Huttig, Manager Facilities & Projects provided a verbal update.

Design and construction has been approved for the replacement of buyer walkways and should commence in the next 2 weeks. Next on the list is to construct auctioneers walkways over new undercover area.

Tenders for the roofing should be ready to go out early next year for the design and construction of a roof over the existing selling pens. There is also some work been undertaken at the crush to make it safer for all stakeholders it now requires a 2 person operation.

MOVED: David Thompson
SECONDED: Dan Carey

That the Capital Works Report be accepted.

CARRIED

7. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE ACTION RECORD

7.1. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE ACTION RECORD

Items to add to the action record for November 2021 are a social media person and tender for roofing project. Items complete and to be removed are additional truck wash bay and upgrade of C pens. WorkSafe fit for purpose has also concluded.

MOVED: David Thompson
SECONDED: Dan Carey

That the Action Record be received.

CARRIED

8. WH&S UPDATE

8.1. WH&S UPDATE

Report from Worksafe

Paul White presented the report.

Our last meeting with Worksafe was attended by Paul White (Service Manager SWVLX), Paul McVilly (HSR), Aaron Huttig (Manager Facilities & Projects), John Finnerty (Asset Management) and Adam Williams (Risk).

We finally have a system that is approved by Worksafe and all stakeholders. John Finnerty will list all items that need to be included on an assets register. Aaron Huttig and Paul McVilly have designed a weekly pre-sale checklist to be completed in conjunction with the maintenance records. We still have a few boxes to tick regarding auctioneers walkways and stairways but for the most part things are under control.

MOVED: Vicki Jellie
SECONDED: Michael McClusky

That the Worksafe Report be received.

CARRIED

9. SWVLE CATTLE MARKET ANALYSIS

9.1. SWVLE CATTLE MARKET ANALYSIS

Peter Utri, Director Corporate Strategies provided a verbal update.

10. GENERAL BUSINESS

Rodney Boyle presented a number of operational issues.

1) Loose boards at the bottom of scanning race.
2) No agents to receive stock before 3pm.
3) Gate pins at draft to scales.
4) Importance of branding wild cattle on the head.
5) Air leek at scales.
6) Lights installed on new roof to point out over D pens.

Paul and Rodney will look at numbers 1 to 5 next Wednesday to confirm issues. Item 6 Paul will obtain some quotes and monitor budget for next few months and if there are funds available will install extra lights.

Peter Utri asked the Committee about some thank you letters to be sent to retiring committee members Owen O'Keefe (who was community member and also the chair) and Trevor Fry (who represented the transport industry) for their time and commitment to the committee.

MOVED: Vicki Jellie
SECONDED: Dan Carey

That the Director Corporate Strategies write to both past committee members thanking them for their service.

CARRIED

11. NEXT MEETING

2pm, Friday 18 March 2022.

12. CLOSE OF MEETING

3.48pm.

Chairperson

MINUTES

COMMUNITY & INTERNATIONAL RELATIONS ADVISORY COMMITTEE

Date:	23rd November 2021	Time:	5pm	Location:	WCC Offices

Committee Members In Attendance	Cr. Otha Akoch, Chair David McKenzie Les Gardiner Greta Perry
Council Officer Attendance	Andrew Paton (AP) - Director City Growth Jodie McNamara – Acting Director Community Development Jaimee Millar – Social Connection Project, Community Development

No.	What
1.	Welcome
2.	Apologies John Cook, Geoffrey Spencer, Robert Crack
3.	Conflict of Interest Declarations • No conflicts of interest declared.
4.	Minutes of CIRAC 21st September 2021.
5.	**Listing of Community Groups** • Group discussion and information sharing regarding the range of multicultural community groups whom are operating informally or formally in Warrnambool. The CONNECT Warrnambool website www.connectwarrnambool.com.au was recognised as a valuable resource to find local groups, clubs and organisations; to get involved, ask questions & share ideas. It was recognised this resource is not an exhaustive listing but a work in progress and would benefit from a review and update to keep the listing current. Action. AP • Leaders / representatives of multicultural community groups to be invited to a future informal function/event to establish connections, enhance co-ordination and most importantly listen to the challenges and opportunities to support these groups. Action. AP

	• Importance of festivals and events to celebrate culture and to bring our community together and promote education and awareness of cultural diversity and inclusion practices. Members were advised a number of grant opportunities were presently being investigated to develop this idea.
6.	**Social Connection Project, Warrnambool** • Presentation by Jaimee Millar on activities of the Social Connection Project over the past 12 months. • Members thanked officers for the work undertaken to date in the Social Connection Project, particularly the initiatives to increase neighbourhood engagement and the promotion of welcoming and inclusive activities. Members also recognised the opportunity to build on these type of initiatives which closely align with the objectives of the • Discussion around information needs of new residents to our City and the balance of hard copy collateral versus digital presence. Examples presented of some collateral developed by residents of our City which was well received by members. Agreed this is an area that CIRAC can lead and support through 2022.
7.	Sister City Update - Miura, Japan • Update on Warrnambool resident enjoying their time living and working in Miura as part of the Warrnambool Miura Cultural Exchange program. • Project in planning to upgrade the Miura Friendship Garden with $10,000 support from the Fletcher Jones Foundation and $20,000 from Warrnambool City Council. This project will be delivered through 2021/22 and CIRAC will have oversight of this project. Mariestad, Sweden • Warrnambool City Council received an invitation from Mariestad, Sweden to participate (remotely) in COP26 in Glasgow. By webcast, Warrnambool presented its Green Plan and various work streams to mitigate the impacts of climate change. Action: a letter of thanks to be sent to Mariestad for the opportunity to participate.
9.	Next Meeting • Meeting closed 6.35pm. • Next meeting – early 2022 tba.

7.16. 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 8 November 2021 – refer **Attachment 1**
- Monday 15 November 2021 – refer **Attachment 2**
- Monday 22 November 2021 – refer **Attachment 3**
- Thursday 25 November 2021 – refer **Attachment 4**
- Monday 29 November 2021 Risk Workshop – refer **Attachment 5**
- Monday 29 November 2021 – refer **Attachment 6**

ATTACHMENTS

1. Assembly of Councillors Record 8 November 2021 [**7.16.1** - 1 page]
2. Assembly of Councillors Record 15 November 2021 [**7.16.2** - 2 pages]
3. Assembly of Councillors Record 22 November 2021 [**7.16.3** - 1 page]
4. Assembly of Councillors Record 25 November 2021 [**7.16.4** - 1 page]
5. Assembly of Councillors Record 29 November 2021 Risk Workshop [**7.16.5** - 1 page]
6. Assembly of Councillors Record 29 November 2021 [**7.16.6** - 1 page]

MOVED: CR DEBBIE ARNOTT
SECONDED: CR ANGIE PASPALIARIS

That the record of the Informal Meetings of Council held on 8, 15, 22, 25, and 29 November 2021, be received.

CARRIED - 7:0

Informal Meeting of Council Record

Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)	
Date of Meeting:	8 November 2021	
Time Meeting Commenced:	3.00pm	
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch 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 Julie Anderson, Manager Governance Projects, Property & Legal Ashish Sitoula, Manager, Strategic Community Planning & Policy	
Other persons present:	• Emma Steele, Regional Rail Revival, Manager Communications & Stakeholder Relations, South West • Jasminder Singh, Principal Project Manager, Rail Assets, Projects & Compliance, Department of Transport • Nicola Belcher, Director, Rail Assets, Projects & Compliance, Rail Services Division, Transport Service Group, Department of Transport	
Apologies		
Matters Considered:	• Gilles Street Crossing. • Winter Sports Ground Tenants Refund Request. • Development of a Reconciliation Action Plan for Council. • Merri River connections project. • Open space contributions review. • Council meeting procedures	
Other Matters Considered	• Parking update	
Councillor Conflicts of interest Disclosures:		
Councillor /officer Name		
Meeting close time:	5:30pm	
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:	15 November 2021
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch 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 Val Attrill, Revenue Co-ordinator Sally Conheady, Revenue Co-ordinator Ali Kemp, Manager Recreation & Culture Glen Reddick, Manager City Amenity Luke Coughlan, Acting Manager City Strategy and Planning Peter McArdle, Local laws Coordinator
Other persons present:	• Lyn Eales, Manager, School and CommunityTeam, SAFE in the South West Co-ordinator and Welcome 2 Warrnambool – Multicultural Project • Sparklez Herman – Brophy Family & Youth Services • Tim Gleeson, Contract Valuer – Virtual attendance
Apologies	Nil.
Matters Considered:	• Rainbow Diversity & Inclusion • Rates & Valuation Update • Warrnambool Residential Land Supply Audit Report 2021 • Warrnambool Library - Fees and Charges • Naming of new Pavilion at Reid Oval Redevelopment • Heritage Research Centre Building Compliance • Reid Oval Redevelopment • Car Parking Strategy • Speed Limit Review Process • Building a Better Lake Pertobe Project Progress • South West Livestock Exchange
Other Matters Considered	• Request in relation to Tourism update • Review of further work in relation to rating strategy • Warrnambool lifesaving development proposal and support • Telecommunication tower update • Reconciliation action plan development proposal • Resident proposal to address Council • Advisory committee service acknowledgement
Councillor Conflicts of interest Disclosures:	

Councillor Conflicts of interest Disclosures: Cr. A. Paspaliaris Cr. D. Arnott Cr. M. Taylor Direct conflict in relation to business operating in the CBD around the parking strategy issue discussed Crs left the room at 4:58pm and returned at the completion of the item at 5:10pm.		
Meeting close time:	6:35pm	
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:	22 November 2021	
Time Meeting Commenced:	3.00pm	
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch 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 Julie Anderson, Manager Governance Projects, Property & Legal Ali Kemp, Manager Recreation & Culture David Harrington, Manager Financial Services	
Other persons present:	• Rob Wallis, Chair, Audit & Risk Committee	
Apologies		
Matters Considered:	• Audit & Risk Committee - Biannual Report of Activities • Leases and Rent Reviews • Learning & Library Hub Development • Stadium – Update to fees and charges schedule • Investment Policy • Borrowing Policy • Update on TAC Funded Botanic LATM Project • Footpath Prioritisation – Principal Pedestrian Network Status • Mayoral Diary Update	
Other Matters Considered	• Pavilion facility provision • McGennans Footpath condition • Tooram road Property drainage issues • Covid restrictions clarification for entry to facilities by young aged users • Barbaro Terrace vegetation concerns • Allansford Café parking issues	
Councillor Conflicts of interest Disclosures:		
Councillor /officer Name		
Meeting close time:	5:50pm	
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:	25 November 2021	
Time Meeting Commenced:	5.00pm	
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris Cr. M. Taylor	
Council Officers in Attendance:	James Phillips, Co-ordinator, City Development Luke Coughlan, Acting Manager City Strategy & Development	
Other persons present:	*Objectors:* Dan Dooly (Objector) Paul & Helen Bourke (Objectors) Jon Ryan (observer) *For applicant:* Dan Pech (Myers Planning)	
Apologies	Cr V. Jellie AM Cr O. Akoch	
Matters Considered:	Objections to planning application PP2020-0207 to use land for a host farm and develop the land for a replacement dwelling; • Design of the new dwelling • Genuine intention to run host farm • Absence of 'business plan' • Traffic in local area	
Other Matters Considered	Nil.	
Councillor Conflicts of interest Disclosures: No conflict of interest declared.		
Meeting close time:	6:00pm	
Record Completed by:	James Phillips, Co-ordinator, City Development	

Informal Meeting of Council Record

Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)	
Date of Meeting:	29 November 2021	
Time Meeting Commenced:	10.00am	
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch 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 Simon Fleming, Manager Organisation Development Adam Williams, Health & Safety/Return To Work Specialist	
Other persons present:	• Tony Mc Kenzie risk consultant	
Apologies		
Matters Considered:	• Strategic Risk Management Workshop	
Councillor Conflicts of interest Disclosures:		
Councillor /officer Name		
Meeting close time:	2:30pm	
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:	29 November 2021
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch 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 Julie Anderson, Manager Governance Projects, Property Juan Donnis, Environment Officer Luke Coughlan, Acting manager Strategy and Planning
Other persons present:	
Apologies	Nil.
Matters Considered:	• Appointments to Advisory Committees & External Bodies • Draft Advocacy Plan • Complaints Policy • Planning Scheme Amendment C209Warr-Deakin University • Planning Application - 250 Hopkins Point Road • Amendment to Moyne Planning Scheme Amendment C70moyn – Rural Housing and Settlement Strategy • October Finance Report • Supply and Installation of Solar Panels Tender • Australia Day Awards • CEEMAC matters
Other Matters Considered	• Odd ball reboot opportunity • Fisher Street fencing issue • Belfast Coast management plan update for submission process • Hopkins point subdivision enquiry
Councillor Conflicts of interest Disclosures:	
Councillor /officer Name **Cr. A. Paspaliaris Solar panel installation tender close personal association left at 4:13pm returned at 4:20pm**	
Meeting close time:	4:45pm
Record Completed by:	Peter Utri Director Corporate Strategies

7.17. 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
9 November 2021	Warrnambool	Mayor & Chief Executive Officer – Attended the Friends of Flagstaff Hill AGM.
11 November 2021	Warrnambool	Mayor & Chief Executive Officer - Attended the Remembrance Day Service.
16 November 2021	Warrnambool	Mayor – Officially opened and closed the Level Up business event.
		Chief Executive Officer – Attended and presented at the Level Up business event.
23 November 2021	Warrnambool	Mayor – Provided a welcome address to delegates attending the 2021 Visitor Information Services Summit.
24 November 2021	Warrnambool	Mayor – Presented the prize winners for the Wild Warrnambool Bioquest online game; a collaboration with QuestaGame involving the taking of pictures of local flora and fauna.
25 – 26 November 2021	Portland	Chief Executive Officer – Attended a meeting of the Great South Coast Partnership.
25 November 2021	Warrnambool	Deputy mayor – Attended the virtual meeting of South West Healthcare.
26 November 2021	Warrnambool	Mayor – Attended the South West Sport 2021 Amazon Sports Star Awards.
	Warrnambool	Deputy Mayor – Officially launched the Wallawar Festival at the Warrnambool Art Gallery.
27 November 2021	Warrnambool	Mayor & Chief Executive Officer – Attended the Jericho Cup pre-race function.

MOVED: CR MAX TAYLOR
SECONDED: CR BEN BLAIN

That the Mayoral & Chief Executive Officer Council Activities – Summary Report be received.

CARRIED - 7:0

8. NOTICE OF MOTION

Nil

9. GENERAL BUSINESS

Nil.

10. URGENT BUSINESS

Nil

11. RESOLUTION TO CLOSE MEETING

MOVED: CR BEN BLAIN
SECONDED: CR ANGIE PASPALIARIS

That in accordance with Section 66(2)(a) of the Local Government Act 2020, the meeting be closed to members of the public at 7.11pm to resolve on matters pertaining to items that deal with information that is confidential in accordance with section 3(1) of the Act, as follows:-

12.1 Australia Day Awards – confidential in accordance with section 3(1)(f) pertaining to personal information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

12.2 Chief Executive Employment Matters Advisory Committee Minutes – confidential in accordance with Section 3(1)(f) relating to personal information being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

CARRIED - 7:0

13. RESOLUTION TO RE-OPEN MEETING

MOVED: CR DEBBIE ARNOTT
SECONDED: CR MAX TAYLOR

That the meeting be re-opened to members of the public at 7.16pm.

CARRIED - 7:0

14. CLOSE OF MEETING

The meeting closed at 7.17pm.

CHAIRMAN

I certify that these minutes were confirmed at a subsequent meeting of Council.

CR. RICHARD ZIEGELER
MAYOR