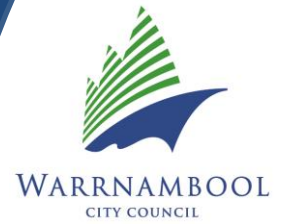


MINUTES

ORDINARY MEETING

WARRNAMBOOL CITY COUNCIL

5.45PM - MONDAY 9 APRIL 2018



VENUE:

Reception Room
25 Liebig Street
Warrnambool

COUNCILLORS

Cr. Robert Anderson (Mayor)
Cr. Sue Cassidy
Cr. Kylie Gaston
Cr. Tony Herbert
Cr. Peter Hulin
Cr. Michael Neoh
Cr. David Owen

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

Bruce Anson
CHIEF EXECUTIVE

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.

ORDER OF BUSINESS

	Page No.
1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT	4
2. APOLOGIES.....	4
3. CONFIRMATION OF MINUTES.....	4
4. DECLARATION BY COUNCILLORS & OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA	4
5. REPORTS	
5.1 MAYORAL & COUNCILLOR ALLOWANCE – ANNUAL ADJUSTMENT	5
5.2 MAV STATE COUNCIL MOTION ON RECYCLING	7
5.3 FOOTPATH TRADING POLICY 2018 AND PROCEDURES - REVIEW AND UPDATE	9
5.4 PETITION – BANYAN STREET MEDIAN TREE PLANTING	52
5.5 PETITION – REMOVAL OF PEDESTRIAN CROSSINGS AT LAVA STREET/LIEBIG STREET AND KOROIT STREET/LIEBIG STREET ROUNDABOUTS.....	58
5.6 TENDER NO. 2018016 - DESIGN AND CONSTRUCTION - SIMPSON STREET DRAINAGE TUNNEL REHABILITATION AND LINING.....	61
5.7 TENDER NO. 2018019 REGISTER OF CONTRACTORS SUPPORTING CIVIL INFRASTRUCTURE - CONSTRUCTION	63
5.8 ADVISORY COMMITTEE REPORTS.....	66
5.9 ASSEMBLY OF COUNCILLORS RECORDS.....	71
5.10 MAYORAL & CHIEF EXECUTIVE COUNCIL ACTIVITIES – SUMMARY REPORT.....	76
6. PUBLIC QUESTION TIME.....	77
7. CLOSE OF MEETING.	77

MINUTES OF THE ORDINARY MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN THE RECEPTION ROOM, WARRNAMBOOL CIVIC CENTRE, 25 LIEBIG STREET, WARRNAMBOOL ON MONDAY 9 APRIL 2018 COMMENCING AT 5.45PM

PRESENT: Cr. Robert Anderson, Mayor/Chairman
Cr. Sue Cassidy
Cr. Kylie Gaston
Cr. Peter Hulin
Cr. Michael Neoh
Cr. David Owen

IN ATTENDANCE: Mr Bruce Anson, Chief Executive
Mr Peter Utri, Director Corporate Strategies
Mr Scott Cavanagh, Director City Infrastructure
Mr Richard Stone, Acting Director Community Development
Mr Shaun Miller, Acting Director City Growth
Ms. Wendy Clark, Executive Assistant

1. OPENING PRAYER

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

Cr. Tony Herbert

3. CONFIRMATION OF MINUTES

MOVED: CR. NEOH
SECONDED: CR. CASSIDY

That the Minutes of the Ordinary Meeting of Council held on 5 March 2018 be confirmed.

CARRIED – 6:0

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

Pursuant to Sections 77, 78 and 79 of the Local Government Act 1989 (as amended) direct and indirect conflict of interest must be declared prior to debate on specific items within the agenda; or in writing to the Chief Executive Officer before the meeting. Declaration of indirect interests must also include the classification of the interest (in circumstances where a Councillor has made a Declaration in writing, the classification of the interest must still be declared at the meeting), i.e.

- (a) direct financial interest
- (b) indirect interest by close association
- (c) indirect interest that is an indirect financial interest
- (d) indirect interest because of conflicting duties
- (e) indirect interest because of receipt of an applicable gift
- (f) indirect interest as a consequence of becoming an interested party
- (g) indirect interest as a result of impact on residential amenity
- (h) conflicting personal interest

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. Neoh	Item 5.4 - Petition – Banyan Street Median Tree Planting
Nature of Disclosure	Indirect interest
Nature of Interest	Residential amenity

5. REPORTS

5.1 MAYORAL & COUNCILLOR ALLOWANCE – ANNUAL ADJUSTMENT

PURPOSE

The purpose of this report is to advise of the annual adjustment to Mayoral & Councillor Allowances

EXECUTIVE SUMMARY

The Minister for Local Government has reviewed Mayoral and Councillor allowances in accordance with section 73B (2) of the *Local Government Act 1989* (the Act) and determined that these allowances be increased by an adjustment factor of 2.0% from 1 December 2017. Councils must therefore increase their current Mayoral and Councillor allowances by 2.0% from 1 December 2017, under section 73B (5) of the Act.

MOVED: CR. NEOH
SECONDED: CR. GASTON

That Council acknowledge the Mayoral and Councillor Allowance adjustment of 2.0% effective from 1 December 2017.

LOST – 5:1

Cr. Neoh, Owen, Cassidy, Anderson & Hulin voting against the motion

Cr. Gaston voting for the motion

BACKGROUND

Mayors and Councillors are entitled to receive an allowance in recognition of their roles and responsibilities. The Victorian Government set upper and lower limits for all allowances. For the purpose of these allowance limits, councils are divided into three categories based on the income and population of each council. Warrnambool City Council is classified as a Category 2 Council.

Section 74(1) of the Act requires councils to review and determine the level of Mayoral and Councillor Allowances within six months after a general election or by the next 30 June, whichever is later. The allowance level determined remains in effect until the time of the next election.

At its April 2017 meeting, Council resolved to fix the councillor allowance at \$24,730 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance; and the mayoral allowance at \$76,521 per annum and an amount equivalent to the superannuation guarantee of 9.5 per cent of the relevant allowance.

Under section 73B of the Act, Mayoral and Councillor Allowance rates must be reviewed annually by the Minister for Local Government, having regard to movements in the levels of remuneration of executives within the meaning of the *Public Administration Act 2004*.

ISSUES

The Minister for Local Government, the Hon Marlene Kairouz MP has reviewed Mayoral and Councillors allowances in accordance with section 73B (2) of the Act and determined that these allowances be increased by an adjustment factor of 2.0% from 1 December 2017. Councils must therefore increase their Mayoral and Councillors by 2.0% backdated to 1 December 2017, under section 73B (5) of the Act.

In accordance with section 73B (5) of the Act, the 2.0% increase has been applied to the Mayoral and Councillor allowances from 1 December 2017.

FINANCIAL IMPACT

An amount allowing for the increase has been included in Council's 2017/18 forecast & forthcoming 2018/19 budget.

LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

- *Local Government Act 1989*
- Victorian Government Gazette – 23 November 2017 (reference Local Government Victoria – Bulletin 32/2017)

This report contributes to the ongoing achievement of the Council Plan 2017-2021 objective and strategies of:

Objective: Practice good governance through openness and accountability
Strategies: 5.5 Reporting to the Community
5.6 Provision of opportunities for the community to actively participate in Council's decision-making through effective promotion, communication and engagement.

COMMUNITY IMPACT/CONSULTATION

This is an annual (Ministerial) adjustment requirement in accordance with the Act.

LEGAL/RISK IMPACT

Council must pay an allowance specified under section 73A of the Act as advised by the Minister for Local Government.

OFFICERS' DECLARATION OF INTEREST

Under section 80C of the Act, officers providing advice to Council must disclose any interests, including the type of interest.

No Council officer, or other person engaged under a contract, involved in advising on and or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

5.2 MAV STATE COUNCIL MOTION ON RECYCLING

PURPOSE

This report seeks endorsement to advocate to the MAV State Council on a motion to seek State Government assistance in relation to alleviation of the impacts in the recycling crisis in Victoria.

EXECUTIVE SUMMARY

- A catastrophic failure has occurred in the strategic management of recycling in the State. With the private sector oligopolies and the State Government failing to act to prevent what at this stage appears to be the end of curb side recycling collection as we know it.
- The State Government needs to shield local communities from the immediate impacts of this failure, it needs to manage the strategic needs of both industry and local communities in ensuring sustainable markets and alternatives to off-shoring low quality recycling materials are established.
- This report seeks approval from Council to submit a motion to be considered at the Municipal Association of Victoria State Council,
 - To advocate for changes to recycling,
 - Seek alternative disposal strategies and
 - Garner financial support for local councils from the State Government to remove the impact from ratepayer.
- The motion calls upon the State Government to utilise more of the \$500+ million land fill levy that has been collected in taxes for exactly this sort of occurrence.

MOVED: CR. HULIN
SECONDED: CR. OWEN

That the attached motion to the Municipal Association of Victoria State Council meeting be forwarded for consideration.

CARRIED – 6:0

BACKGROUND

Recycling services at all Victorian Councils and across Australia have been threatened with China ceasing taking poor quality recycled materials from Australia's oligopoly of recyclers. Local government is responsible for implementing State-wide strategies relating to waste and has as a sector been paying significant sums of money to the state in the way of land fill levies to offset future impacts of waste including waste diversion to land fill by recycling.

The State government has amassed over 500 Million dollars in land fill levies to deal with waste diversion issues but has not implement sustainable alternatives in time to avert this crisis.

If the State government does not adequately support local authorities local communities will be paying again to rectify the issue, after already having contributed to these levies.

Motion**Appropriate action from the State Government to utilise the land fill levy****Submitted by: Warrnambool City Council****MOTION:**

1. That the Victorian State Government acknowledges that they have responsibility to coordinate and fund Statewide initiatives and responses which support the Local Government collection system.
2. That the Victorian State Government act to alleviate our dependence on offshore recycle re-processing and immediately utilise the proceeds from the land fill levy to develop local recovery options.
3. That the Victorian State Government should act as soon as possible, to strategically support and leverage sustainable industry investment in new business and technology, with the land fill levies proceeds, so that new industry is created, that will utilise recyclable materials from all Councils around the state.
4. That the State should continue to support Local Councils in reducing the cost impacts on ratepayers in the interim period until these alternate industries are able to be established.

MAV Strategic Work Plan (SWP):**Indicate whether or not the subject matter of your motion is included in the MAV SWP 2017-19.**

Is the subject matter of this motion included in the SWP?	Yes / No
If yes, identify the following:	
Objective No.	ENVIRONMENT
Priority No. 3	Achieve access to Landfill Levy revenue to fund decommissioning and establishment of landfill sites, and climate change mitigation.
Item No.	Review the Waste Levy impacts on local government. <ul style="list-style-type: none"> ▪ Advocacy to State Government (including the Opposition) regarding access to Landfill Levy revenue.

RATIONALE:

The State Government has been collecting the land fill levy for many years now and has done little to change the options for recyclables diversion to land fill or provide alternatives from the key players in the current market that have been known to be undertaking a non-sustainable business model.

Off shoring our waste issues has never been a long term solution and the Government has been very vocal in their role as the chief strategists for waste in the state and have commissioned several strategies championing their role.

The time has come (and past) for the State to put their money where their mouth is, in relation to waste and in particular around recyclables. Strong action and investment is now needed to avoid a social and environmental disaster where the current system has proved both unsustainable and untenable for our communities.

5.3 FOOTPATH TRADING POLICY 2018 AND PROCEDURES - REVIEW AND UPDATE**PURPOSE**

To seek Council approval to release the draft Footpath Trading Policy 2018 and Procedures for public comment.

EXECUTIVE SUMMARY

- The current Footpath Trading Policy was adopted in 2015 (**Refer Appendix A**).
- With the Liebig Street redevelopment, much of the Footpath Trading Policy (Policy) was inconsistent with descriptions and would be difficult to apply. For example new footpath widths, bluestone footpath treatment, and the lack of kerbs are all conditions that are significantly different. The updated Policy is attached in **Appendix B**
- The current Policy also contains an array of procedural information which made it very detailed. The procedural aspects have been removed and placed into a separate document entitled the Footpath Trading Procedures which are provided in **Appendix C**.
- Key changes to the Policy include changes in terminology such as “roadway” rather than “kerb”, removal of procedural aspects into Procedures and formatting.
- The Policy supports a footpath trading approach which is safe, equitably and which does not create clutter or amenity impacts.
- The Procedures must be read in conjunction with the Policy. It gives applicants certainty over what will and what will not be permitted.
- The application process has been streamlined and with applicants now able to apply for a number of different footpath trading approval on one application form.
- The Policy and Procedures can now be released for public comment for a period of 4 weeks seeking feedback from key stakeholders and the wider community before being submitted to Council for adoption.
- Council will be asked to adopt the Policy and note the Procedures at a future meeting. The Procedures are only provided for noting as they are an operational document which are occasionally varied or updated to improve clarity and to ensure the policy intent can be implemented.

MOVED: CR. NEOH
SECONDED: CR. CASSIDY

That Council:

1. **Agree to release the Draft Footpath Trading Policy 2018 and Procedures for public comment for a period of 4 weeks.**
2. **Consider public submissions and make any appropriate amendments prior to adoption of the Policy at a future Council meeting.**

CARRIED – 6:0

BACKGROUND

Council's 2015 Footpath Trading Policy contains many of the references which are now unclear due to the new streetscape layout in Liebig Street.

ISSUES

The Footpath Trading Policy and Procedures are important as they allow footpath trading opportunities, create a vibrant activated streetscape, ensure consistent and orderly manner, and support legislative compliance.

KEY CONSIDERATIONS

Key changes to the Policy include changes in terminology such as “roadway” rather than “kerb”, removal of procedural aspects into a Procedures document, formatting and compliance with legislation.

The Policy ensures that Footpath Trading can occur but ensures that it is done safely, equitably, and that it does not create clutter or amenity impacts.

The Procedures must be read in conjunction with the Policy. It gives applicants certainty over what can and will not be permitted.

The application process has been significantly streamlined and the application form has been incorporated into the Procedures and a number of different applications amalgamated into one application form for simplicity.

Areas of concern have been addressed including but not limited to, portable heating requirements, signage requirements, fixing items to the footpath, Disability Discrimination access requirements, apparel and merchandise displays.

CONSULTATION / COMMUNICATION

This report is recommending that Council release the draft Policy for public comment to ensure that key stakeholders such as traders, customers and the wider community can provide feedback on the Policy and Procedures to inform the final content.

TIMING

The Policy and Procedures can now be released for public comment with feedback considered and any necessary amendments made before the Policy is presented to Council for adoption.

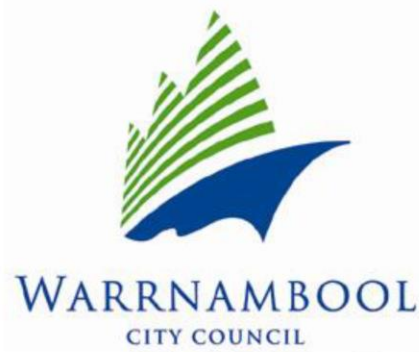
FINANCIAL CONSIDERATION

The Plan has been completed using internal resources and its implementation is funded through the regulatory control program in City Amenity.

Risk

There is significant legislation which regulates activities within road reserves, such as the Road Management Act, Disability Discrimination Act, and Australian Standards. Failure for Council to regulate and ensure compliance could result in a negligence claim.

There is significant reputational risk as footpath trading is high profile and emotive.



FOOTPATH TRADING POLICY 2015



Contents

<u>Section One: Policy Overview</u>	3
Purpose of Guidelines Streets and Roads Local Law No. 5	
<u>Section Two: Footpath Zones and Locations</u>	4
Zones and Locations Existing Public Infrastructure Available Areas Other Activity	
<u>Section Three: Design Standards</u>	7
Footpath Dining Portable Advertising Signs (A-Frames) and Display of Goods	
<u>Section Four: Management and Responsibilities</u>	11
Operators Responsibilities Council Responsibilities Compliance	
Appendices	
(1) Application Process	13
(2) Checklist	16
Outdoor Dining Application Form Advertising Signs/Displaying Goods Application Form	

Section One — Policy Overview

Introduction

The City of Warrnambool is committed to supporting and enhancing local business and street life. Our aim is to ensure a safe and vibrant environment that reflects Warrnambool's energy and continues to facilitate a wide range of street trading opportunities.

Whilst acknowledging the importance of street trading opportunities for traders, we must be mindful that footpaths are available for all persons and it is critical that we understand that commercial use of public space is a privilege not a right.

This framework also must take into consideration Council's clear obligations to allow for pedestrians to move through the streetscape in a safe and accessible manner. Pedestrian safety and accessibility is a key consideration in the development of these guidelines and as such public safety must be maintained.

Objectives:

There are five main Council priorities regarding the development of this policy:

- 1) To ensure our shopping centres and footpaths are accessible to all of the community and comply with the Disability Discrimination Act 1992 (Commonwealth).
- 2) Safe and responsible management of public infrastructure, and;
- 3) To improve the amenity and aesthetics of street trading furniture.
- 4) To ensure that pedestrian activity remains the principal activity on City footpaths.
- 5) That all permits issued under this policy align with Council's City Centre Revitalisation Structure Plan.

The purpose of the following policy and guidelines is to provide traders and footpath users with information pertaining to the use of footpaths, applying for footpath trading permits and the operation of the guidelines.

The policy seeks to provide support to local businesses, provide a framework for future streetscape use, manage our street trading environment and address our legal responsibilities in relation to footpath use. Council also requires that the development of street trading be in keeping with the character of the city and ensure that the visual amenity of our streetscape remains vibrant and consistent.

Council will retain the right to decline permit applications where the guideline purposes are not reflected and pedestrian safety is affected. The policy and guidelines should be read in conjunction with Local Law No.5 to ensure a complete and thorough understanding of your rights and obligations.

Streets and Roads Local Law No. 5

The main aims of the Local Law and the Footpath Trading Policy can be stated as to:

- Control and regulate secondary activities on roads including trading, placement of goods and equipment, repairs to vehicles, street parties, festivals and processions, advertising and collections (which does not compromise the primary need for the passage of people and goods);
- Provide free equitable and safe access for people with sight and movement impairment or disabilities; and
- Provide generally for the peace, order and good government of the municipal district.

No items may be placed on the footpaths or road reserves except in accordance with a permit issued by Council under its Local Law No. 5. To be granted a permit, a trader must sign an agreement to comply with this policy. Permits will be issued with the condition that the permit holder must comply with this policy. Non-compliance is an offence against the above Local Law and will result in enforcement measures being taken.

Permits will not be renewed until all overdue fees are paid.

Section Two — Footpath Zones and Locations

Appropriate Zones and Locations

Council has developed three categories for trading relating to the footpath widths within Warrnambool's shopping areas. The location of the 'trading' on the footpath must provide for a clear, continuous and safe access of travel for pedestrians and also provide a relaxed environment that enhances the streetscape and other functions of the area.

The footpath has been divided into three 'Zones' to ensure complementary use of the area between public and commercial uses. The zones consist of:

- Pedestrian Zone
- Trading Zone
- Kerb Zone

Pedestrian Zone

The pedestrian zone must have an unobstructed, safe and continuous path of travel from the building line or shop front of a **minimum 2.0 metres**. No goods/services, A-Frame signage, furniture (including mats) or trading can occur in this zone at any time.

Kerb Zone

The Kerb Zone is the area between the Trading Zone and the gutter. There are strict requirements for the width of this area dependent on parking conditions adjacent to the area.

- 0.6m required when adjacent to angled or parallel parking bays
- 1.2m required when adjacent to disabled parking areas, loading zones, taxi zones or bus zones.

It should be noted that footpath trading may not be permissible in these areas.

Trading Zone

This zone allows for commercial use including furniture, goods/services, A-Frame signage and trading. This zone is the distance between the Pedestrian Zone and the Kerb Zone and the width will vary depending on the overall width of the pavement. All commercial use must be contained within this zone and can occur only during normal trading hours, provided that no furniture, goods/services or A-Frame signage remains on the footpath after 10pm unless otherwise agreed by the Chief Executive or his delegate.

Applications may be submitted for the following activities in the trading zone:

A-Frames or sail signs – All businesses
Goods on footpath – Retail outlets
Outdoor dining / screens – Existing café or registered food premises

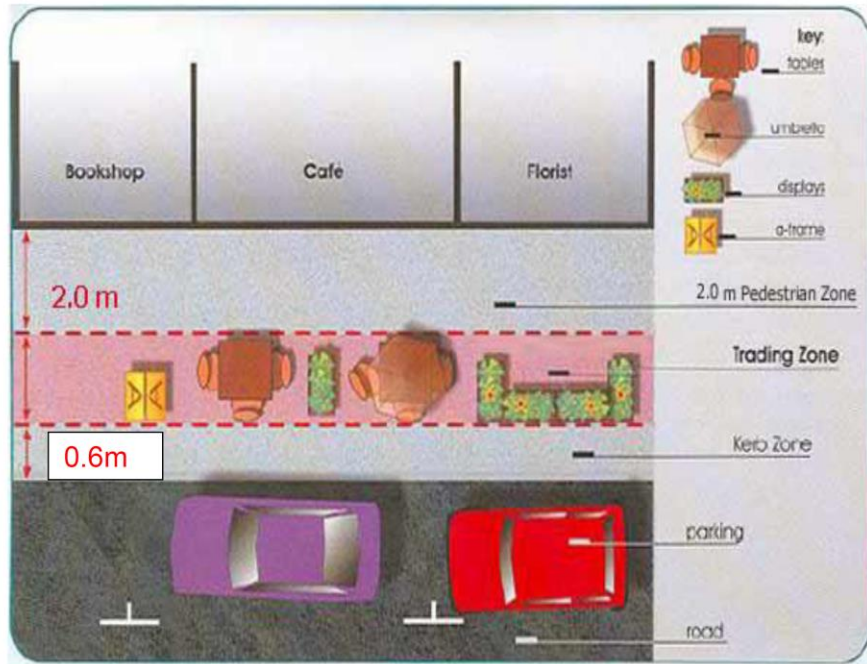
The placement of furniture, goods/services and A-frames signs shall be aligned against the Kerb Zone.

This zone must have a 1.5m break between each adjacent premises to allow for access from the Kerb Zone to the pedestrian zone and a 1 metre break between two displays in front of the same business (if permitted).

Other Activities

Several other footpath uses involving human activity are covered under existing Local Laws and are exempt from this Policy. These include:-

- Queuing (e.g. at wall mounted automatic teller machines)
- Raffle ticket sales and street stalls
- Busking



Existing Public Infrastructure

The following clearances apply to existing public infrastructure and public street furniture:

- 1.0 metre clearance required from public infrastructure such as — fire hydrants, bins, payphones, parking meters, public seats and bike stands.
- 0.5 metre clearance required at all times from other street furniture such as — bollards, tree pits, seats and poles. (this includes trees and/or planter boxes)

The above public infrastructure on footpaths has priority over commercial interests (footpath trading) at all times.

As a general rule, public infrastructure already in place will not be moved or removed (relocated or repositioned) as a result of unavailable space to trade within a designated trading zone. Should you have existing infrastructure at the front of your shop, an application may be made to remove infrastructure. The removal of the infrastructure must not decrease the amenity of the area and all costs for removal and pavement reinstatement must be covered by the person applying for the permit. Traders should take this into account when selecting a site.

Please Note: Heritage Listed locations or Council planning guide lines may also affect the outcome of your application.

Existing Council street furniture and infrastructure must not be used for any trading purposes including for business signage or displays.

Available Areas

Tables and chairs, goods, services and A-Frame signs are permitted only outside the premises to which they relate and must be contained within the property line, with the required setback.

The footpath is a public zone and as such is not owned by any one business. This means that no business is allowed to 'rent' or allocate footpath space to an adjoining premises seeking to occupy that area.

Permit approvals for tables and chairs, goods/services and A-Frame signs in commercial or industrial areas on footpaths or road reserves adjacent to Highways shall be considered in conjunction with Council and VicRoads.

Permits may not be issued in relation to Home Occupation, Home Industries or Professional Consulting Rooms or the like, located in Residential Zones.

Section Three — Design Standards

Footpath Dining

Tables and Chairs

- Up to four chairs are permitted with each table.
- All tables and chairs must remain within the Trading Zone for the duration of their use. Cafe furniture must be of a high standard in appearance and durable in nature. In all instances Council must approve furniture design before use.
- For safety reasons, furniture that is constructed solely of plastic is unacceptable.
- The design and colour of any Tables and Chairs must be consistent with any urban design guidelines set down for shopping centres.
- Tables and chairs should be portable however need to be strong and windproof. This may include metal and timber or metal frame and plastic tabletop and chair back/seat.
- The base and ends of all cafe furniture or items must have suitable rubber stoppers (at least 30mm diameter) on the ends to prevent pavement damage. It is the responsibility of the cafe owner to ensure all public assets in contact with the goods/items placed on the footpath are not damaged.
- It is the responsibility of the cafe owner that no chairs or tables (or other items) on the footpath are moved by patrons and obstruct the Pedestrian Zone.
- Where possible tables and chairs should have a contrasting colour to their background to assist the vision impaired (This means that the colour must be different between the chairs/tables to such elements as the concrete and shop front colour to allow easy identification).
- Table and chair legs should not extend on an angle that would cause tripping points to pedestrians
- At any intersection tables/chairs must not extend beyond the building line (unless special requirements exist).
- All tables and chairs must be removed at the end of business each day, provided that no tables and chairs remain on the footpath after 10pm, unless otherwise agreed by the Chief Executive or his delegate.

Screens

- Standard canvas screens must not be of a height over 0.9 m or longer than 5.0m. Screens may not be appropriate (nor approved) within some areas where footpath width is narrow.
- All other screen designs must be approved by Council prior to manufacture / installation
- All screens must be removed at the end of business each day, provided that no screens remain on the footpath after 10pm.
- Must adhere to advertising guidelines listed on page 8.
- Spaces will be required between screens to allow for pedestrian access across the Kerb Zone.
- Request for permanent structures or drop down awnings must be approved by Council prior to manufacture / installation. Request approval will be based on planning requirements, location and aesthetic appeal to the streetscape.
- The use of planter boxes as a replacement for screens will be assessed in a case by case basis.

Glass Screens / Perspex

- Requests for this type of screen will be discussed by the variation panel. Glass screens must be manufactured with shatterproof glass and be removed by 10pm

Umbrellas

- Are to be used only in areas where there is no obstruction caused to canopies or trees, or where the use of the umbrella will not interfere or damage existing items.
- Where umbrellas are allowed they must be of a minimum (at the lowest point) of 2.0m above the level of the footpath (min clearance of 2.0m).
- All umbrellas must be removed at the end of business each day or by 10pm.
- Umbrellas must not extend beyond the trading zone.
- They must be of robust design and secured at all times.
- Must be removed in times of strong winds or storms.
- Must adhere to the advertising guidelines listed below.

Heaters

- All outdoor heaters must comply with safety standards specified by Energy Safe Victoria (or relevant authority).
- Heaters must be located within the trading zone only.
- Patio heaters must be removed at the close of business each day, or no later than 10pm
- Council approval will be required for the installation of fixed heaters.
- In some instances where the footpaths have narrow trading zones, the use of heaters may not be permitted if it does not fall within the required zone.
- Heaters are to be licensed as part of a permit and covered by trader's public liability insurance.

Windproof Ashtrays

- **All permit holders must** provide windproof ashtrays on each table provided within the trading zone at all times. The permit holder is responsible for all cigarette ash, butts and other litter generated by patrons of their footpath trading areas.
- Operators must not sweep any litter, including cigarette butts, into the gutter.

Advertising

Council understands the need for businesses to engage in marketing and advertising as a part of their comprehensive business strategy. As such, Council allows for identification and promotion signs that meet not only the needs of the business but considers the amenity of the area and streetscape appearance for the whole community.

- The name or logo of a business may be displayed on every alternate panel of a cafe screen or umbrella as long as the size and/or logo cover no more than 33% of the total area of the panels.
- Screens or umbrellas within the trading zone may have commercial advertising (such as the name of the screen provider) on alternate panels only, on no more than 20% of the surface area, provided that no cigarette or alcohol advertising is permitted.
- Details of any proposed signage on furniture must be submitted with any application to trade on the footpath.
- No cafe or commercial advertising is allowed on chairs or tables unless required for identification purposes **ONLY** and placed in an unobtrusive manner allowing for identification by traders, of business property.

Portable Advertising Signs (A-Frames)

- A frames may only be displayed within the Trading zone and must be securely placed and windproof.
- Portable electric, illuminated or flashing, revolving/spinning signs are prohibited at all times.
- An advertising sign must not exceed a height of 1.2m or width of 0.8m provided that when approved for location on highways or the industrial estate the maximum height is 1.5m.
- Signage can only be displayed during normal business hours and must be removed from the trading area at the close of business, or no later than 10pm.
- Only **one** sign per 6 metres of shop frontage will be considered.
- A frames or advertising signs must be free-standing and not be fixed to any footpath, pole or other structure.
- Permission may be granted for an application where the business has no street frontage and the sign is placed outside premises not occupied by the applicant. In this instance the owner of the premises where the sign is to be placed must provide written permission and there must be public liability extended to cover the goods/sign. Permission will need to be renewed annually or on change of business ownership.
- At any intersection A-Frame signs and Goods/ Services must not exceed beyond the building line (unless special requirements exist).
- A-frame design and color scheme to be approved by Council

Sail / Tear Drop Signs

- Height not to exceed 2mt / Width not to exceed .5mt at widest part of sail.
- Free standing base to avoid the sail falling and trip points.
- Must not be used in an area that may cause interference.
- Cannot be attached to building under 2.0mt.
- Must not overhang the Pedestrian Zone.
- Do not Attach to building facades, posts or Council infrastructure.
- Design to be approved by Council prior to manufacture / installation.
- Removed at the close of trade, or no later than 10pm.
- Only one A-frame sign or Sail sign is permitted per 6 meters of shop frontage.

Display of Goods

- Goods for sale or display must be located within the trading zone.
- Goods and goods stands must only be placed on the footpath during the normal business hours, or no later than 10pm.
- All goods stands must be suitable / stable and approved by the responsible authority.
- Goods or their displays must not be fixed to any footpath, building, asset, pole or other structure.
- The placement of goods on the footpath must not exceed a height of 1.5 metres, depth of 0.8 metres or length of 1.5 metres for a single display.
- If the shop front exceeds 6 metres, an additional display of the same maximum dimensions may be permitted at the discretion of Council subject to there being no amenity, aesthetic or obstruction issues or conflicts.
- The second display shall be subject to a separate permit with a fee equal to the first permit fee.
- Goods should have a contrasting colour to their background to assist the vision impaired.
- All items to be on a portable trolley / table, other options will be investigated on a case by case scenario.

Other

- The operator is responsible for obtaining all necessary approvals to trade from the footpath area.
- All food premises must have a registration with Council's Environmental Health unit prior to permit application and must demonstrate this approval.
- All hair and beauty premises must have a registration with Council's Environmental Health unit prior to permit application and must demonstrate this approval.
- If alcohol is to be served from the outdoor eating facilities, a liquor license permitting such sale and consumption must be obtained in addition to a permit to allow open alcohol in containers in accordance with the provisions of Local Law 4.
- Litter must be cleared from the trading area at all times by the business operator.
- Food scraps or other rubbish within the immediate area must be removed and deposited within the operators own bins kept within the premises.
- Litter generated by footpath trading must not be swept into the street gutter or adjacent footpath areas and must be picked up and deposited within the operators own bins kept within the premises.
- Operators must ensure no trade waste from their premises is placed in public litter bins.
- Any items placed on the footpath area must not cause any undue obstruction or danger, restrict the reasonable access or exit from any premises, or obstruct the vision of motorists at intersections.
- Operators must ensure that no noise or other disturbance emanates from the footpath activity so as to cause a nuisance to others or detriment to the amenity of the neighborhood.
- No amplified or loudspeaker music, Local Law 3.22
- No spruiking is allowed on the footpath, Local Law 4.8
- Any damaged furniture / fittings must be repaired within 24hrs or removed from the street. (structural damage to be reported to Council immediately)
- **Any requests for use of the footpath outside these guidelines will be assessed case by case by the variation panel. (see Application Process)**

Section Four — Management and Responsibilities

Operators Responsibilities

The operation of footpath trading is the responsibility of the permit holder.

The permit holder must operate in accordance with the conditions of the permit and the requirements set out in this document, must monitor the footpath trading at all times, and must meet all obligations to a high standard.

Operators with permits for signage, street furniture etc. that is noncompliant with the 2015 Footpath Trading Policy may continue use until permit renewal August 2016 before the permit may not be renewed.

Council Responsibilities

The Council will continue to maintain and manage the use of land at all times and reserves the right to reclaim access to and remove all footpath trading at any time for any purpose deemed suitable by Council.

Where service authorities and others are required to carry out works within the road reserve (or works at or adjacent to the permit holders footpath trading area) which require removal and/or alteration to the footpath trading arrangements, no compensation is payable for any removal of fittings or fixtures associated with the footpath trading permit or for the loss of trade experienced due to these works. Any reinstatement of fixtures or fittings to do with the footpath-trading permit is the responsibility of the permit holder (this does not include refitting public infrastructure).

Council regularly requires access to footpath areas for the purposes of maintenance and asset renewal programs. Due to the necessity to source labour and materials during business hours, it is impractical to program these works outside shop trading hours. Except for emergency works, Council will give reasonable notification of such works but reserves the right to occupy the trading zone for the purpose of asset maintenance or renewal. No compensation will be payable by Council for the loss of use of the trading zone. In special circumstances, such as if works take a prolonged period of time, compensation may be made at Council's sole discretion but will be strictly limited to reimbursement of the permit fees on a pro-rata basis.

Compliance protocol

Council staff will monitor and evaluate all footpath trading on a regular basis. Any observed noncompliance of the Footpath Trading Policy or permit conditions will be investigated and enforcement action taken if considered necessary.

Upon detection of a breach of the Local Law, Footpath Trading Policy or a specific license condition, Council (including its staff and authorized officers) may take the following action:

1. Verbal Notice to Comply issued to the permit holder – a first and final verbal warning – Must comply within 24hours
2. Written Notice to Comply Issued – a first and final written notice – Must comply within the time limit stated.
3. Infringement Notice issued –fine for non-compliance.
4. Cancellation of the permit.

Council may also impound any items that are placed on the footpath that do not comply with Local Laws, this Policy or any conditions placed on a permit.

Prior to cancellation of a permit, Council will provide to the permit holder an opportunity to make comment on the proposed cancellation. Incidents of non-compliance will be noted and may be taken into consideration for future permit applications. Second and subsequent fines will be issued without additional warning for further acts of non-compliance. Failure to maintain public liability insurance is considered a serious breach.

Permit fees and Application Process

Annual renewal fees are payable by 1st August each year.
½ year fee for new applications available (refer to application form).
Reduced fees may apply for special events / promotions.

Council will undergo a review of the fee structure and application process every 12 months to ensure it is in line with any changes in legislation and to make changes to fee structures as required.



Appendix one

Application Process

Applying for a Permit - Process

Please read and ensure your understanding of the guidelines contained within this document, prior to submitting your application to Council for footpath trading. All footpath-trading permits expire on the 31st July of every year.

To apply for a permit you must obtain an application form and checklist and submit this with the following:

Application Requirements

Each person seeking a permit will be required to provide the following information:

Application form Generic Council form stating what kind of permit is being sought and a copy of certificate of Public Liability Insurance. (If applicable)

Site plan of existing conditions 1:100 – accurately showing the width of the building frontage and the footpath from kerb to building line, location of building lines and the type of abutting properties, existing infrastructure and other features (including Council infrastructure, such as bins or parking meters, and disabled parking or loading, taxi or bus zone bays). All dimensions associated with the footpath area should be shown. (Site plan not required for A-Frame signs).

Site plan of proposed conditions 1:100 – accurately showing the area and layout of the proposed footpath activity, including the proposed location of all items.

Details of Furniture – including drawing, colour scheme, design, photograph etc. (e.g. tables, chairs, screens, A-frames, sail / tear drop signs, planter boxes, heaters and umbrellas).

Details of advertising – a colour photograph or detailed design drawing of proposed advertising logo, and clear indication of its size and location within the trading zone.

Details of approval from other Council departments eg. Health or Planning

Details of liquor license (including plan of licensed area).

Certificate of Currency (Public Liability Insurance) – for a minimum of \$10,000,000, specifically covering the area occupied by the footpath trading. If a joint name policy is not available then Council should be nominated as an interested party and be named on the Certificate of Currency.

A checklist is also included in the application material to ensure you provide all information correctly. Applications received without all required information may delay the assessment of a permit application.

Application Assessment

On receipt of an application a council officer will:

Check all relevant information has been received – If incomplete, the applicant will be contacted to discuss and clarify outstanding requirements and make arrangements for the information to be provided.

Check application to ensure it meets all set requirements. Council will check all applications to ensure there are no outstanding Health, Building or Planning orders or notices on the property. A permit will only be issued when any matters are resolved. It is the responsibility of the applicant to ensure all other relevant approvals/permits are obtained. Approval of a footpath trading permit does not imply that other permits are not required nor does it imply precedence over these permit requirements.

Inspect site and check accuracy of plans

Issue or refuse a permit

The applicant is required to make any changes or amendments and these are to be re-submitted before approval can be given.

Fees

Payment of permit fee is due following site inspection & approval by a Council Officer. The permit renewal fees may vary from year to year as determined by Council.

New applications received between 1st February and 31st July will pay 50% of the fee.

Application for short term "special event" permits will have a minimum fee equivalent to ¼ of the 12 month fee.

Re-application for a permit

Permits are renewed annually at the 1st August. It is the responsibility of the permit holder to ensure all required information is submitted to Council prior to the end of the financial year (eight weeks prior)

Transfer of Business

Permits are not transferable. If business ownership changes, a new permit must be applied for.

Consumption of Liquor within a Kerb side Cafe area

Should the applicant intend to serve alcohol from the outdoor eating facilities, it will be necessary to obtain a liquor license. (Proof of license is required when applying for a Footpath Trading Permit). You may require a Town Planning Permit and approval for open alcohol containers in accordance with the provision of Local Law 4.

Public Liability

Unless provided by Warrnambool City Council in the form of a blanket cover, every applicant for a permit to trade on the footpath/Council land shall have and maintain for the term of any permit issued joint public liability insurance cover of at least ten million (\$10,000,000) dollars. This cover must be demonstrated when the application is lodged. It is the responsibility of the permit holder that the insurance remains up to date for the duration of the permit issued. If a joint name policy is not available then Council should be nominated as an interested party and be named on the Certificate of Currency.

Failure to maintain public liability insurance is considered a serious breach.

General Conditions

It is the responsibility of the permit holder to ensure Council contractors, including street cleaning staff, have full access to the footpaths during cleaning periods. This generally occurs prior to nine am each morning. However, should you require goods/services or chairs/tables to be outside prior to this time please inform Council of this when making your application.

It is the responsibility of the permit holder to ensure that no refuse is emitted from, or remains after the removal of any goods/services or furniture.

Traders must apply in writing to amend an existing permit. Amendments can include changes to furniture design or amount of advertising. Amendment fees may apply and Council will advise the permit holder of the success of the application as per the 'assessment procedure'.

The permit must be displayed at all times on the shop front window facing out to the street, so it can be seen outside the premises to which they pertain and be available for immediate inspection at all times when the premises are operating. Permit stickers for A-Frame signs must be displayed on the outside of the sign.

All goods/services and furniture must be removed from Council land when the business to which they pertain is closed.

Council may from time to time by resolution vary any condition for the issue of permits for Footpath Trading within the municipality. No refund or partial refund will be made for any unused period of the duration of the permit, or for a permit refusal.

Permits are non-transferable between business owners and traders. An application to amend the permit must be made to Council with authorization from the new business owner and the leaving business owner.

Application to Vary Permit Requirements / Variations to Application

A 'Variation Panel' within Council may consider applications for variation within areas. The panel will consider applications with regard to the following criteria;

- Effect on pedestrian traffic flows and safety
- Impact on appearance of the street and surrounds
- Impact on residential amenity
- Duration of use
- Effect on vehicular traffic flow and safety
- Whether it is complimentary to the primary adjoining use
- Whether it is less intensive than the primary adjoining use
- The applicants previous record of compliance
- Any relevant policies of the council
- Any other matter relevant to the application

The panel would consist of: Senior Officers of the Health & Local Laws Department, Planning, Engineering, Asset Management and other staff as required.

Transition period

Each renewal permit holder (after 1/4/2015) must make all attempts to comply with the Policy immediately. There will be a transition and compliance period for renewal permit holders only, 1/8/2016.

The permit holder will then be required to meet all of the new policy standards prior to the permit being renewed.

All new applications (after 1/4/2015) must adhere to the new standards immediately.

Appendix two

Checklist



Applying for a Footpath Trading Permit

Applicants are advised to read and familiarize themselves with Council's Footpath Trading Policy prior to any formal application being made to Council.

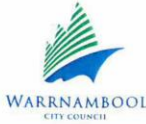
Failure to submit all the details (refer to guidelines) may result in delays in processing the application. It is your responsibility to check with relevant Council Departments to ensure you have all the required permits and licenses.

On receiving your application the responsible officer will:

- Check all relevant information has been received
- Arrange a time to meet on site for an inspection (include Asset, City Centre and Planning Officers when required)
- Assess the application based on the Footpath Trading Policy.
- Approve the application for payment and supply permit

Checklist for Applicants

<u>Have you Submitted this Information:</u>	<u>Tick the Boxes</u>
1. A signed application form	<input type="checkbox"/>
2. Unless provided by Council, a Certificate of Currency (Public Liability Insurance) for a minimum of \$10,000,000 specifically covering the area occupied by the footpath trading (and noting the interests of Warrnambool City)	<input type="checkbox"/>
3. A site plan 1:100 scale of existing conditions (e.g. building frontage, abutting properties, existing infrastructure, etc.)	<input type="checkbox"/>
4. A site plan 1:100 scale of proposed footpath activity	<input type="checkbox"/>
5. Details of furniture/goods/items (colour, design, etc.)	<input type="checkbox"/>
6. Details of any advertising (design, size, etc.)	<input type="checkbox"/>
7. Details of approval from other Council departments	<input type="checkbox"/>
8. Details of liquor license (including plan of licensed area)	<input type="checkbox"/>



Outdoor Dining Application

NAR Form

Council is collecting the information on this form so that it may consider your application in accordance with Council Local Laws 4 & 5. The information is only used by Council for this purpose and will not be disclosed unless required under law.

(Please tick)

Do you have a current account with Warrnambool City Council? Yes No Unsure

Type (Please tick)

Permit FOR Outdoor Dining Facility
Renewal of Permit

Applicant Details

Name.....Surname.....Contact Number.....

Business Details

Trading Name of Premises.....

Address of Premises.....
(If the account is to be sent to a PO Box the actual address of premises must be included)

.....Post Code.....

Business Phone Number.....Mobile.....Facsimile.....

Business Email.....

Description of use of premises (eg café, takeaway, restaurant, bakery).....

ABN Number.....ACN Number.....

Outdoor Dining Facility Details

Number of tables (NB. 1 fee amount for each table).....

Fee Payable \$.....

Note: Annual Permit fee is per table and up to 4 chairs. New applications received between 1 February and 31 July will pay 50%. The permit period is from 1 August to 31 July each year. The issue of a permit under Local Law 5 includes a blanket cover for Public Liability Insurance of \$10 million. Owner's responsibility to keep current and ensure permit is displayed.

Signature

I/We the undersigned hereby apply to complete this area after reading the 2014 Footpath Trading Policy:

(Please tick)

- Place tables and chairs on the footpath
 Operate portable gas heaters
 Allow consumption/possession of liquor in a public place (subject to any additional requirements of the Liquor Licensing Victoria)

For the year ending 31 July....., under the provisions of the Council Local Laws 4 and 5 in the public place described above and depicted in the plan

- attached herewith
 lodged with the Council

Signature of Applicant.....Date.....

OFFICE USE ONLY

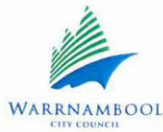
Date:.....

Receipt No.....

Civic Centre 25 Liebig Street
Warrnambool Victoria Australia
PO Box 198 Warrnambool VIC 3280

Telephone (03) 5559 4800
Facsimile (03) 5559 4900
AUSDOC DX 28005

Website www.warrnambool.vic.gov.au
ABN 44 594 264 321



Advertising Signs / Display of Goods Application

NAR Form

Council is collecting the information on this form so that it may consider your application in accordance with Council Local Laws 4 & 5. The information is only used by Council for this purpose and will not be disclosed unless required under law.

(Please tick)

Do you have a current account with Warrnambool City Council? Yes No Unsure

Type (Please tick)

Permit FOR Advertising Sign/s
Renewal of Permit Displaying Good/s

Applicant Details

Name.....Surname.....Contact Number.....

Business Details

Trading Name of Premises.....

Address of Premises.....

(If the account is to be sent to a PO Box the actual address of premises must be included)

.....Post Code.....

Business Phone Number.....Mobile.....Facsimile.....

Business Email.....

Description of use of premises (eg café, takeaway, restaurant, bakery).....

ABN Number.....ACN Number.....

Advertising Signs/Displaying Goods Details

Number of A-frame/display of goods required (NB. 1 fee amount for each sign/display of goods).....

Total Fee Payable \$.....

Note: Display of Goods - One permit entitles trader to maximum 1.5m length x 0.8m width x 1.5m height of display area.

New applications received between 1 February and 31 July will pay 50%. The permit period is from 1 August to 31 July each year. The issue is a permit under Local Law 5 a blanket cover for Public Liability Insurance of \$10 million. Permits must be kept current and displayed. A second A-frame or display of goods may be permitted if shopfront exceeds 6m in width.

Under the provisions of the Council Local Laws 4 and 5 in the public place described above and depicted in the 2014 Footpath Trading Policy.

- attached herewith
 lodged with the Council

Signature of Applicant.....Date.....

OFFICE USE ONLY

Date.....

Receipt No.....

APPENDIX B

Footpath Trading Policy 2018

APPROVAL DATE: TBC

REVIEW DATE: TBC

DOCUMENT CONTROL

Document Title:	<i>Footpath Trading Policy 2018</i>
Policy Type:	<i>Council</i>
Responsible Branch:	<i>City Amenity</i>
Responsible Officer:	<i>Director of City Infrastructure</i>
Document Status:	<i>Adopted</i>
Approved By:	<i>Council</i>
Adopted Date:	<i>TBC</i>
Review Date:	<i>TBC</i>

1. INTRODUCTION

1.1 Purpose

Warrnambool City Council is committed to supporting and enhancing local business and activated streetscapes. This Policy aims to ensure a safe and vibrant environment that reflects Warrnambool's vision and continues to facilitate a wide range of street trading opportunities.

This Policy seeks to provide support to local businesses, a framework for footpath trading, manage the public realm and to meet the legal responsibilities, Disability Discrimination Act in relation to footpath use. Council also requires that the development of street trading be in keeping with the character of the City and ensure that the visual amenity of our streetscape remains cosmopolitan, vibrant and consistent.

This Policy provides clear obligations and requirements through the Footpath Trading application and permit process to ensure pedestrians can move through the streetscape in an orderly, safe and accessible manner.

The Policy is implemented through the Footpath Trading Procedures available on Councils website www.warrnambool.vic.gov.au. The Procedures provide specific information to guide permit applications and provide certainty and consistency.

1.2 Scope

This Policy applies to all public footpaths within the Municipality, and includes trading, merchandising, promotional activities, busking, for commercial and not for profit. This Policy does not apply to private land, road closures and special events.

1.3 Definitions

Term	Definition
“Public Footpath”	A public path or laneway occupying part of the road reserve managed by Council for pedestrians.
“Trading”	The act of engaging in trade, includes outdoor dining, busking, fundraising, advertising.
“Busking”	Street performing which may include voluntary donations.
“Fundraising”	Seeking financial support for a cause.
“Advertising”	Draw attention to or describe favourably goods or services in a public medium to promote sales.
“Trading items ”	Includes but not limited to chairs, tables, screens, heaters, planter boxes, umbrellas, a-frame signs, merchandise.
“Activities”	Raffle selling, promotions and giveaways, barbeques,

1.4 References

Acts	<ul style="list-style-type: none"> • Planning & Environment Act 1987 • Road Management Act 2004 • Local Government Act 1989 • Tobacco Act 1987 • Occupational Health and Safety Act 2004 • Disability Discrimination Act 1992 • Building Act 1993 • Liquor licensing 1998 • EPA Act 1970
Regulations	<ul style="list-style-type: none"> • Warrnambool City Council Local Laws

Standards or Guidance Materials	<ul style="list-style-type: none"> • Infrastructure Design Manual (IDM) • Council Standard Drawings • Council Streetscape Design Guidelines • Footpath Trading Procedures
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2. POLICY OBJECTIVES

Council's Footpath Trading Policy provides direction for applicants to trade on the footpath.

2.1 Policy Objectives

The objectives of this policy are to ensure that:

- The City is vibrant and activated whilst being safe, visually appealing, cosmopolitan and consistent.
- Footpath trading and merchandising is conducted in a safe and visually attractive manner.
- Shopping centres and footpaths are accessible to the public and comply with the relevant legalisation.
- Orderly and responsible management of footpath infrastructure.
- The amenity and aesthetics of the streetscape are protected and enhanced.
- Pedestrian activity remains the principal activity on City footpaths.
- All permits issued under this Policy align with relevant Council guidelines, Local Laws and legislation.
- Disability Discrimination Act compliance is met.

2.2 Policy Statement

Council will:

- Manage and regulate secondary activities on roads including trading, placement of goods, advertising and collections so that it does not compromise the primary need for the passage of people and goods;
- Provide equitable and safe access for people with sight and movement impairment or disabilities; and
- Provide generally for the peace, order and good governance of the municipality.

No items or activities as defined by this Policy may occur on the footpaths or road reserves unless in accordance with this Policy and Procedures.

Permits must be obtained before trading commences.

3. GOVERNANCE

3.1 Owner

The Director of City Infrastructure is responsible for monitoring the relevance and currency of this policy and for updating it when required.

3.2 Review

The Director of City Infrastructure will review the policy for any necessary amendments no later than three years after its adoption or after the last review.

3.3 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).

3.4 Footpath Trading Applications

Applications will be individually assessed based on merit, equity, subject to meeting the requirements of prevailing legislation and relevant policy and guidelines.

APPENDIX C



WARRNAMBOOL
CITY COUNCIL

**Footpath Trading
Procedures**

FOOTPATH TRADING PROCEDURES



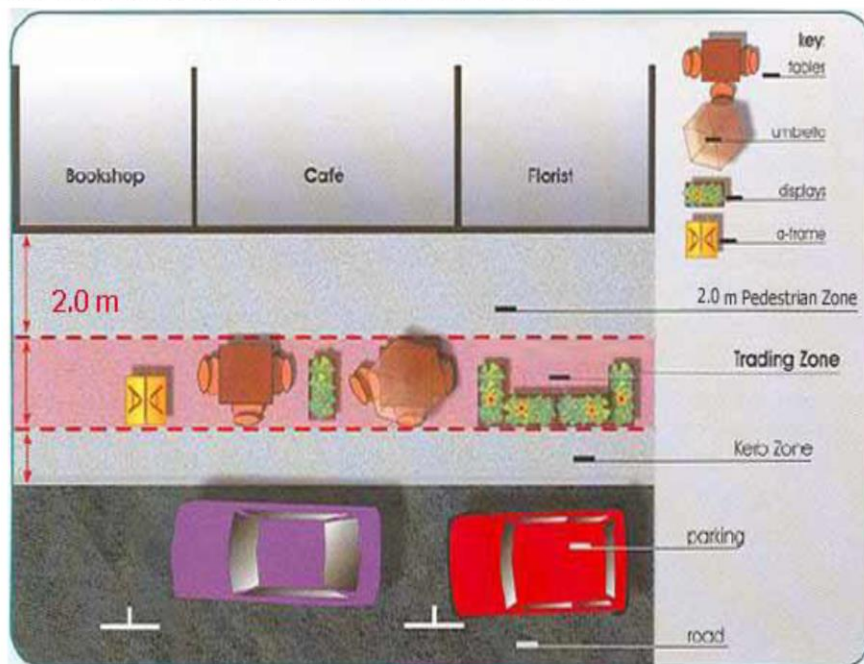
1. Introduction

These procedures have been developed to assist businesses, individuals and Council to facilitate appropriate footpath trading options. The procedures should be read in conjunction with the Warrnambool City Council Footpath Trading Policy. The procedures provide information and certainty to the community over what treatments and infrastructure are preferred and the manner in what footpath trading is conducted.

2. General Standards

2.1 Footpath Zones and Locations

Footpaths refer to the area of pavement which is public land between a private property boundary and the roadway. The land is Council owned and controlled, and is part of the road reserve.



FOOTPATH TRADING PROCEDURES



2.2 Appropriate Zones and Locations

The footpath has been divided into three 'Zones' to ensure complementary use of the area between public and commercial uses. The zones consist of:

- Pedestrian Zone
- Trading Zone
- Kerb Zone

In laneways and other footpaths where the above standards are not able to be met, a Council road closure permit may be required and the application will be assessed on a case by case basis.

2.3 Pedestrian Zone

The pedestrian zone must have an unobstructed, safe and continuous path of travel from the building line or shop front of a **minimum 2.0 metres**. No goods/services, activities, footpath markings, A-Frame signage, furniture (including mats) or trading can occur in this zone at any time.

The Pedestrian Zone also includes the area above the footpath to a height of 2.4m. No items should protrude into the Pedestrian Zone.

2.4 Kerb Zone

The Kerb Zone is the area between the Trading Zone and the gutter. There are strict requirements for the width of this area dependent on parking conditions adjacent to the area.

- 2.4.1 There must be a minimum of 0.8m setback from the kerb line to the trading zone when adjacent to angled or parallel parking bays
- 2.4.2 The area adjacent to disabled parking areas, loading zones or zones is not permissible for footpath trading. There may be some instances where footpath trading can be permitted safely in these areas which will be considered on a case by case basis.
- 2.4.3 No advertising, trading or dining activities are permitted to obstruct Council street furniture. Council will only consider the relocation of street furniture in extreme circumstances and relocations will be at the expense of applicants.

FOOTPATH TRADING PROCEDURES



It should be noted that footpath trading may not be permissible in these areas.

2.5 Trading Zone

2.5.1 This zone allows for commercial use including furniture, goods/services, activities, A-Frame signage and trading. This zone is the distance between the Pedestrian Zone and the Kerb Zone and the width will vary depending on the overall width of the pavement.

All commercial use must be contained within this zone and can occur only during normal trading hours, provided that no furniture, goods/services or A-Frame signage remains on the footpath after 10pm unless otherwise agreed by Council.

Applications must be submitted for the following activities in the trading zone:

- A-Frames or sail signs – All businesses
- Goods on footpath – All businesses
- Outdoor dining / screens – Existing café or registered food premises.
- Other activities eg busking, fundraising, charitable activities, promotions, footpath markings

This zone must have a 1.5m break between each adjacent premises to allow for access from the Kerb Zone to the pedestrian zone and a 1 metre break between two displays in front of the same business (if permitted).

Applications to trade in front of a disabled or hatched bay are required to comply with AS1428.2 design for access and mobility, these applications will be handled on a case by case basis.

2.5.2 To ensure that street cleansing and maintenance can be undertaken, all portable furniture/fittings must be removed by 10pm each day, unless otherwise permitted by the footpath trading permit.

FOOTPATH TRADING PROCEDURES



2.5.3 Any advertising on portable or fixed infrastructure must adhere to the advertising guidelines listed below under advertising.

2.5.4 All furniture and equipment must be approved by Council prior to manufacture / installation.

2.6 Footpath Dining

2.6.1 All tables and seating must remain within the Trading Zone for the duration of their use. Cafe furniture must be of a high standard in appearance and durable in nature. In all instances Council must approve furniture design before use.

2.6.2 Tables and seating must be portable to facilitate maintenance and cleaning, however need to be strong and windproof. This may include metal and timber or metal frame and plastic tabletop and chair back/seat.

2.6.3 All unfixed furniture or items must have suitable protective measures for safety and to prevent damage to public infrastructure. It is the responsibility of the permit holder to ensure all unfixed furniture and equipment to comply with the terms and conditions of the permit.

2.6.4 In accordance with AS1428.2, tables and chairs are required to have minimum 30% colour contrast to their background to assist the vision impaired.

2.6.5 Table and chair legs should not extend on an angle that would cause tripping points to pedestrians.

2.6.6 Footpath protection may be required for some uses eg BBQ or food trading. Note: Could be sealing of pavement in area.

3. Design Standards

Portable Street Furniture and Equipment

3.1 Screens

3.1.1 Portable screens must not exceed 0.9 m in height or 5.0m in length. Only approved design of portable screens are acceptable.

FOOTPATH TRADING PROCEDURES

- 3.1.2 Screens must comply with the access requirements of Section 2 of these Procedures.
- 3.1.3 The use of planter boxes as a replacement for screens will be assessed in a case by case basis.

3.2 Umbrellas

- 3.2.1 Umbrellas are required to be rated to minimum 110km per hour wind rating
- 3.2.2 Are to be used only in areas where there is no obstruction caused to canopies or trees, or where the use of the umbrella will not interfere or damage existing infrastructure.
- 3.2.3 Umbrellas must be a minimum (at the lowest point) of 2.4m above the level of the footpath.
- 3.2.4 Umbrellas must not extend beyond the trading zone.
- 3.2.5 All umbrellas are required to be anchored by fixed in-ground socket approved by Council.
- 3.2.6 The cost of installation and removal will be charged to the permit holder if a continuous footpath trading permit is not maintained.

Fixed furniture and equipment**3.3 Heaters**

All outdoor heaters must be fixed to an awning or veranda and comply with relevant safety standards specified by Energy Safe Victoria (or relevant authority).

Council approval is required for the installation of fixed heaters.

3.4 Advertising

- 3.4.1 Council understands the need for businesses to engage in marketing and advertising as a part of their comprehensive business strategy. All advertising must directly relate to the permit holder's business and consider the amenity of the area and streetscape appearance for the whole community. Third party advertising is not permitted.

FOOTPATH TRADING PROCEDURES

3.4.2 No more than 20% of the total area of advertising on furniture and equipment.

3.4.3 Details of any proposed signage on furniture and equipment must be submitted with any application to trade on the footpath.

3.5 Portable Advertising Signs (A-Frames) and Sail/Tear Drop Signs

3.5.1 A-frames must be displayed in a safe manner and must be monitored and removed in inclement weather.

3.5.2 A frames must be displayed within the Trading zone and must be securely placed and windproof.

3.5.3 Flashing, revolving/spinning signs are prohibited at all times.

3.5.4 A frames must not exceed a height of 0.9m.

3.5.5 Signage can only be displayed during normal business hours and must be removed from the trading area at the close of business, or no later than 10pm.

3.5.6 Only **one** sign per shop frontage will be considered.

3.5.7 A frames or advertising signs must be free-standing and not be fixed to any footpath, pole or other structure.

3.5.8 Permission may be granted for an application where the business has no street frontage and the sign is placed outside premises not occupied by the applicant. In this instance the owner of the premises where the sign is to be placed will be consulted. Public liability must be extended to cover the goods/sign.

3.5.9 A-frame design and colour scheme to be approved by Council.

3.5.10 Applications will only be considered if there are no obstructions to visual site lines.

3.5.11 The base must avoid the sail falling and trip points.

FOOTPATH TRADING PROCEDURES



- 3.5.12 Must not be used in an area that may cause interference.
- 3.5.13 Must not be attached to building facades, posts, power poles or Council infrastructure.
- 3.5.14 Design to be approved by Council prior to manufacture / installation.
- 3.5.15 Removed at the close of trade, or no later than 10pm.
- 3.5.16 Only one sail sign is permitted per 6 metres.

3.6 Display of Goods

- 3.7.1 Goods for sale or display must be located within the trading zone in an orderly manner.
- 3.7.2 Display cases must be designed specifically for display purposes.
- 3.7.3 Must be safe, sturdy, and windproof.
- 3.7.4 Display cases and racks must be secured by a Council approved locking device.
- 3.7.5 Should be designed to prevent damage to footpaths.
- 3.7.6 Must be of a design and construction approved by Council.
- 3.7.7 Should not cause tripping points to pedestrians.
- 3.7.8 Should not be of a material that will easily deteriorate or discolour.
- 3.7.9 Must be removed after trading hours (no permanent displays will be considered)
- 3.7.10 Council will not permit improvised devices such as shopping trolleys, milk crates, laundry, baskets, moving trolleys and market style shopping carts

FOOTPATH TRADING PROCEDURES

- 3.7.11 The maximum dimensions for a display case and/or rack inclusive of product are: Height – 1.5m, Length – 1.8m, Width – 0.75m
- 3.7.12 Goods can only be displayed in an approved display case or rack and not placed directly on the ground.
- 3.7.13 Display cases and racks to be free of all coverings
- 3.7.14 Display of foodstuffs must comply with Council's Health requirements
- 3.7.15 Goods displayed must be for sale and not for storage purposes.
- 3.7.16 Goods and goods stands must only be placed on the footpath during the normal business hours, or no later than 10pm.
- 3.7.17 All goods stands must be suitable / stable and approved by the responsible authority.
- 3.7.18 Goods or their displays must not be fixed to any footpath, building, asset, pole or other structure.
- 3.7.19 The placement of goods on the footpath must not exceed a height of 1.5 metres, depth of 0.8 metres or length of 1.5 metres for a single display.
- 3.7.20 If the shop front exceeds 6 metres, one additional display of the same maximum dimensions may be permitted at the discretion of Council subject to there being no amenity, aesthetic or obstruction issues or conflicts.
- 3.7.21 The second display shall be subject to a separate permit with a fee equal to the first permit fee.
- 3.7.22 Goods should have a contrasting colour to their background to assist the vision impaired.

FOOTPATH TRADING PROCEDURES**3.8 Permit Holders responsibilities**

- 3.8.1 All furniture and equipment remains the property of the permit holder and must be operated and maintained in a safe manner in all weather conditions. This may mean that furniture and equipment must be removed in a storm event or inclement weather.
- 3.8.2 The permit holder must maintain continuous public liability insurance cover for the amount of \$20 million.
- 3.8.3 The permit holder must operate in accordance with the conditions of the permit and the requirements set out in this document, must monitor the footpath trading at all times, and must meet all obligations to a high standard.
- 3.8.4 It is the responsibility of the permit holder that no chairs or tables (or other items) on the footpath are moved by patrons and obstruct the Pedestrian Zone.
- 3.8.5 If fixed footpath trading infrastructure such as screens, tables, umbrellas etc are required to be moved to facilitate repairs, maintenance or other works by service authorities, the cost of re-fixing such items will be borne by the permit holder.
- 3.8.6 Where fitted furniture and fixtures prevent Council from cleaning the area of the Trading zone designated under the permit, cleaning will be the responsibility of the permit holder.

4. Management Responsibilities

4.1 Council Responsibilities

The Council is responsible for the management of the road reserve at all times and reserves the right to revoke permission to conduct footpath trading.

Council and other service authorities regularly require access to footpath areas for the purposes of programmed and emergency maintenance and asset renewal programs. In these circumstances, goods and signage must be renewed

FOOTPATH TRADING PROCEDURES



4.2 Compliance and Enforcement

- 4.2.1 Council staff will monitor and evaluate all footpath trading on a regular basis. Any observed noncompliance of the Footpath Trading Policy, Procedures or permit conditions will be investigated and compliance action taken if considered necessary.
- 4.2.2 Upon detection of a breach of the Local Law, Footpath Trading Policy, Procedures or a specific license condition, Council (including its staff and authorised officers) may take the following action:
1. Verbal Notice to Comply issued to the permit holder – a first and final verbal warning
 2. Written Notice to Comply Issued – a first and final written notice - Must comply within the time limit stated.
 3. Infringement Notice issued – fine for non-compliance.
 4. Cancellation of the permit.
- 4.2.3 Council may take immediate action to remove or require to be removed items which may pose a risk to persons or property/infrastructure.
- 4.2.4 Council may also impound any items that are placed on the footpath that do not comply with Local Laws, this Policy or any conditions placed on a permit. Any impounded items can be reclaimed subject to Council process.
- 4.2.5 Council has an infringement review process which provides the opportunity to request a review of an infringement as required under the Infringements Act 2006 legislation.

4.3 Fees

- 4.3.1 Footpath Trading Permit fees are payable by 1st August each year. ½ year fee for new applications available (refer to application form).
- 4.3.2 The fee payable is advertised on Councils website and through the annual budget in the fees and charges. Fees must be paid at the lodgment of application. The application will not be assessed until the fee has been paid in full.

FOOTPATH TRADING PROCEDURES



- 4.3.3 All footpath-trading permits expire on the 31st July of every year and will be required to be renewed prior to commencement of Footpath Trading. Any outstanding fees or areas of non-compliance must be addressed prior to the renewal of the Footpath Trading Permit.
- 4.3.4 Council will undergo a review of the fee structure and application process every 12 months to ensure it is in line with any changes in legislation and to make changes to fee structures as required.

5. Permit Fees and Application Process

5.1 Application and Renewal Process

Please read and ensure your understanding of the requirements contained within the Footpath Trading Policy and Procedures, prior to submitting your application to Council for footpath trading.

To apply for a permit you must obtain an application form and checklist and submit this with the following:

5.2 New Application Requirements

Each person seeking a permit will be required to provide the following information:

- 5.2.1 Completed Application form stating what kind of permit is being sought and a copy of certificate of Public Liability Insurance.
- 5.2.2 Site plan to scale showing the width of the building frontage and the footpath from kerb to building line, location of building lines and abutting properties, existing infrastructure and other features (including Council infrastructure, such as bins or parking meters, and disabled parking or loading, taxi or bus zone bays). All dimensions associated with the footpath area should be shown. (Site plan not required for A-Frame signs). Proposed conditions showing the area and layout of the proposed footpath activity, including the proposed location of all items.

FOOTPATH TRADING PROCEDURES

- 5.2.3 Details of Furniture including drawings, colour scheme, design, photograph etc. (e.g. tables, chairs, screens, A-frames, sail / tear drop signs, planter boxes, heaters and umbrellas), together with details of fixings and anchor points.
- 5.2.4 Details of advertising with a colour photograph or detailed design drawing of proposed advertising, size and location.
- 5.2.5 Details of approval from other Council departments eg. Environmental Health or Planning or building permits
- 5.2.6 Details of liquor licence (including plan of licensed area).
- 5.2.7 Certificate of Currency (Public Liability Insurance) – for a minimum of \$20,000,000, specifically covering the area occupied by the footpath trading.
- 5.2.8 A checklist is also included in the application material to ensure you provide all information correctly. Applications received without all required information may delay the assessment of a permit application.

5.3 Application Assessment

On receipt of an application Council will check all relevant information has been received – If incomplete, the applicant will be contacted to discuss and clarify outstanding requirements and make arrangements for the information to be provided.

5.4 Final Assessment

Provided the application or renewal meets the requirements of the Footpath Trading Policy and Procedures and all information required has been submitted, Council will assess the application and either issue the permit or contact the applicant if aspects of the application require amendment. It may be necessary for Council to hold an on-site meeting with the applicant to assist in the assessment process.

5.6 Refusal of permit

- 5.6.1 If the application does not meet the requirements of the Footpath Trading Policy and Procedures the application will be refused and the applicant notified in writing.

FOOTPATH TRADING PROCEDURES



5.6.2 If the permit is refused a fresh application will then be required to be submitted.

5.7 Renewal of a permit

5.7.1 Permits must be renewed by the 1st August. It is not necessary to submit site plan etc if the details of the application are unchanged.

5.7.2 A renewal is required to ensure the applicants details are current and the renewal fee is paid.

5.8 Transfer of Business

Permits are not transferable. If business ownership changes, a new permit must be submitted prior to the commencement of Footpath Trading.

5.9 Consumption of Liquor within a Kerb side Cafe area

Should the applicant intend to serve alcohol from the outdoor eating facilities, it will be necessary to obtain a liquor license. (Proof of license is required when applying for a Footpath Trading Permit). You may require a Town Planning Permit and approval for open alcohol containers in accordance with the provision of Local Laws.

5.10 Public Liability

Unless provided by Warrnambool City Council in the form of a blanket cover, every applicant for a permit to trade on the footpath/Council land shall have and maintain for the term of any permit issued joint public liability insurance cover of at least twenty million (\$20,000,000) dollars. This cover must be demonstrated when the application is lodged. It is the responsibility of the permit holder that the insurance remains up to date for the duration of the permit issued. If a joint name policy is not available then Council should be nominated as an interested party and be named on the Certificate of Currency.

5.11 Transition period

Each permit holder must make all attempts to comply with the Footpath Trading Policy and Guidelines immediately. There will be a transition and compliance period for renewal permit holders of 12 months from the date of the permit issue date.

FOOTPATH TRADING PROCEDURES

Council staff will work collaboratively with applicants to address outstanding issues of non-compliance with the Footpath Trading Policy and Procedures.

The permit holder will then be required to meet all of the Policy and guidelines prior to the permit being renewed.

6. Checklist

6.1 Checklist for Applicants

Your application must contain:

Tick the Boxes

- | | |
|---|--------------------------|
| 1. A signed and completed application form | <input type="checkbox"/> |
| 2. Public Liability Insurance for a minimum of \$20,000,000 for the permit area | <input type="checkbox"/> |
| 3. A site plan to scale of existing conditions and proposed conditions (e.g. building frontage, abutting properties, existing infrastructure, etc.) | <input type="checkbox"/> |
| 4. Details of furniture/goods/items (colour, design, etc.) | <input type="checkbox"/> |
| 5. Details of any advertising (design, size, etc.) | <input type="checkbox"/> |
| 6. Details of approval from other Council departments | <input type="checkbox"/> |
| 7. Details of liquor licence (including plan of licenced area) | <input type="checkbox"/> |

APPENDIX A



Footpath Trading Application

Council is collecting the information on this form so that it may consider your application in accordance with Council Local Laws. The information is only used by Council for this purpose and will not be disclosed unless required under law. Please complete relevant section for Outdoor Dining, Advertising Sign/Displaying Goods or Busking.

(Please tick)

Do you have a current NAR (Name and Address Record) account with Warrnambool City Council?

Yes No Unsure

Type (Please tick)

New Permit

Renewal of Permit

Applicant Details

Name _____ Surname _____ Contact Number _____

Business Details

Trading Name of Premises _____

Address of Premises _____

(If the account is to be sent to a PO Box the actual address of premises must be included)

Post Code _____

Business Phone Number _____ Mobile _____ Facsimile _____

Business Email _____

Description of use of premises (eg café, takeaway, restaurant, bakery) _____

ABN Number _____ ACN Number _____

Outdoor Dining

Please provide a detailed plan of your proposal to accompany the application. All applications must be in accordance with the 2017 Footpath Trading Policy and Guidelines. The Policy and Guidelines and applicable fees (in the Fees and Charges section) are available on Warrnambool City Council website www.warrnambool.vic.gov.au.

The fee is calculated based on the number of tables and the number of seats.

Number of tables _____

Number of seats _____

Fee Payable \$ _____

Note: New applications received between 1 February and 31 July will pay 50%. The permit period is from 1 August to 31 July each year. The issue of a permit under Local Laws includes a blanket cover for Public Liability Insurance of \$20 million. Owner's responsibility to keep current and ensure permit is displayed.

Advertising Signs/Displaying Goods Details

Please provide a detailed plan of your proposal to accompany the application. All applications must be in accordance with the 2017 Footpath Trading Policy and Guidelines. The Policy and Guidelines and applicable fees (in the Fees and Charges section) are available on Warrnambool City Council website www.warrnambool.vic.gov.au.

Number of A-frame/display of goods required (NB. 1 fee amount for each sign/display of goods) _____

Total Fee Payable \$ _____

Note: Display of Goods - One permit entitles trader to maximum 1.5m length x 0.8m width x 1.5m height of display area.

New applications received between 1 February and 31 July will pay 50%. The permit period is from 1 August to 31 July each year. The issue is a permit under Local Law 5 a blanket cover for Public Liability Insurance of \$20 million. Permits must be kept current. A second A-frame or display of goods may be permitted if shopfront exceeds 6m in width.

Busking and Fundraising

Please provide a detailed plan of your proposal to accompany the application. All applications must be in accordance with the 2017 Footpath Trading Policy and Guidelines. The Policy and Guidelines and applicable fees (in the Fees and Charges section) are available on Warrnambool City Council website www.warrnambool.vic.gov.au.

Details: _____

Location(s) _____

Times: _____

Date(s) (a) _____ on _____

(b) from ____/____/____ to ____/____/____

Business premises in which you will be performing or fundraising in front of:

Name _____

Address _____

Has the permission of the owner of this business been obtained? Yes No

(If "No" obtain approval before applying to Council)

Name and contact number of the person who approved the permission

Name _____ Contact No _____

Condition

1. This permit is issued in accordance with the 2017 Footpath Trading Policy and Guidelines.
2. An account may be sent to the applicant to make good any costs incurred by Warrnambool City Council as a result of the function (damage to lawn, paving, services, rubbish removal etc.).
3. This form must be returned to Warrnambool City Council, 25 Liebig Street (PO Box 198) Warrnambool 3280, facsimile 5559 4900 or email wbool.city@warrnambool.vic.gov.au no later than 14 days prior to the date required.
4. Council reserves the right to withdraw or amend the permission granted at any time due to unforeseen circumstances, non-compliance with the Footpath Trading Policy and Guidelines or substantiated complaints.

Signature of Applicant _____ Date _____

OFFICE USE ONLY

Date: _____

Receipt No: _____

5.4 PETITION – BANYAN STREET MEDIAN TREE PLANTING

Cr. Neoh declared an interest and left the meeting at 6.05pm.

PURPOSE

To receive the petition which requests that Council consider planting trees down the median strip in Banyan Street between Timor Street and Merri Street.

EXECUTIVE SUMMARY

- A petition has been received with 19 signatures requesting that Council consider planting trees down the median strip in Banyan Street between Timor Street and Merri Street.
- In accordance with Local Law L.1 Governance, the petition should be received and referred to the Chief Executive for a report to a future Council meeting.

MOVED: CR. HULIN
SECONDED: CR. OWEN

In accordance with Local Law L1 Governance, the petition be referred to the Chief Executive for consideration and response.

CARRIED – 5:0

BACKGROUND

Council has received a petition with 19 signatures requesting that Council consider planting trees down the median strip in Banyan Street between Timor Street and Merri Street – refer **Appendix A**.

ISSUES

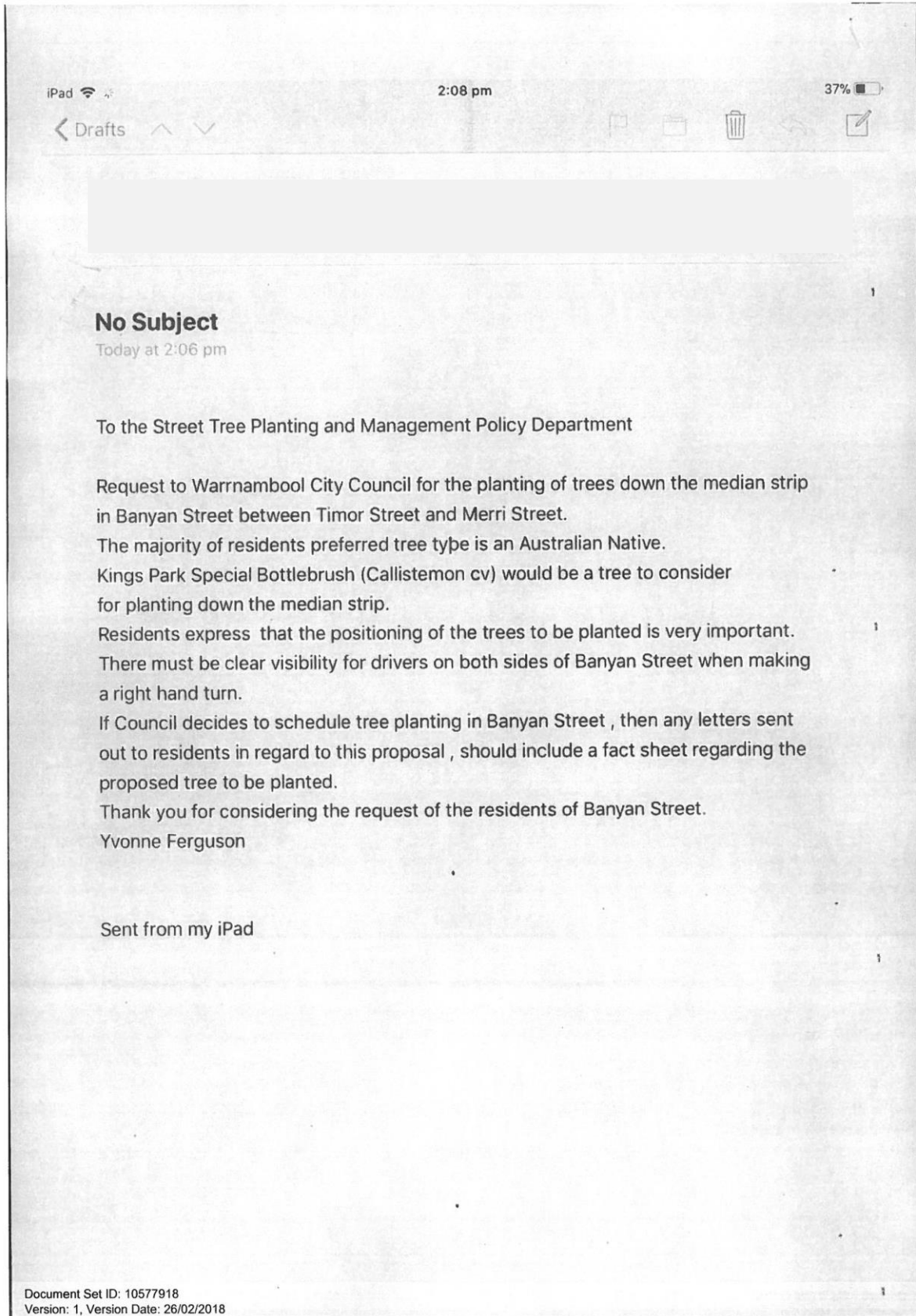
The petition indicates that ‘the majority of residents preferred tree type is an Australian Native’.

CONSULTATION / COMMUNICATION

A response will be sent to the person who submitted the petition, to inform them of the Council process.

Warrnambool City Council	
26 FEB 2018	
Ref N ^o	
Officer	
Scanned Yes / No	Ch:

Mr Paul Lamb
Warrnambool City Council




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metrotrees.com.au

Metro TREES

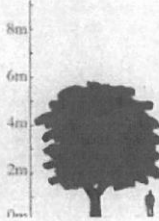
Callistemon hybrids

Family: Myrtaceae

Common name: Bottlebrush
(‘Harkness’ & ‘Kings Park Special’)



Callistemon ‘Harkness’ is one of the well-known Bottlebrushes that has been an excellent street tree for many years. Also known as ‘Gawler Hybrid’, this plant has proved valuable throughout Victoria and South Australia. The smaller-growing ‘King’s Park Special’ is also well-known for its ability to grow in difficult locations while forming a compact, showy plant.



As hybrids between *C. citrinus* and *C. viminalis*, ‘Harkness’ and ‘King’s Park Special’ show intermediate qualities of both. ‘Harkness’ is slightly weeping, has long, stiff, grey-green leaves, and has deeply-fissured, blackish-grey bark. The flowers are exceptional: crimson-red bottlebrushes to 200mm long, borne in late spring and early summer. These flowers can last for up to 6 weeks, and leave few-to-no fruits behind.

Typical mature height: to 6m (‘Harkness’)
Useful in: streetscapes, reserves & parks
Sites for best growth: many site conditions

- * ‘King’s Park Special’ grows to 4m, has more upright growth, and also has profuse red bottlebrush flowers. This cultivar is ideal where
- * the space is very limited on a narrow nature strip.

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These cultivars will thrive in both the cooler areas of Victoria as well as the hot towns in the Mallee. Although they grow best with some summer irrigation, plantings throughout South Australia survive well with no additional irrigation post-establishment.

Callistemon 'Harkness' & 'King's Park Special' also seem to grow well in a variety of soils, from sandy, skeletal soils, to heavy, clay-filled soils. They grow well on most nature strips, and will also grow reasonably well in planter boxes, or restricted planting areas cut out of bitumen.

As a tree growing only to 6m tall, *Callistemon* 'Harkness' is another valuable plant for restricted sites. This growth form, combined with excellent flowering and tolerance to difficult sites makes 'Harkness' a necessary plant for streetscapes. When even less planting space is available, 'King's Park Special' is an excellent, red-flowering Bottlebrush.

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Home > Your City > Street Trees > Street Trees of Knox > Kings Park Special Bottlebrush (Callistemon cv)

Kings Park Special Bottlebrush (Callistemon cv)

Listen



Description: A small native evergreen tree.

Flowering Time: Masses of deep red flowers in spring and late autumn.

Features: Beautiful and showy masses of deep red flowers.

Uses: A great street tree under power lines due it small size.

Height x Width: 4-5m x 3-4m.

Languages

廣東話 普通話 [Deutsch](#) [한국어](#) [Magyar](#) [Italiano](#)

Contact Us

Phone: (03) 9298 8000

Document Set ID: 10577918
Version: 1, Version Date: 26/02/2018

Cr. Neoh returned to the meeting at 6.07pm.

5.5 PETITION – REMOVAL OF PEDESTRIAN CROSSINGS AT LAVA STREET / LIEBIG STREET AND KOROIT STREET / LIEBIG STREET ROUNDABOUTS

PURPOSE

To provide follow up information in regard to an electronic petition requesting the removal of pedestrian crossing at the Lava Street / Liebig Street and Koroit Street / Liebig Street roundabouts.

EXECUTIVE SUMMARY

- An e-petition has been received with 5,733 names requesting the removal of pedestrian crossings at the Lava Street / Liebig Street and Koroit Street / Liebig Street roundabouts.
- In accordance with Local Law L.1 Governance the petition was received at Council's 5 March 2018 Ordinary Meeting, and referred to the Chief Executive for consideration and response.
- Of the 5,733 names listed on the e-petition, only 402 identify with Warrnambool locations (addresses) and the balance identify with other locations from across Australia, USA, Italy, Ireland, New Zealand, France, Japan, Thailand, Hong Kong, United Kingdom, Malaysia, United Arab Emirates and India. The petition also contained some names that are assumed to be pseudonyms such as 'Awesome Sauce'.
- At its meeting of 5 June 2017 council resolved to trial pedestrian crossings on the Liebig Street / Lava Street and Liebig Street / Koroit Street roundabout crosswalks.
- Council has been offered funding by the TAC through VicRoads as part of the Pedestrian Serious Casualty Area program to install pedestrian crossing treatments at a further two City Centre roundabouts.
- Council has a number of options it could consider in relation to the roundabout pedestrian crossings and these are summarised as follows:
 - (i) The crossings could be retained in their current form.
 - (ii) The crossings could be removed. This process would take approximately 12 months. Over this time the line marking would wear and fade to a point where the crossings could be removed.
 - (iii) The crossings could have a 'zig zag' line marking treatment introduced on crossing approaches (roundabout approach only) to highlight the obvious nature of the crossings. This would be a negligible cost and low impact treatment.
 - (iv) Council could investigate the installation of flashing signals on the crossings, subject to the approval of VicRoads. This would be a moderate to high cost option and would require some rework of the streetscape – Estimate \$300,000.
 - (v) Full signalisation of the intersections. This would be a high cost option and would involve significant disruption and rework to the streetscape – Estimate up to \$1m.

MOVED: CR. HULIN
SECONDED: CR. CASSIDY

That Council

- i. **Acknowledge the request to remove the pedestrian crossings at the Lava Street / Liebig Street and Koroit Street / Liebig Street roundabouts.**
- ii. **Reaffirm its position to retain these crossings and review their effectiveness after the completion of the City Centre renewal project.**

AMENDMENT

MOVED: CR. NEOH
SECONDED: CR. GASTON

That Council

- i. **Acknowledge the request to remove the pedestrian crossings at the Lava Street / Liebig Street and Koroit Street / Liebig Street roundabouts.**
- ii. **Reaffirm its position to retain these crossings and review their effectiveness after the completion of the City Centre renewal project.**
- iii. **That in the next 12 months we look at a City-wide analysis of whether there could be future outs of this type of crossing.**
- iv. **That we look at the potential feasibility of signals on the roundabouts.**

The Amendment was LOST – 2:4

Crs. Neoh & Gaston voting for the motion

Crs. Hulin, Anderson, Cassidy & Owen voting against the motion

The Original Motion was then put

MOVED: CR. HULIN
SECONDED: CR. CASSIDY

That Council

- i. **Acknowledge the request to remove the pedestrian crossings at the Lava Street / Liebig Street and Koroit Street / Liebig Street roundabouts.**
- ii. **Reaffirm its position to retain these crossings and review their effectiveness after the completion of the City Centre renewal project.**

CARRIED – 6:0

BACKGROUND

Council has received an e-petition with 5,733 names requesting the removal of pedestrian crossings at the Lava Street / Liebig Street and Koroit Street / Liebig Street roundabouts.

On 5 March 2018 the petition was presented to Council where the following motion was passed:

“That in accordance with Local Law L1 Governance, the petition be received and referred to the Chief Executive for consideration and that the response considers other enhancements.”

At its meeting of 5 June 2017 council resolved to trial pedestrian crossings on the Liebig Street / Lava Street and Liebig Street / Koroit Street roundabout crosswalks.

CURRENT

Pedestrian crossings were installed at the Lava Street / Liebig Street and Koroit Street / Liebig Street roundabouts as part of the City Centre Renewal Project Zone 1 works which were completed in late 2017.

ISSUES

Council’s 2012 City Centre Revitalisation – The Structure Plan contains a number of strategies which promote pedestrian priority and accessibility in Liebig Street.

Advice provided by Council's City Centre Renewal design team Outlines Landscape Architecture, the City Centre Road Design Auditor O'Brien Traffic, the Safe System Solutions Road Safety Audit and the Warrnambool City Centre Traffic Review undertaken by Ratio Consulting all support the inclusion of pedestrian priority at roundabouts with high pedestrian demand.

The road safety audit supplied by Outlines Landscape Architects as part of its road safety audit requirements in November 2016 indicated that Council should '.....provide pedestrian priority (i.e. Zebra crossings'.

The TAC through VicRoads have offered Council funding through the Pedestrian Serious Casualty Area program of \$733,000 towards a \$1.67M project which would see both the Kepler Street / Koroit Street and the Kepler Street / Timor Street roundabouts upgraded to include pedestrian crossing on all approaches.

Council has a number of options it could consider in relation to the roundabout pedestrian crossings and these are summarised as follows:

- (vi) The crossings could be retained in their current form.
- (vii) The crossings could be removed. This process would take approximately 12 months. Over this time the line marking would wear and fade to a point where the crossings could be removed.
- (viii) The crossings could have a 'zig zag' line marking treatment introduced on crossing approaches (roundabout approach only) to highlight the obvious nature of the crossings. This would be a negligible cost and low impact treatment.
- (ix) Council could investigate the installation of flashing signals on the crossings, subject to the approval of VicRoads. This would be a moderate to high cost option and would require some rework of the streetscape – Estimate \$300,000.
- (x) Full signalisation of the intersections. This would be a high cost option and would involve significant disruption and rework to the streetscape – Estimate up to \$1m.

Of the options available to Council it is recommended that the 'zig zag' line treatment be considered for implementation as it is the most cost effective and least impact option, which will improve the obviousness of the crossings.

COUNCIL PLAN STRATEGY ADDRESSED

The recommendations contained in this report support the following the Council Plan objectives:

- 3.3.4 – Progressively plan and renew city centre streetscapes.*
- 3.6.1. – Seek funding for and deliver road safety projects.*

CONSULTATION / COMMUNICATION

A response letter will be provided to the first petition signatory to inform them of the Council's decision.

FINANCE

Costs associated with changes to the pedestrian crossings would vary significantly depending on the level of works undertaken. Some of the common line making treatments such as the 'zig zag' line are likely to cost only several thousand dollars.

The more complex flashing signal or full signalisation options are likely to cost between several hundred thousand dollars for flashing signals and up to \$1M for fully signalised options.

5.6 TENDER NO. 2018016 - DESIGN AND CONSTRUCTION - SIMPSON STREET DRAINAGE TUNNEL REHABILITATION AND LINING**PURPOSE**

To consider Tender No. 2018016 – Design and Construction - Simpson Street Drainage Tunnel Rehabilitation and Lining.

EXECUTIVE SUMMARY

- Council has sought tenders for the design and construction of tunnel rehabilitation and lining works for the Simpson Street Drainage Tunnel.
- The tender was advertised through Tenderlink on 16 December 2017 and closed on 9 February 2018.

MOVED: CR. NEOH
SECONDED: CR. OWEN

That Council award Contract No. 2018016 – Design and Construction Simpson Street Drainage Tunnel Rehabilitation & Lining, to Rob Carr Pty Ltd for the tendered amount of \$1,235,014.00 excluding GST.

CARRIED – 6:0**BACKGROUND**

The Warrnambool City Council invited tenders from suitably qualified designers and contractors to undertake the design and construction of tunnel rehabilitation and lining for 118m of the Simpson Street Drainage Tunnel.

The Simpson Street Tunnel was designed circa 1968 and was constructed by the former City of Warrnambool as a RED employment scheme. The Simpson Street Tunnel is 734m long, and has a varied cross section shape and lining along its length. The existing stormwater tunnel also houses the Simpson Street sewer within its profile.

The Tunnel services a large developing urban catchment of approximately 318 hectares and grades against the natural drainage slope to drain water towards the Hopkins River.

The Tunnel was constructed in variable ground conditions cut into the rock by hand, and from visual inspection, is showing signs of progressive degradation and localised collapse.

At the close of tenders on Friday 9 February 2018 at 2:00pm the following tender submissions were received:

Tenderer
Rob Carr Pty Ltd - Circular GRP Pipe
Rob Carr Pty Ltd - Bespoke Ovoid profile GRP Pipe
TDC Services Pty Ltd - Tunneline treatment
TDC Services Pty Ltd - Circular - IMPREGLiner UV Cured in place

All tenders have been submitted exclusive of GST.

DISCUSSION

The tender submissions associated with this project were evaluated by a panel consisting of:

Name	Position
Rohan McKinnon	Senior Projects Engineer (chair)
Ian Couper	Acting Manager Infrastructure Services
Scott Cavanagh	Director City Infrastructure
Rhyce Milward	Construction Engineer

EVALUATION CRITERIA

Tender submissions were assessed based on the respondent's performance or tender response in the following areas:

Criterion	Weighting
Technical capability to meet specification	20%
Quality, Environment and Risk Management	20%
Human Resource Management	20%
Tender Qualifications or Non-conformances	20%
Financial Capacity	15%
Local Benefit (max 5% score)	5%
Total	100%

All tenders were assessed using Council's Value for Money ratio.

POLICY/LEGAL/STATUTORY IMPLICATIONS

The requirements of Section 186 of the Local Government Act have been complied with for this tender. (There are no other policies, legal or statutory implications associated with this tender process.)

OFFICER DIRECT OR INDIRECT INTEREST

No officers or contractors involved in the preparation of this report have identified a direct or indirect interest in matters to which this report relates.

RISK ASSESSMENT

The tenderers were evaluated as to the potential risks associated with delivering the contract works.

SOCIAL CONSIDERATIONS

There are no significant social implications anticipated to arise from the acceptance of this tender.

COMMUNICATIONS

There are no communication issues associated with the acceptance of this tender.

5.7 TENDER NO. 2018019 REGISTER OF CONTRACTORS SUPPORTING CIVIL INFRASTRUCTURE - CONSTRUCTION**PURPOSE**

To consider Tender No. 2018019 Register of Contractors Supporting Civil Infrastructure – Construction.

EXECUTIVE SUMMARY

- Council has sought tenders for *2018019 Register of Contractors Supporting Civil Infrastructure Construction*, via Councils tenderlink portal.
- The successful tenderers will be appointed as registered suppliers to a panel of providers for the provision of this service.
- A total of 8 companies have provided tender submissions for the provision of these services.
- Following a detailed evaluation of each of the submissions it is considered that the tender submissions of Duggan Civil Pty Ltd, Elstone Diving Services Pty Ltd, Fulton Hogan Industries Pty Ltd, Greencon Australia Pty Ltd, Stabilised Pavement of Australia Pty Ltd, Abtech Plumbing and Excavations Pty Ltd, Graham Bowen Ltd Pty, L & H Van Kempen are preferred.
- The tender from Fulton Hogan Industries Pty Ltd should be accepted if agreement can be reached in relation to some departures they have proposed from the standard contract terms and conditions offered by Council.

MOVED: CR. HULIN
SECONDED: CR. CASSIDY

That Council:

1. **Accept the tender submission/s for Tender 2018019 Register of Contractors Supporting Civil Infrastructure, from Duggan Civil Pty Ltd, Elstone Diving Services Pty Ltd, Greencon Australia Pty Ltd, Stabilised Pavement of Australia Pty Ltd, Abtech Plumbing and Excavations Pty Ltd, Graham Bowen Ltd Pty, L & H Van Kempen for their associated schedule of rates exclusive of GST.**
2. **Accept the tender submission for Tender 2018019 Register of Contractors Supporting Civil Infrastructure form Fulton Hogan Industries Pty, subject to reaching agreeable contractual terms and conditions to the satisfaction of the Director City Infrastructure.**
3. **Authorise the Chief Executive Officer to sign and seal the deed(s) of standing offer and any contract documents.**

CARRIED – 6:0

BACKGROUND

The intent of this contract is to create a register of contractors supporting civil infrastructure construction for provision of seven construction works types as follows;

Service or works
1. Sealing New Pavements
2. Pavement Stabilisation
3. Asphalt
4. Concrete Works
5. Bridge Maintenance & Marine Services
6. Fencing & Associated Works
7. Linemarking Services

This contract is a panel type contract, where one or more contractor may be appointed to the panel for each service. All successful Tenderers will sign up to a Deed of Standing Offer for the provision of construction work.

The Deed constitutes an irrevocable, standing offer by the Contractor to perform works during the Deed Term on the terms and conditions set out in this Deed, including prices submitted.

Council is under no obligation to direct the contract to perform works and the deed is not exclusive; Council may use other contractors to provide the services.

At the close of tenders on Friday 8 December 2017 at 2:00 pm the following tender submissions were received:

No	Company	Separable Portions
1.	Duggan Civil Pty Ltd	Concrete Works
2.	Elstone Diving Services Pty Ltd	Bridge Maintenance & Marine Services
3.	Fulton Hogan Industries Pty Ltd	Sealing New Pavements Pavement Stabilisation Asphalt works
4.	Greencon Australia Pty Ltd	Concrete Works Bridge Maintenance & Marine Services
5.	Stabilised Pavement of Australia Pty Ltd	Pavement Stabilisation
6.	Abtech Plumbing and Excavations Pty Ltd	Concrete Works Bridge Maintenance & Marine Services
7.	Graham Bowen Ltd Pty	Bridge Maintenance & Marine Services Fencing & Associated Works
8.	L & H Van Kempen	Bridge Maintenance & Marine Services

DISCUSSION

The tender submissions associated with this project were evaluated by a panel consisting of:

Name	Position
Rohan McKinnon	Senior Projects Engineer (chair)
Benjamin Storey	Manager Projects and Facilities
Don Allen	Construction Engineer

Following a detailed evaluation of each of the submissions it is considered that the tender submissions of Duggan Civil Pty Ltd, Elstone Diving Services Pty Ltd, Greencon Australia Pty Ltd, Stabilised Pavement of Australia Pty Ltd, Abtech Plumbing and Excavations Pty Ltd, Graham Bowen Ltd Pty, L & H Van Kempen should be accepted.

The panel also believe that the submission received by Fulton Hogan Industries Pty Ltd should be accepted if agreement can be reached in relation to some departures they have proposed from the standard contract terms and conditions offered by Council.

EVALUATION CRITERIA

Tender submissions were assessed based on the respondent's performance or tender response in the following areas:

Criterion	Weighting
Technical capability to meet specification	20%
Quality, Environment and Risk Management	20%
Human Resource Management	20%
Tender Qualifications or Non-conformances	20%
Financial Capacity	15%
Local Benefit (max 5% score)	5%
Total	100%

Tenderers who score lower than 55% of the available 'Total Weighted Score' are excluded from the tender process on that basis that they haven't offered a submission that meets a minimum standard.

Best value will be determined at time of Secondary Procurement for each Job.

POLICY/LEGAL/STATUTORY IMPLICATIONS

The requirements of Section 186 of the Local Government Act have been complied with for this tender. (There are no other policies, legal or statutory implications associated with this tender process).

OFFICER DIRECT OR INDIRECT INTEREST

Council staff and persons engaged under a contract to provide advice or a report to a meeting of a council or a Special Committee, and have a direct or indirect interest in a matter to which the advice or report relates, must disclose the class of interest when providing the advice or report and before the advice or report is considered by the council or the Committee (s.80C(1),(2)).

No officers or contractors involved in the preparation of this report have a direct or indirect interest in matters to which this report relates.

RISK ASSESSMENT

There are not considered any risks associated with the acceptance of this tender that cannot be managed through the contract conditions.

SOCIAL CONSIDERATIONS

There are no significant social implications anticipated to arise from the acceptance of this tender.

COMMUNICATIONS

There are no communication issues associated with the acceptance of this tender.

5.8 ADVISORY COMMITTEE REPORTS**PURPOSE**

This report contains the record of one Advisory Committee meeting.

REPORT

1. **Warrnambool Livestock Exchange Advisory Committee**
Friday 9 March 2018 – refer **Appendix A**

MOVED: CR. NEOH
SECONDED: CR. GASTON

That the Advisory Committee record be received.

CARRIED – 6:0

Warrnambool Livestock Exchange Advisory Committee

MINUTES OF THE WARRNAMBOOL LIVESTOCK EXCHANGE ADVISORY COMMITTEE MEETING HELD AT THE WARRNAMBOOL CIVIC CENTRE ON FRIDAY 9 MARCH 2018 AT 2PM

- 1. PRESENT** Owen O'Keefe (Chairperson)
Dan Carey
Trevor Fry
Cr. Robert Anderson
Jim Doukas
Peter Utri, Director Corporate Strategies
David Harrington, Manager Financial Services
Paul White, Service Manager Saleyards

APOLOGIES

Nil

**2. CONFIRMATION OF MINUTES OF WARRNAMBOOL LIVESTOCK EXCHANGE
ADVISORY COMMITTEE MEETING HELD ON 17 NOVEMBER 2017.**

**MOVED: CR. R. ANDERSON
SECONDED: J DOUKAS**

**That the minutes of the Warrnambool Livestock Exchange Advisory Committee meeting
held on 17 November 2017 is received.
CARRIED**

Business arising from the minutes.

- Some items from minutes will be discussed during Managers report.

3. MANAGER'S REPORT

The Service Manager Saleyards presented the Manager's Report.

Items raised in the report included:

- Throughput.
- Price comparisons.
- Value of stock sold.
- Action record.
- Current Capital Works update.
- Other projects (Agent Offices).
- Future Capital Works.
- WH&S Update
- Chain of Responsibility.
- Advertising.
- Animal Welfare.

Discussion from Managers Report:

- Paul informed committee that numbers for the year were down by 10,550 on the same time last year. This downward trend is Victoria wide. District yards are also down with some bigger downward trends affecting facility's nearby, since the opening of Mortlake Saleyards.
- At our last meeting it was decided to look into data available on the MLA website on various information such as; how many cattle in our catchment area, how many of those come to SWVLX, how many are going direct or to other consigned organisations. SWVLX is not able to access this information for commercial purposes Peter & Paul are to look at other ways to collate that information.
- Value of stock is in line with the amount of cattle that have been sold at SWVLX. Although prices have eased a little since this time last year it is still a reasonable time to offload stock as dry conditions set in. To the end of February 2018 Throughput amounts are just under 50 million dollars.
- All Capital Works scheduled for 2017/2018 have been completed on time and on budget. The next big project is roofing of the C-Pens an area of approximately 2,500 m design has been chosen and now need to obtain accurate pricing.
Other projects that need to be completed in 2018/2019:
 - a) Replacement of RFID reading panels
 - b) Attention to load in ramps
 - c) Painting of office blocks
- Action Record Paul Explained things that are complete from Action Record and to be removed are Sungold field day event. Baleen filters upgrade.
- Actions to be included are WHS unloading on own, Training Welfare officers, Painting of offices, trial of concreting old bluestone ramps.
- Items that remain a work in progress Panel reader, upgrade of C pens, Painting of office blocks, D-pen post and rail solution.
- WHS update Paul explained that there had been only 1 minor incident from last sale an agent has ripped pants on protruding bolt that has been removed and refastened from different angle.
- At SWVLX Advisory last meeting the Committee discussed COR (Chain of responsibility) ALMA the peak body for Saleyards has had some legal advice on this issue and has found that it is not as big an issue as first thought. COR is documentation of all trucking companies and their drivers when they visit our site. It is no different to what we already do in our National Quality Assurance where everything is documented; ALMA is now going to stress test this with the National Heavy Vehicle Regulator, update to come.
- ADVERTISING
Our campaign to date has been newspaper advertising, Radio ads, Livestreaming of weekly Market reports, Facebook, Twitter and Auction Plus. Newspaper ads from the 1st March will go monthly instead of weekly, due to budget constraints.
- SWVLX also used the Sungold Field Days to let people know that we will still be here and operating into the future, I must admit I was sceptical about what response and how it would be received. I was blown away by the interest and inquiry we had from not only producers in the area but also the general public, hoping that WCC retain the yards and continue to serve the South West of Victoria.

- **Animal Welfare**

Animal Angels Australia has paid a visit to SWVLX on Wednesday 14/02/18.

There were 4 representatives that attended Dawn Lowe head of AA Australia from WA and Head of NSW Veterinary Practitioners Board from Sydney, there were 2 other observers from Germany. Animal Angels originated in Germany; they spent the day looking at handling systems, procedures and general Animal Welfare practices. To my delight and relief we have come out mostly unscathed some minor incidents were light dairy cows should not have been in the yards. I have spoken to the agent involved and also the Vendor and stressed to them that this is unacceptable practice and will not be tolerated into the future. We also need take care of some conflicting signage at calf pens; this will be complete in the next couple of weeks. SWVLX also need to look at training some staff to be Animal Welfare Officers, Courses are available through DPI. Other than those issues we came through with a clean bill of health.

MOVED: T FRY
SECONDED: CR. D CAREY

That the Manager's Report be received.
CARRIED

4. FINANCIAL REPORT

This financial report sets out the actual revenue and expenditure financial results for the 7 months ended 31 January 2018 compared to Budget.

Income is \$83,082 below the seasonalised year to date budget, largely due to the lower sales in cattle livestock. Recent store sales have seen an improvement including a record store sale in January of approx. 2,900 head and the store cattle sales are currently meeting budgeted levels.

Expenditure is \$74,822 under budget mainly due to reduced maintenance costs and staff wages being favourable to budget following rostering changes.

The saleyards capital works program has been completed and included an upgrade of the baleen filter and weigh scales replacement.

MOVED: J. DOUKAS
SECONDED: CR R. ANDERSON

That the Financial Report be received.
CARRIED

5. GENERAL BUSINESS

There was discussion among members in regard to roofing project that is scheduled to go ahead from the 1st of July 2018.

That the SWVLX Advisory Committee supports the inclusion of the roofing project to be No 1 priority in Capital works program 2018/2019.

It was also discussed that WCC/SWVLX need to explore funding from both State and Federal Governments. There has been quite a lot of funding allocated to saleyard redevelopment in recent time.

Trevor Fry commented on slippery receiveal races and if anything can be done it was suggested by the committee to lay concrete over the top of old bluestone as a trial and report on the outcome.

There was no other general business

MOVED: J. DOUKAS

SECONDED: T. FRY

That the SWVLX Advisory Committee supports the inclusion of the roofing project to be No 1 Priority in Capital works program 2018/2019.

CARRIED

Meeting closed at 3.41pm.

5.9 ASSEMBLY OF COUNCILLORS RECORDS

PURPOSE

The purpose of this report is to provide the record of any assembly of Councillors, which has been held since the last Council Meeting, so that it can be recorded in the Minutes of the formal Council Meeting.

BACKGROUND INFORMATION

The Local Government Act provides a definition of an assembly of Councillors where conflicts of interest must be disclosed.

A meeting will be an assembly of Councillors if it considers matters that are likely to be the subject of a Council decision, or, the exercise of a Council delegation and the meeting is:

1. A planned or scheduled meeting that includes at least half the Councillors (5) and a member of Council staff; or
2. an advisory committee of the Council where one or more Councillors are present.

The requirement for reporting provides increased transparency, particularly the declarations of conflict of interest.

REPORT

Section 80A(2) of the Local Government Act 1989 requires the record of an Assembly of Councillors be reported to the next practicable Ordinary Meeting of Council.

The record of the following Assembly of Councillors is enclosed:-

1. Monday 19 March 2018 – refer **Appendix A**
2. Tuesday 20 March 2018 – refer **Appendix B**
3. Monday 26 March 2018 – refer **Appendix C**
4. Tuesday 3 April 2018 – refer **Appendix D**

MOVED: CR. GASTON
SECONDED: CR. OWEN

That the information be received.

CARRIED – 6:0

APPENDIX A**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	19 March 2018
Start time:	1.00pm
Councillors present:	Cr. R. Anderson – Chairperson Cr. K. Gaston Cr. T. Herbert Cr. P Hulin Cr. M Neoh Cr. D. Owen
Council Officers present:	Bruce Anson, Chief Executive Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth Ian Couper, Manager Infrastructure Vikki King, Director Community Development David Harrington, Manager Finance
Other persons present:	
Apologies:	Cr S. Cassidy
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> ▪ Strategic Resource Plan ▪ Council Plan
Other items raised by Councillors & Officers:	

The meeting closed at 6.00pm.

APPENDIX B**Assembly of Councillors Record**

Purpose of meeting:	Planning Consultation
Meeting date:	20 March 2018
Start time:	4.30pm
Councillors present:	Cr. R. Anderson, Mayor Cr. K. Gaston Cr. P Hulin
Council Officers present:	Jodie McNamara, Manager City Strategy & Development James Phillips, Coordinator City Development
Other persons present:	The permit applicant and objectors x9 (representing the 5 submissions received) were also in attendance.
Apologies:	Nil
Conflict of Interest Disclosures:	Nil
Items discussed:	<ul style="list-style-type: none"> ▪ Planning Permit Application PP2017-0132 regarding a proposed five (5) lot subdivision, construction of three (3) new dwellings, common property and extensions to the existing dwelling at 90 Banyan Street, Warrnambool. ▪ All parties were able to access the rear of 92 Banyan Street.

The meeting closed at 5.30pm.

APPENDIX C**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	26 March 2018
Start time:	3.00pm
Councillors present:	Cr. R. Anderson – Chairperson Cr. S Cassidy Cr. K. Gaston Cr. T. Herbert Cr. M Neoh
Council Officers present:	Andrew Paton, Director City Growth Scott Cavanagh, Director City Infrastructure David Harrington, Manager Financial Services
Other persons present:	<ul style="list-style-type: none"> ▪ Paul McDonald - Director, Geological Survey of Victoria ▪ Dr Amanda Caples - Victoria's Lead Scientist
Apologies:	Cr. P Hulin Cr. D Owen
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> ▪ Victorian Gas Program ▪ Budget & Strategic Resource Plan ▪ Mayoral & Councillor Allowance ▪ Footpath Trading Policy 2018 and Procedures - Review and Update ▪ Parking system review ▪ Municipal Road Management Plan ▪ Recycling services ▪ Breakwater update ▪ Great Ocean Road ▪ Simpson Street drainage tunnel ▪ Register of contractors supporting civil infrastructure
Other items raised by Councillors & Officers:	Nil.

The meeting closed at 5.30pm.

APPENDIX D**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	3 April 2018
Start time:	1.30pm
Councillors present:	Cr. R. Anderson – Chairperson Cr. S Cassidy Cr. K. Gaston Cr. P Hulin Cr. M Neoh Cr. D. Owen
Council Officers present:	Bruce Anson, Chief Executive Peter Utri, Director Corporate Strategies Shaun Miller, Acting Director City Growth Scott Cavanagh, Director City Infrastructure Richard Stone, Acting Director Community Development Tina McLeod, Manager Children & Family Services David Harrington, Manager, Financial Services
Other persons present:	
Apologies:	Cr T Herbert
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> ▪ Strategic Resource Plan & Budget Review
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> ▪ Daltons Road bridge ▪ Municipal Association of Victoria State Council motion ▪ Fletcher Jones property

The meeting closed at 515pm.

5.10 MAYORAL & CHIEF EXECUTIVE COUNCIL ACTIVITIES – SUMMARY REPORT**PURPOSE**

This report summarises Mayoral and Chief Executive 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
6 March 2018	Warrnambool	Mayor & Chief Executive – Attended the Official Opening of the Warrnambool RSL extensions by The Honourable Linda Dessau AC, Governor of Victoria.
8 March 2018	Warrnambool	Mayor & Chief Executive – Participated in the visit to the South West Regional Cancer Centre and Deakin University Rural Health Multidisciplinary Training program the during the Official visit to Warrnambool by The Honourable Linda Dessau AC, Governor of Victoria & Mr Anthony Howard QC.
	Warrnambool	Mayor – Hosted a Civic Reception for International Women’s Day at which The Honourable Linda Dessau AC, Governor of Victoria was the guest speaker.
9 March 2018	Warrnambool	Mayor – Attended the opening of the Year 1/2 Classroom at Our Lady Help of Christians Primary School.
	Geelong	Chief Executive – Attended a meeting of the Great Ocean Road Taskforce.
11 March 2018	Warrnambool	Mayor – Attended the Official Opening of the 2018 Victorian Junior Lifesaving Championships.
	Warrnambool	Mayor – Attended the Warrnambool Lawn Tennis Club Open March tournament.
15 March 2018	Warrnambool	Mayor – Met with Grades 5/6 students from St Pius School and spoke about the role of the Mayor and local government.
	Warrnambool	Mayor – Attended the South West TAFE 2017 Gradation & Awards Ceremony.
16 March 2018	Warrnambool	Mayor - Gave a welcome to visiting Japanese students from Kings College.
	Warrnambool	Mayor – Gave a Mayoral Welcome to delegates at the official opening of the Rotary District 9800 conference.
17 March 2018	Warrnambool	Mayor – Gave a Mayoral Welcome at the conference opening of the Rotary District 988 conference.
	Warrnambool	Mayor – Attended the 50 th Anniversary celebration of the Warrnambool Gem Club.
18 March 2018	Warrnambool	Mayor – Attended the Warrnambool Toy Library Open Day.
20 March 2018	Warrnambool	Mayor – Met with St Pius Primary School students on the role of the Mayor and local government.
21 March 2018	Warrnambool	Mayor – Attended the Harmony Day Celebration held at Archie Graham.

	Melbourne	Chief Executive – Attended a meeting of the Regional Development Australia Barwon South West committee.
	Warrnambool	Mayor – Attended the Warrnambool Student Wellbeing Association annual general meeting.
22 March 2018	Warrnambool	Mayor – Attended the Warrnambool Primary School Harmony Day celebration.
23 March 2018	Warrnambool	Cr. Neoh represented the Mayor at the Brierly Recreation reserve installation and upgrades project funding announcement by The Hon. Gayle Tierney MP.
	Warrnambool	Chief Executive – Attended the S W TAFE official launch of the Skills First Workforce Training Innovation Fund project.
	Warrnambool	Mayor & Mayoress – Attended the Brauer College Debutante Ball.
25 March 2018	Cobden	Mayor & Chief Executive – Attended the Wannan Community Afternoon Tea to thank volunteers following the recent St Patrick's Day fires and attended by the Prime Minister, The Hon. Malcolm Turnbull and Minister for Social Services and Federal Member for Wannan, The Hon. Dan Tehan MP.
27 March 2018	Canberra	Chief Executive – Participated in a Shipwreck Coast Advocacy Alliance delegation to meet with various Federal Government politicians regarding the Great Ocean Road.
28 March 2018	Warrnambool	Mayor – Attended the Warrnambool College Farewell event for French Language students study tour.
29 March 2018	Warrnambool	Mayor & Chief Executive – Attended the Official launch of the 2018 TAB May Racing Carnival.

MOVED: CR. CASSIDY
SECONDED: CR. NEOH

That this report be received.

CARRIED – 6:0

6. PUBLIC QUESTION TIME

6.1 QUESTION FROM FREDA CHERRY, FLAT 3/65 KERR STREET, WARRNAMBOOL

"I suggest a day to get desexing of cats. The stray cat problem is now getting out of hand. I strongly suggest you make desexing domestic pets compulsory and a clamp down on back yard breeders. I had a cat that was dumped that was in kitten because of being pregnant. I also suggest a fine for not desexing so to make the irresponsible owners get it done. A desexed cat rendered harmless is a loving pet. I suggest a user pay and neuter policy for low income earners."

The Chief Executive advised that Council currently charges \$130 to register a whole cat and \$43 for a desexed cat. It was arranged that the Director City Infrastructure and the local laws officers would meet with Ms. Cherry.

7. CLOSE OF MEETING

The meeting closed at 6.31pm.

CHAIRMAN

I certify that these minutes were confirmed at a subsequent meeting of Council

.....
CR. ROBERT ANDERSON
MAYOR