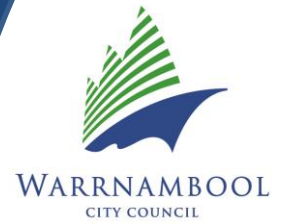


MINUTES

ORDINARY MEETING

WARRNAMBOOL CITY COUNCIL

5.45PM - MONDAY 2 JULY 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 PROPOSED AMENDMENT TO THE WARRNAMBOOL PLANNING SCHEME – IMPLEMENTATION OF THE LOGANS BEACH STRATEGIC FRAMEWORK PLAN (AMENDMENT C104)	5
5.2 FOOTPATH TRADING POLICY 2018 ADOPTION	10
5.3 2018 / 2019 BITUMEN SEALING WORKS – JOINT CONTRACT AGREEMENT.....	58
5.4 CONSIDERATION OF TENDER SUBMISSIONS FOR TENDER NO.2018043 – SUPPLY, DELIVERY & ASSEMBLY OF FOGO BINS.....	63
5.5 TENDER NO. 2018031 – FIXED PRICE LUMP SUM TENDER PUBLIC AMENITIES	66
5.6 ADVISORY COMMITTEE REPORTS.....	67
5.7 ASSEMBLY OF COUNCILLORS RECORDS.....	75
5.8 MAYORAL & CHIEF EXECUTIVE COUNCIL ACTIVITIES – SUMMARY REPORT.....	78
6. NOTICE OF MOTION	
6.1 No. 2150 – Cr. Peter Hulin	78
7. PUBLIC QUESTION TIME	79
8. CLOSE OF MEETING.	81

MINUTES OF THE ORDINARY MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN THE RECEPTION ROOM, WARRNAMBOOL CIVIC CENTRE, 25 LIEBIG STREET, WARRNAMBOOL ON MONDAY 2 JULY 2018 COMMENCING AT 5.45PM

PRESENT: Cr. Robert Anderson, Mayor/Chairman
Cr. Sue Cassidy
Cr. Kylie Gaston
Cr. Tony Herbert
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 Andrew Paton, Director City Growth
Ms. Vikki King, Director Community Development
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

Nil.

3. CONFIRMATION OF MINUTES

MOVED: CR. HULIN
SECONDED: CR. GASTON

That the Minutes of the Ordinary Meeting of Council held on 4 June 2018 and Minutes of the Special Meeting of Council held on 25 June 2018, be confirmed.

CARRIED – 7:0

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.

Nil.

5. REPORTS

5.1 PROPOSED AMENDMENT TO THE WARRNAMBOOL PLANNING SCHEME – IMPLEMENTATION OF THE LOGANS BEACH STRATEGIC FRAMEWORK PLAN (AMENDMENT C104)

PURPOSE

This report provides information on the implementation of the Logans Beach Strategic Framework Plan and recommends that Council seeks authorisation to prepare an Amendment to the Planning Scheme.

EXECUTIVE SUMMARY

- A planning scheme amendment is required to implement the recommendations of the Logans Beach Strategic Framework Plan.
- The amendment will implement rezoning the land and other changes to the planning controls and policy framework for the study area, including a shared infrastructure plan.
- The shared infrastructure plan will provide for appropriate development contributions to be paid at the time land is developed or subdivided.
- The Logans Beach Strategic Framework Plan was adopted by Council on 4 December 2017.
- The strategic plan endorses an increase of approximately 200-250 lots across the framework plan area.

MOVED: CR. NEOH
SECONDED: CR. OWEN

That Council:

- 1. In accordance with Section 8A of the *Planning and Environment Act 1987* (the Act), seek the authorisation of the Minister for Planning to prepare an amendment to the Warrnambool Planning Scheme to implement the Logans Beach Strategic Framework Plan.**
- 2. Following the authorisation of the Minister for Planning, in accordance with Section 19 of the Act, prepare and exhibit an amendment to the Warrnambool Planning Scheme to implement the Logans Beach Strategic Framework Plan (Amendment C104).**

CARRIED – 7:0

BACKGROUND

The Logans Beach Strategic Framework Plan study area is located to the east and south of the Hopkins River in Warrnambool. The area consists of land currently zoned Rural Living (RLZ) to the south of Hopkins Point Road including land zoned Public Park and Recreation Zone (PPRZ) and Public Conservation and Recreation Zone (PCRZ).

The study area also includes land zoned Rural Living to the north of Hopkins Point Road and a small strip of General Residential Zone abutting Hopkins River (Riverview Terrace). See **Figure 1** for a map of the study area.

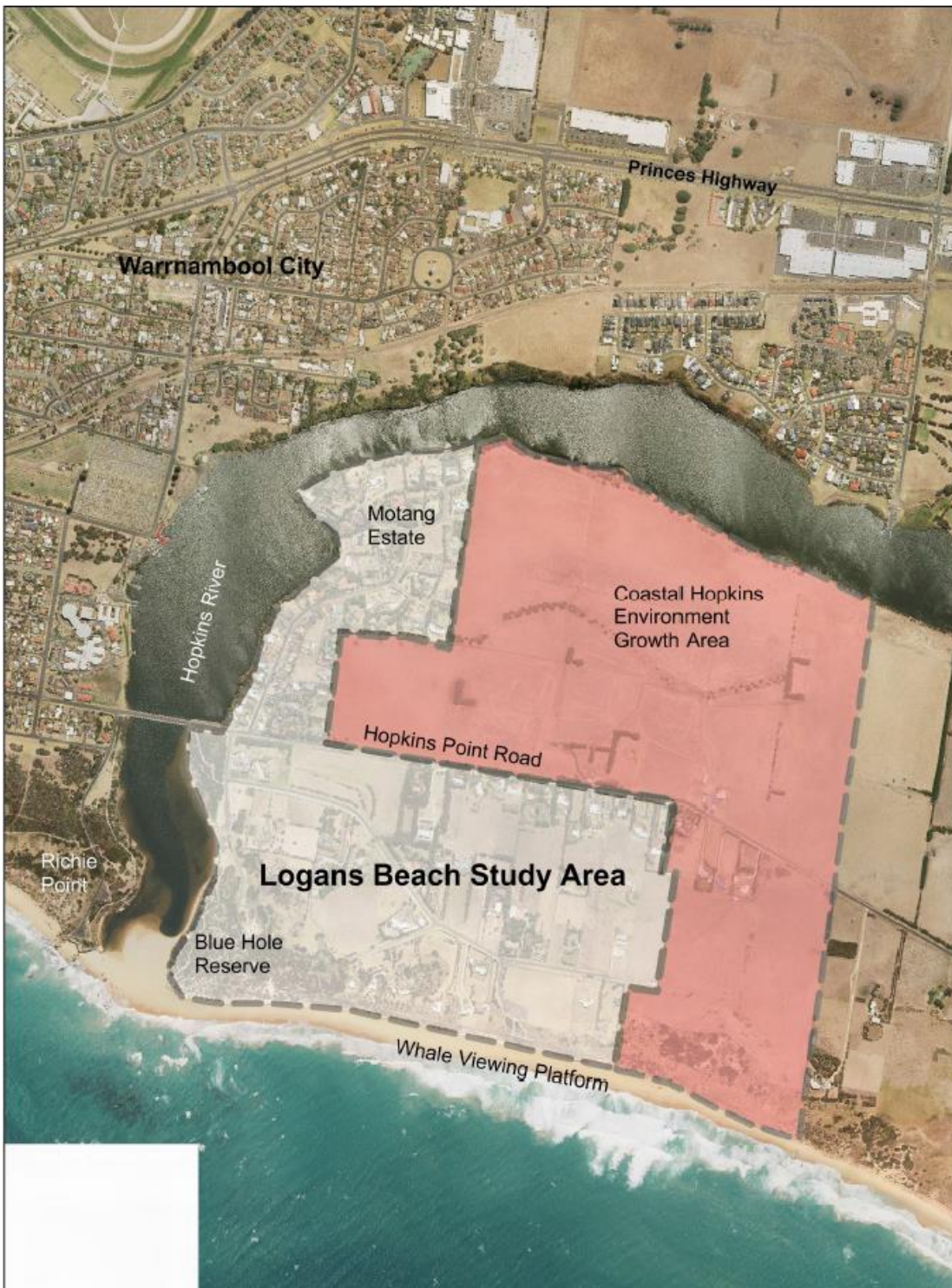


Figure 1: Study Area.

ISSUES

The Logans Beach Strategic Framework Plan was endorsed by Council on 4 December 2017. The plan identifies a number of different precincts, which reflect the differing characteristics of the area (see Figure 2 below). The plan identifies different planning outcomes and requirements for each precinct.

All of the land in the study area is currently zoned Rural Living (RLZ). Under this zone, subdivision lot sizes must be a minimum of 6,000m² and an average of 10,000m². In order to realise the low and medium growth scenarios endorsed by the framework plan, the RLZ is no longer an appropriate zone for this area, and the land must be rezoned.

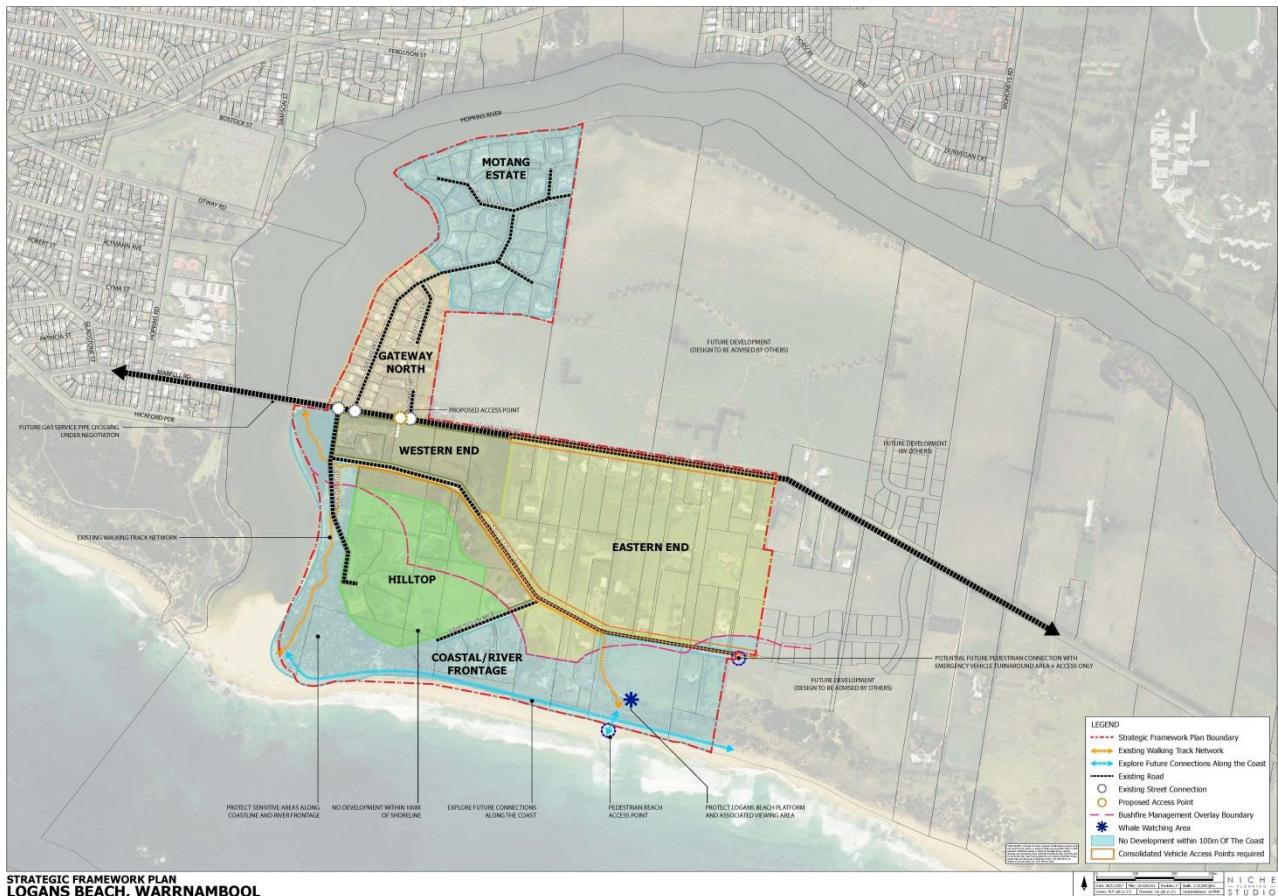


Figure 2: Logans Beach Strategic Framework Plan.

To implement the outcomes of the strategic framework plan, it is proposed to rezone the precinct shown as 'Gateway North' on the north side of Hopkins Point Road to the General Residential Zone (GRZ). This zone is considered appropriate for this precinct, as the precinct abuts existing GRZ zoned land to its east and west, and is a logical extension of that zone. The GRZ contains the following purpose:

- To encourage development that respects the neighbourhood character of the area.*
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

It is proposed to rezone the land on the south side of Hopkins Point Road to the Neighbourhood Residential Zone, and to utilise the schedule to the zone and the Design and Development Overlay to specify the different planning requirements for each precinct.

It is considered that the Neighbourhood Residential Zone (NRZ) is the most appropriate planning zone, as it contains the following purpose:

- To recognise areas of predominantly single and double storey residential development.*
- To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.*
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

The different planning requirements for each precinct can then be applied by utilising a combination of the schedule to the zone and the Design and Development Overlay. These planning tools will be used to implement matters such as subdivision lot size, building heights and setback, and planting of vegetation.

Changes will also be made to the objectives and strategies that apply to Logans Beach in the local planning policy framework of the Planning Scheme to reflect the key objectives and strategies in the adopted framework plan.

A shared infrastructure plan will also be exhibited as part of the Planning Scheme amendment. The shared infrastructure plan will detail project sheets and costings for drainage and local road upgrades, and detail the development contribution required at the time of development and/or subdivision. This approach ensures that the level of impact caused by the development of each lot pays the appropriate apportionment of the total infrastructure costs.

Project sheets and costings are currently being prepared, therefore the development contribution is currently unknown, however will only be triggered if a landowner decides to develop or subdivide their land.

CONSULTATION/COMMUNICATION

Pursuant to Section 19 of the *Planning and Environment Act 1987*, Amendment C104 must be publicly exhibited for a minimum of one month. Individual notice will be given to owners and occupiers of affected properties. Government agencies and stakeholders including the CFA, the Glenelg Hopkins Catchment Management Authority, Department of Environment Land Water & Planning, Wannon Water, and traditional owner groups will also be notified of the Amendment. Copies of the notice will also be published in the Warrnambool Standard, and in the Government Gazette.

All amendment documentation will be available for inspection at Council's office, on Council's website and the Department of Environment Land Water & Planning's website once exhibition commences.

FINANCIAL IMPACT

Costs associated with the preparation and exhibition of the amendment have been included within the 2018/19 City Strategy and Development Budget.

ENVIRONMENTAL/RISK IMPACT

The proposal has been assessed against all relevant requirements of the Warrnambool Planning Scheme and the *Planning and Environment Act 1987*.

PLANNING SCHEME AMENDMENT FLOWCHART (AMENDMENT C104)

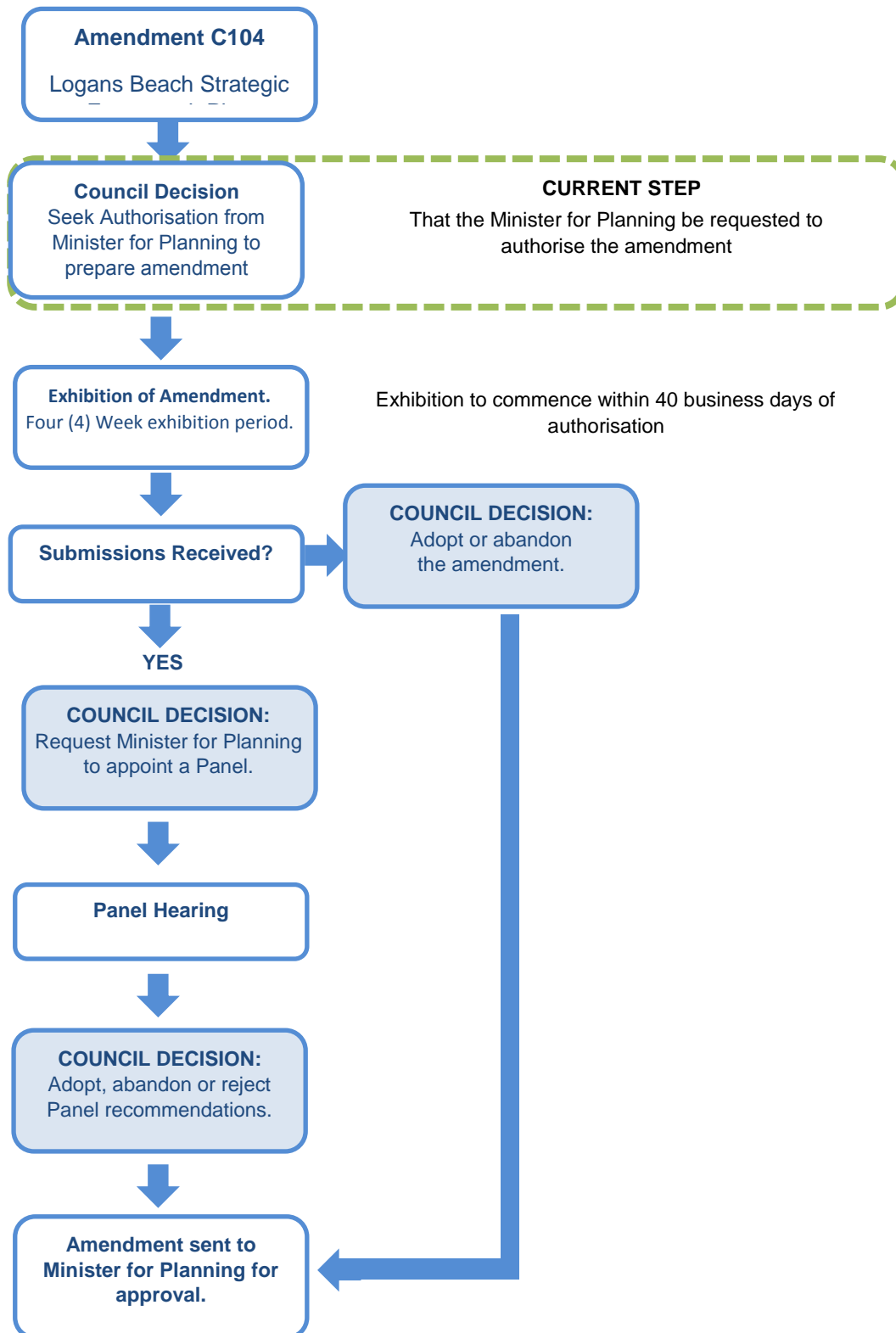


Figure 3: Planning Scheme Amendment Process

5.2 FOOTPATH TRADING POLICY 2018 ADOPTION

PURPOSE

To adopt the Footpath Trading Policy 2018.

EXECUTIVE SUMMARY

- The current Footpath Trading Policy was adopted in 2015 and are contained in **Appendix A**.
 - The draft Policy and Procedures have been updated to reflect feedback from the community consultation process. **Appendix B and C** include amendments which are highlighted in red text.
 - Following the Liebig Street redevelopment, much of the Footpath Trading Policy (Policy) could not be applied. Provisions in the existing policy did not take account of new footpath widths, bluestone footpath treatment, and the absence of kerbs.
 - Key changes to the Policy include changes in nomenclature such as “roadway” rather than “kerb”, removal of procedural aspects and formatting amendments.
 - The Policy provides provision for Footpath Trading ensuring that it occurs safely, equitably and does not create clutter or amenity impacts.
 - The Procedures must be read in conjunction with the Policy. It provides applicants with 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. A number of different applications have been amalgamated into one application form for simplicity.
 - The Policy and Procedures were released for public comment for a period of 4 weeks from 9th April 2018 until 14th May 2018 from which 5 submissions were received. One of the submissions was on behalf of a number of traders. The submissions are attached - **Refer Appendix D**.
 - The submission comments related broadly to; the inflexibility of the Policy, smoking in outdoor eating areas, busking, and street art. The Policy and Procedures have been amended where necessary to reflect this feedback.
 - Council is now asked to adopt the Policy, with the Procedures being an operational document available on Councils website.
-

MOVED: CR. HULIN
SECONDED: CR. OWEN

That Council:

- 1. Adopts the Footpath Trading Policy 2018.**
- 2. Council notes the Footpath Trading Procedures 2018.**

CARRIED- 7:0

BACKGROUND

With the Liebig Street redevelopment, much of the Footpath Trading Policy 2015 could not be applied, due to new footpath widths, bluestone footpath treatments, and the absence of kerbs.

The Policy also contained a lot 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.

The Footpath Trading Policy 2015 has now been updated and released for public comment and is ready for Adoption by Council.

ISSUES

The Policy and Procedures are important to permit footpath trading opportunities, and to create a vibrant activated streetscape in a safe, consistent and orderly manner, in compliance with legislation.

KEY CONSIDERATIONS

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

The Policy is now sufficiently high level to ensure that Footpath Trading can occur but must be done safely, equitably and 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. A number of different applications have been amalgamated into one application form for simplicity.

The main changes include allowance of fixed street trading infrastructure, portable heating requirements, signage requirements, Disability Discrimination access requirements, and apparel and merchandise displays.

There is provision to enable Council staff to be flexible through the application process and assess individual proposals on a case by case basis provided the objectives of the Policy are met.

CONSULTATION / COMMUNICATION

The Policy and Procedures were released for public comment for a period of 4 weeks from 9th April 2018 until 14th May 2018 from which 5 submissions were received.

A total of 5 individual submissions were received. One submission was made on behalf of by number of traders. The submissions are attached – **Refer Appendix D.**

Generally this shows the importance of community consultation as the documents have been improved noting and incorporating the relevant feedback.

Submission 1.

The 2m exclusion zone will mean that outdoor seating will be outside the cover of verandas. The Policy is unnecessarily complicated and will discourage business to keep or improve outdoor dining areas.

Assessment

The 2m exclusion zone provision has not changed from the 2015 Policy and is required to ensure pedestrians and persons with limited mobility can traverse the footpath safely. Most verandas extend to the kerblines which is usually around 6m from the shopfront providing ample distance to conduct footpath trading within the trading zone under the veranda.

With the widened footpaths in Liebig Street, some of the footpath will not be underneath the veranda, however the Policy and Procedures allow for portable or fixed screens to be erected should traders require additional screening.

The Policy and Procedures have been specifically designed to incorporate flexibility to consider applications on a case by case basis provided the Policy objectives are met.

Submission 2.

With the widened footpath in Liebig Street Council should consider allowing a busking weekend and competition.

Assessment

The Policy specifically mentions busking as a permitted activity. Applications to conduct busking are supported provided the application meets the requirements as set out in the Footpath Trading Application under the Busking and Fundraising section. An example of the application form is included on the procedure document.

Submission 3.

Council should consider street art such as chalk artwork on the footpath as seen in Melbourne and Port Fairy.

Assessment

The Policy and Procedures were silent on street art and have now been amended to provide provision for street art.

Applications must meet the objectives of the Policy using approved materials that do not cause damage to the footpath, complaints or environmental damage. Applications for street art will be considered as busking within the application. Drawing on the footpath as a means of advertising is discouraged.

Submission 4.

There is nothing in the policy about outdoor smoking areas and the limitations on the barriers between businesses do not line up with the current laws which provide for outdoor smoking areas with specified height of barriers.

Assessment

The Policy references the Tobacco Act 1989.

Council Policies must not contravene State or Federal Government legislation which take precedence. The Tobacco Act prohibits smoking within 4m of a food premises unless separated by a wall of at least 2.1m high.

The Policy and Procedures have not been amended to incorporate this aspect as screens or structures of this size would not be consistent with the Policy objectives and inconsistent with other Council Policies which discourage smoking.

Submission 5.

Was on behalf of a number of traders who signed a letter which stated the following:

The policy needs to have the courage to embrace the future by:

- Providing flexibility and scope to embrace new ways of working, encouraging trials and temporary structures.
- Empower traders, street performers and buskers to work together across multiple locations for example buskers and street performers being able to be itinerate, additional A-frames signs to be allowed in additional sites for special events.
- Encourage the use of temporary outdoor dining and bars (including the use of heaters and umbrellas) in locations such as in laneways, as trials on the footpath and in other temporary locations.
- Flexibility in the use of planter boxes and screens in both trials and permanent displays.
- Allow for temporary street art through a multiple of mediums including chalk art and pop up art from all members of the community.
- Encourage the emergence of laneway culture and pop up activations such as mini festivals, laneway sales, BBQ's, outdoor cinemas, pop up bars, disco activations etc.
- Flexibility in retail selling displays to allow for trial installations using temporary structures.
- Allow scope for innovation and imagination moving forward.

Assessment

A consultation meeting was held with the traders representative to discuss the submission. Aspects of the Policy and Procedures raised in the submission were discussed and the documents updated where appropriate.

- The Policy and Procedures both state that flexibility will be used where appropriate provided the Policy Objectives are met.
- Busking is permitted subject to meeting the application criteria.
- Special events are not covered by the Policy. Events are covered by the Events Policy.
- Temporary outdoor dining and pop up bars are events and are covered by the Events Policy.
- Planter boxes and screens are not prohibited provided they meet the Policy objectives and design standards.
- Street art is now included in the Policy and Procedures following receipt of submission 3.
- Laneway culture pop ups etc are events and are not covered under this Policy.
- Retail displays and temporary structures are permitted under the Policy provided they meet the Policy objectives.
- Innovation and imagination is encouraged by the Policy.

TIMING

The Policy and Procedures will come into effect upon adoption by Council. Transitional arrangements apply as set out in the Policy.

Council Policies are updated every 4 years. The Procedures can be updated on an ongoing basis as improvements are recognised.

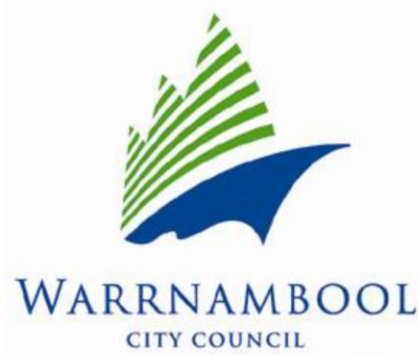
FINANCIAL CONSIDERATION

The Policy and Procedures have 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

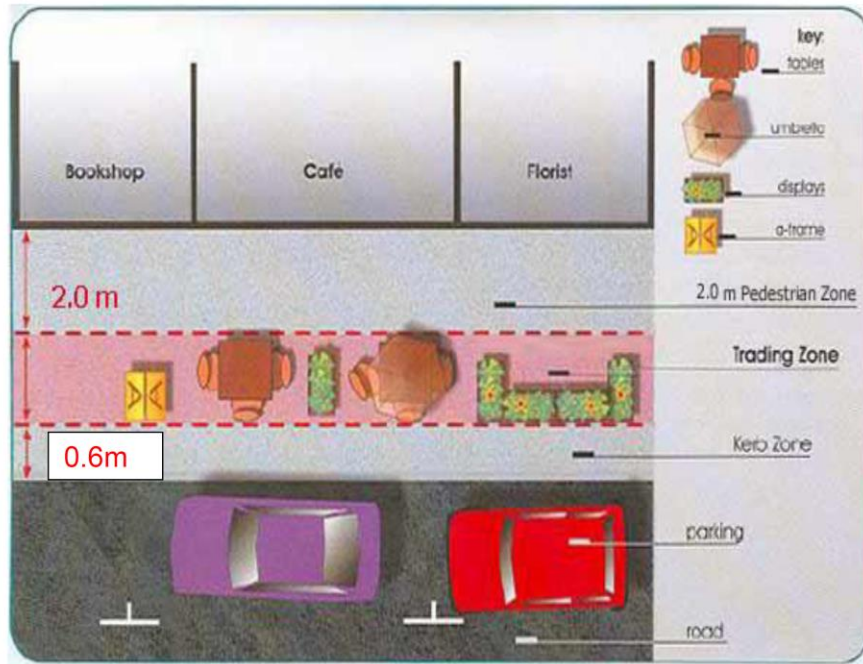
The placement of furniture, goods/services and A-frames signs shall be aligned against the Kerb Zone.

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.

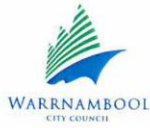
Failure to submit all the details (refer to guidelines) may result in delays in processing the application. It is your responsibility to check with relevant Council Departments to ensure you have all the required permits and licenses.

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

Have you Submitted this Information:	Tick the Boxes
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.....



WARRNAMBOOL
CITY COUNCIL

Footpath Trading Policy

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 has many wide streets and footpaths which provide the opportunity for a range of activities including footpath trading. An activated footpath has a positive impact on the viability of retail businesses and the quality of city life.

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 **and an innovative approach to footpath trading.**

This Policy seeks to provide support to local businesses, provide a framework for footpath trading, manage the public realm and to meet the 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 cosmopolitan, vibrant and consistent.

Whilst acknowledging the importance of street trading opportunities for traders, this Policy seeks to achieve a balance of facilitating footpath trading without compromising safety or creating an untidy and unattractive streetscape.

This Policy sets out 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.

Whilst acknowledging the importance of footpath trading opportunities for traders, public footpaths exist for all persons.

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, **although each application will be assessed on its merits and on a case by case basis to ensure flexibility is shown where appropriate in order to meet the Policy objectives.**

1.2 Scope

This Policy applies to all public footpaths within the Municipality, and includes trading, merchandising, promotional activities, busking and street art, 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”	Perform for voluntary donations.
“Street Art”	Temporary decorative works of art.
“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.

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

2. POLICY OBJECTIVES

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

2.1 Policy Objectives

The objective of this policy is 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.

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 free 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 Procedures.

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WARRNAMBOOL
CITY COUNCIL

Footpath Trading Procedures

DRAFT



FOOTPATH TRADING PROCEDURES

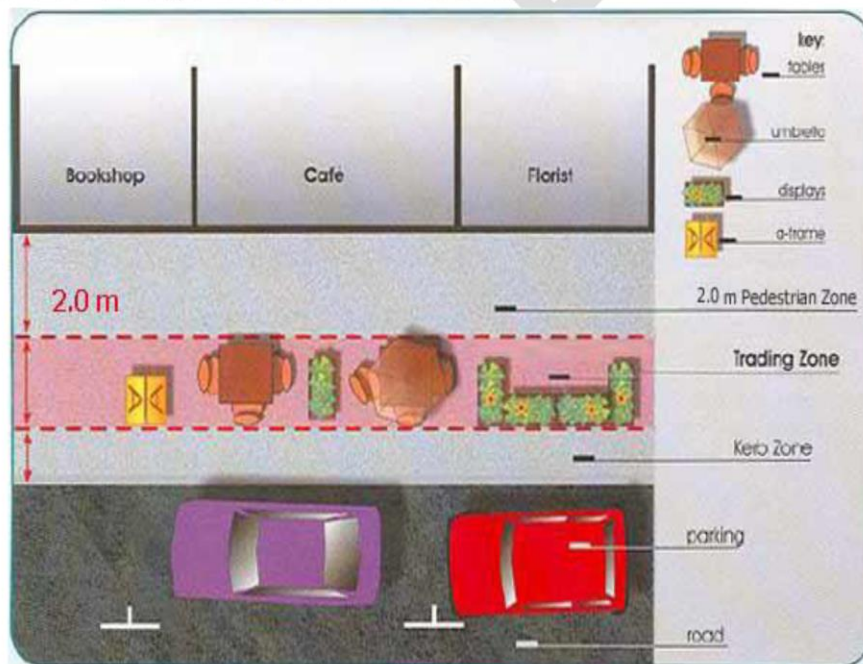
1. Introduction

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.

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

FOOTPATH TRADING PROCEDURES



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 unless otherwise approved by Council, 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

Fixed Street Furniture and Equipment

In many cases fixed permanent screens, seating and other equipment will require planning or building approval or both and as such will be dealt with on a case by case basis having consideration of the Footpath Trading Policy and Procedures.



FOOTPATH TRADING PROCEDURES

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.
- 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 **or anchored in a method 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.



FOOTPATH TRADING PROCEDURES

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.
- 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.

FOOTPATH TRADING PROCEDURES

- 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.
- 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

- 3.6.1 Goods for sale or display must be located within the Trading Zone in an orderly manner.
- 3.6.2 Display cases must be designed specifically for display purposes.
- 3.6.3 Must be safe, sturdy, and windproof.
- 3.6.4 Display cases and racks must be secured by a Council approved locking device.
- 3.6.5 Should be designed to prevent damage to footpaths.
- 3.6.6 Must be of a design and construction approved by Council.
- 3.6.7 Should not cause tripping points to pedestrians.
- 3.6.8 Should not be of a material that will easily deteriorate or discolour.

**FOOTPATH TRADING PROCEDURES**

- 3.6.9 Must be removed after trading hours (no permanent displays will be considered).
- 3.6.10 Council will not permit improvised devices such as shopping trolleys, milk crates, laundry baskets, moving trolleys and market style shopping carts.
- 3.6.11 The maximum dimensions for a display case and/or rack inclusive of product are: Height – 1.5m, Length – 1.8m, Width – 0.75m.
- 3.6.12 Goods can only be displayed in an approved display case or rack and not placed directly on the ground.
- 3.6.13 Display cases and racks to be free of all coverings.
- 3.6.14 Display of foodstuffs must comply with Council's Health requirements.
- 3.6.15 Goods displayed must be for sale and not for storage purposes.
- 3.6.16 Goods and goods stands must only be placed on the footpath during the normal business hours, or no later than 10pm.
- 3.6.17 All goods stands must be suitable / stable and approved by the responsible authority.
- 3.6.18 Goods or their displays must not be fixed to any footpath, building, asset, pole or other structure.
- 3.6.19 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.
- 3.6.20 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.
- 3.6.21 The second display shall be subject to a separate permit with a fee equal to the first permit fee.

FOOTPATH TRADING PROCEDURES



- 3.6.22 Goods should have a contrasting colour to their background to assist the vision impaired.

3.7 Busking, Fundraising and Street Art

Busking, Fundraising and Street Art are all permitted subject to a Footpath Trading application being completed and approved in accordance with the conditions contained within the Footpath Trading application for Busking, Fundraising and Street Art.

Street Art must not be permanent and must use materials that are able to be readily removed without causing staining or damage to the footpath surface. Street Art must not interfere with Council maintenance programs such as street cleansing and must be removed within 48 hours upon request.

Advertising by painting or chalking on the footpath is not considered Street Art and is not permitted.

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.

FOOTPATH TRADING PROCEDURES



- 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.

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.

FOOTPATH TRADING PROCEDURES



4.2.4 Council may also impound any items that are placed on the footpath that do not comply with Local Laws, the Footpath Trading 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.

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:

FOOTPATH TRADING PROCEDURES**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.
- 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.

FOOTPATH TRADING PROCEDURES



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.

5.5 Refusal of permit

5.5.1 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.

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

5.6 Renewal of a permit

5.6.1 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.

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

5.7 Transfer of Business

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

5.8 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.



FOOTPATH TRADING PROCEDURES

5.9 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.

5.10 Transition period

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

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 **reasonably** meet all of the Policy and Procedures 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 Footpath Trading Policy and Procedures. The Policy and Procedures 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 Footpath Trading Policy and Procedures. The Policy and Procedures 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, Fundraising and Street Art

Please provide a detailed plan of your proposal to accompany the application. All applications must be in accordance with the Footpath Trading Policy and Procedures. The Policy and Procedures 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 Footpath Trading Policy and Procedures.
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 Procedures or substantiated complaints.

Signature of Applicant _____ Date _____

OFFICE USE ONLY

Date: _____

Receipt No: _____

Draft Footpath Trading Policy and Procedures

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Tuesday, April 24, 2018 9:44:44 AM
Last Modified: Tuesday, April 24, 2018 10:02:32 AM
Time Spent: 00:17:47
IP Address: 180.150.88.120

Page 1

Q1 Your details

Name [REDACTED]
Business Name (if applicable) [REDACTED]
Email Address [REDACTED]

Q2 What are your comments regarding the Draft Footpath Trading Policy and Procedures?

With a 2m exclusion zone, all restaurants outdoor seating will be outside the cover of the verandas, making them useless most of the time.
The unnecessary complications of the policy will discourage business to keep or improve their outdoor dining areas.

Submission 2

Draft Footpath Trading Policy and Procedures

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, April 27, 2018 12:41:34 PM
Last Modified: Friday, April 27, 2018 12:49:54 PM
Time Spent: 00:08:19
IP Address: 144.138.233.219

Page 1

Q1 Your details

Name [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

Q2 What are your comments regarding the Draft Footpath Trading Policy and Procedures?

The new footpath is lovely and wide and why not put it to good use to benefit Warrnabool traders and the community in general. Have a busking weekend festival and competition.
My suggestion for a weekend would be to coincide with the Melbourne cup weekend.

Draft Footpath Trading Policy and Procedures

#3

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Wednesday, May 02, 2018 12:58:44 PM
Last Modified: Wednesday, May 02, 2018 1:18:46 PM
Time Spent: 00:20:01
IP Address: 120.148.136.243

Page 1

Q1 Your details

Name [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

Q2 What are your comments regarding the Draft Footpath Trading Policy and Procedures?

My suggestion relates to the capacity of artists to utilise surfaces in the CBD for creating artworks. The primary objective of the Policy is to create a vibrant, activated and visually appealing center. Street Art is an important aspect of this goal, and opportunity for art projects would fit this policy. Some artworks may risk detrimental impact on other aspects of the policy, but with correct management there should be no issue. I would encourage inclusion of processes for artists to be able to create appropriate artworks on surfaces in the CBD, including on the new bluestone paving. For example, chalk artists regularly use the bluestone pavement in Port Fairy and Melbourne. The artworks are ephemeral and do not damage the surface, yet they create a vibrant and engaging spectacle which encourages visitors to the area. The need for WCC to monitor and control suitable practice in this regard is fully appreciated, but it is equally important to the aims of the policy that Street Art is to be encouraged. Thank you for your consideration on this matter.

Submission 4

Draft Footpath Trading Policy and Procedures

#4

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, May 14, 2018 10:35:58 AM
Last Modified: Monday, May 14, 2018 10:40:58 AM
Time Spent: 00:05:00
IP Address: 202.153.209.38

Page 1

Q1 Your details

Name [REDACTED]
Business Name (if applicable) [REDACTED]
Email Address [REDACTED]
Phone Number [REDACTED]

Q2 What are your comments regarding the Draft Footpath Trading Policy and Procedures?

There is nothing in the policy about outdoor smoking Areas and the limitations on the barriers between businesses do not line up with the current laws which provide for outdoor smoking areas with specified height of barriers.

Submission 5

26 April 2018

To Whom It May Concern,

As a group of Liebig Street traders, we are writing to express our concerns about Warrnambool City Council's Draft Footpath Trading Policies and Procedures that are currently open for public comment. The draft policy feels very restrictive and designed for now and not for all possibilities and potentials that may want to be explored in the CBD into the future.

We understand that there needs to be regulations in regards to trade on the footpaths in concerns to safety. However, moving into the future the CBD also needs to enhance shopping and dining experiences through a diverse range of activities that would create linger points and establish exciting streetscapes.

The policy needs to have the courage to embrace the future by:

- providing flexibility and scope to embrace new ways of working, encouraging trials and temporary structures.
- empower traders, street performers and buskers to work together across multiple locations for example buskers and street performers being able to be itinerate, additional A-frames signs to be allowed in additional sites for special events.
- encourage the use of temporary outdoor dining and bars (including the use of heaters and umbrellas) in locations such as in laneways, as trials on the footpath and in other temporary locations.
- flexibility in the use of planter boxes and screens in both trials and permanent displays.
- allow for temporary street art through a multiple of mediums including chalk art and pop up art from all members of the community.
- encourage the emergence of laneway culture and pop up activations such as mini festivals, laneway sales, bbq's, outdoor cinemas, pop up bars, disco activations etc.
- flexibility in retail selling displays to allow for trial installations to be trialled using temporary structures.
- allow scope for innovation and imagination moving forward.

A busy active footpath area has a positive impact on the economic and vitality of street life and a new model of governance is required to help Warrnambool reach its true potential and grow to a progressive evolving community.

It is time for us to work together to be bold and brave for change.

Please accept this joint letter as formal submission of our public comment.

Sincerely,

5.3 2018 / 2019 BITUMEN SEALING WORKS – JOINT CONTRACT AGREEMENT**PURPOSE**

To inform Council on the current status of the Joint Bitumen Sealing Program with Corangamite Shire Council (CSC) and seek approval for continuation of the current arrangement in 2018/19

EXECUTIVE SUMMARY

- Both Corangamite Shire Council (CSC) and Warrnambool City Council (Council) have programs to undertake bitumen sealing works each year, as part of our road management plan and annual road maintenance activities.
- Both CSC and Council's programs contain very similar scopes and are typically undertaken by specialist contractors. Accordingly a collaborative approach to the procurement of these works provides a greater opportunity to achieve efficiencies through an 'economy of scale'.
- Council resolved on 7 August 2016 to enter into its third Infrastructure Contributions Agreement for 2017/2018 Bitumen sealing works with Corangamite Shire Council.
- CSC entered into a contract with Inroads Pty Ltd on behalf of Warrnambool City Council to deliver sealing works for the 2017/2018 season,
- It is proposed that a 2018-2019 Bitumen Sealing Works Agreement is made with Corangamite Shire Council, for the management and delivery of the 2018/2019 Bitumen Sealing Program.

MOVED: CR. GASTON
SECONDED: CR. CASSIDY

1. That Warrnambool City Council enters into a Joint infrastructure Agreement with Corangamite Shire Council for the 2018/2019 bitumen sealing works.
2. That Corangamite Shire Council is appointed as an agent of Warrnambool City Council for the purpose of tendering the works under the 2018/2019 agreement.
3. That the Chief Executive Officer is delegated authority to sign and seal (execute) documents for the 2018/2019 bitumen sealing Joint infrastructure Agreement.
4. That the Chief Executive Officer is delegated authority to accept or reject the tender recommendations from Corangamite Shire Council for bitumen sealing works.

CARRIED – 7:0

BACKGROUND

Bitumen sealing is an essential road maintenance activity that protects our road pavement and extends the life of our roads. The resealing of roads and streets is a planned renewal activity in our road management planning and is a significant investment by Council ensuring our road network remains safe and serviceable in the long term.

For the past 3 years Council has entered into an Infrastructure Contributions Agreement with Corangamite Shire Council for bitumen sealing works, with the intent to achieve a best value benefit to each Council in the delivery of this service.

ISSUE

Delivery options include:

1. Warrnambool City Council conducts its own procurement process for the works.

The approach was undertaken prior to 2015/2016. Whilst this has provided a satisfactory outcome it has the following limitations:

- Not able to access the savings a larger program of works can deliver;
- It duplicates tender and contract management process across both Councils; and
- We are competing for the same bitumen sealing contractors.

2. Warrnambool City Council enter into a new joint arrangement with Corangamite Shire Council, and Corangamite Shire on Warrnambool's behalf coordinate a single tender and contract for the works.

Entering into a new joint agreement has the following benefits:

- Reduce costs in running single a tender process;
- Reduced administration costs, single contract Superintendent;
- Larger combined program of works and economies of scale, resulting in reduced resealing rates; and
- Overall cost savings compared to the go it alone option.

3. Expand the joint arrangement to include more Local Government areas.

This option has been discussed with other LGAs through Corangamite Shire Council officers. As yet no other LGA's have committed to joining the procurement group.

CURRENT STATUS

Following a recent meeting between both Councils it is proposed that Corangamite Shire Council will again run the tender process and appoint a contractor under the Joint Infrastructure Agreement.

Council Officers has developed a sealing works program for the 2018/2019 contract which includes 88 locations totalling 11km - **Refer Appendix A.**

CONSULTATION

Officers from Warrnambool City Council and Corangamite Shire Council have met and reviewed the performance of the agreement and the performance of the 2017/2018 Contractor that was engaged to deliver the program.

Both Councils agree that the joint procurement model has been beneficial for both in achieving an overall cost saving in bitumen sealing costs and the sharing of resources to deliver the service.

TIMING

The tender and contract for the 2018/2019 Bitumen Sealing Program will need to be awarded in September 2018, where works are planned to be delivered in November and December 2018.

FINANCIAL IMPACT

Under Council's 2018/19 budget an allocation of \$743,000 is provided for the services to be delivered under this contract.

The joint arrangement provides cost savings to Council in administration and procurement activities, and analysis of the program over successive years indicates that cost savings are achieved through the economy of scale achieved.

APPENDIX A- Proposed 2018 / 2019 Bitumen sealing program

Project id	Road Name	Asset Description	Asset Locality
1	Suzanne Crescent	Suzanne Cres: Nayler Cres to Morris Rd Incl Nayler Cres Int	Warrnambool
2	Manifold Street	Manifold St: Princess (Intersection)	Warrnambool
3	Ekard Avenue	Ekard Ave: Eddington Intersection	Warrnambool
4	Fala Park Road	Fala Park Rd: Mortlake - Bowl (CH 740 - CH 2200)	Warrnambool
5	Wares Road	Wares Rd Traits Rd: Renoir to Mitchell street Incl all intersections	Warrnambool
6	Archibald Street	Archibald St: Morriss Rd Intersection	Warrnambool
7	Albert St	south of BP - McMeekin	Warrnambool
8	Hopkins Point Road	Hopkins Point Rd: Casuarina - Seascape (CH 538 - CH 1038)	Warrnambool
9	Ziegler Parade	Ziegler Pde: Fire Station (N.61) to Elizabeth - Carpark Lane (Right) Elizabeth St (Allansford) (Intersection)	Allansford
10	Ziegler Parade	Ziegler Pde: N.36 to Tooram Rd - Car Park Lane (Left)	Allansford
11	Reddie Road	North of Bushfield Tower Hill Rd Int to Quinns Rd	Bushfield
12	Skuses Road	Skuses Rd: Burkes - Road-213 (CH 65 - CH 541)	Allansford
13	Drummond St	Drummond St: Preston - Bath	Dennington
14	Hood Street	Hood St: Raglan - Drummond	Dennington
15	Hood Street	Hood St: Baynes - Raglan	Dennington
16	Tylden Street	Tylden St: Raglan - Drummond (Parking Bay: Left) (Dennington Shop)	Dennington
17	Mortlake Road Service Road	Mortlake Rd Service Rd (East side): Balmoral - Sundale	Warrnambool
18	Boiling Down Road	Boiling Down Rd: Gateway - Horne (CH 00 - CH 820)	Warrnambool
19	Dales Road	Dales Rd Service Rd (South side): Aberline - Baileyana	Warrnambool
20	Dry Lake Road	Dry Lake Rd: Road-235 (Intersection)	Warrnambool
21	Dry Lake Road	Dry Lake Rd: Ewences Rd (Intersection)	Warrnambool
22	Dry Lake Road	Dry Lake Rd: McGhie Rd (Intersection)	Warrnambool
23	Tozer Road	Tozer Rd: Walker - McGregors	Warrnambool
24	Wanstead Street	Wanstead St: Ryan Ct (Intersection)	Warrnambool
25	Flaxman Street	Flaxman St: Ilex Ave (Intersection)	Warrnambool
26	Flaxman Street	Flaxman St: Lava St (Intersection)	Warrnambool
27	Floral Place	Floral Pl: Bostock - Left Bowl Incl Left Bowl	Warrnambool
28	Maxwell Grove	Maxwell Gr: Bostock - Jukes Incl Alison Ave Int	Warrnambool
29	Nicholson Street	Nicholson St Service Rd (North side): Harper - Barkly	Warrnambool
30	Timor Street	Timor St: Henna - Fairy Incl left and right parking bays	Warrnambool
31	Artillery Cres	Artillery Cres: Gilles - Liebig Incl Gillies Int & Artillery Cres Left Parking bays	Warrnambool
32	Gilles Street	Gilles St: Artillery - Timor	Warrnambool
33	Liebig Street	Liebig St: Smith - Timor	Warrnambool
34	Banyan Street	Banyan St (West): Merri - Timor	Warrnambool
35	Blue Hole Road	Blue Hole Rd: Logans Beach Rd (Intersection)	Warrnambool
36	Drummond St	Drummond St: Merri River - The Esplanade	Dennington
37	Price Street	Price St: Pertobe Rd to the BMX track	Warrnambool
38	Wellington St	Wellington St: Merri - Railway Line	Warrnambool

Project id	Road Name	Asset Description	Asset Locality
39	Raglan Parade Service Road	Raglan Pde Service Rd (South side): Hider - Hyland	Warrnambool
40	Timor Street	Timor St: Ryot St (Intersection)	Warrnambool
41	Timor Street	Timor St: Hider St (Intersection)	Warrnambool
42	Timor Street	Timor St: Hyland St (Intersection)	Warrnambool
43	Worland Grove	Worland Gr: Bowl - Henna	Warrnambool
44	Aitkins Road	Aitkins Rd: Hyland St (Intersection) - south	Warrnambool
45	Mack Street	Mack St: Bradley - Giffen Incl Archibold Int	Warrnambool
46	Fitzroy Rd	Fitzroy Rd: Morriss - Clyde (west)	Warrnambool
47	Coghlan's Road	Coghlan's Rd: Rooneys - Caramut (CH 139 - CH 406)	Warrnambool
48	McMeekin Road	McMeekin Rd: Strong - Granter	Warrnambool
49	Strong Street	Strong St: West - Scott (Parking Bay: Right)	Warrnambool
50	West Court	West Ct: Strong - Bowl	Warrnambool
51	Braithwaite St	Braithwaite St: Rooneys - Wannan	Warrnambool
52	Braithwaite Street	Braithwaite St: Walsh - Railway Line	Warrnambool
53	Raglan Parade	Raglan Pde (South side): Bradley St (Intersection)	Warrnambool
54	Blighs Road	Blighs Rd: Merri View Rd (Intersection)	Warrnambool
55	Fotheringham St	Caramut - Chester	Warrnambool
56	Morriss Road	Morriss Rd: Hoddle - Raglan (Parking Bay: Right)	Warrnambool
57	Morriss Road	Morriss Rd: Manuka Dr (Intersection)	Warrnambool
58	Morriss Road	Morriss Rd: Woodend Rd (Intersection)	Warrnambool
59	Wollaston Road	Wollaston Rd: Johnstone Rd (Intersection)	Warrnambool
61	Drummond St	Drummond St/Tylden St Intersection	Dennington
62	Ardlie Street	Ardlie St: Barbers - Conns (Warrnambool)	Warrnambool
63	Botanic Road	Botanic Rd: Raglan - Ardie (Parking Bay: Right)	Warrnambool
64	Barbers Lane	Barbers La: Wentworth - Bromfield	Warrnambool
65	Barbers Lane	Barbers La: Louisa - Wentworth	Warrnambool
66	Donaldson Drive	Donaldson Dr: Iona - Bowl (CH 00 - CH 100)	Warrnambool
67	Banyan Street	Banyan St: Skene - Princess St (Warrnambool) (Parking Bay: Right) (Francis Foundation)	Warrnambool
68	Banyan Street	Banyan St: Princess St (Warrnambool) - Nelson (Parking Bay: Right) (Milk Bar)	Warrnambool
69	Jamieson Street	Jamieson St: Queens - Liebig (Parking Bay: Left)	Warrnambool
70	Spence Street	Spence St: Jamieson - Kepler (CH 00 - CH 73)	Warrnambool
71	Spence Street	Spence St: Kepler - Raglan (Parking Bay: Left)	Warrnambool
72	Queens Road	Queens Rd: Dooley - Merri River (CH 00 - CH 82)	Warrnambool
73	Coleman Lane	Coleman La: Foster - Bowl	Warrnambool
74	Cramer Street	Cramer St: Birdwood - Wildwood (Parking Bay: Left)	Warrnambool
75	Cramer Street	Cramer St: Skene - Princess (Warrnambool) (Parking Bay: Left) (Francis Foundation)	Warrnambool
76	Japan Street	Japan St: Skene St (Intersection)	Warrnambool
77	Manning Court	Manning Ct: Japan - Bowl	Warrnambool
78	Russell Avenue	Russell Ave: Moore - Bowl	Warrnambool
79	Skene Street	Skene St: Banyan - Kelp	Warrnambool
80	Breton St	Breton St: Turo - Newry Crt and Moonah Street int	Warrnambool
81	Breton St	Breton St/Maneroo Ct Intersestion	Warrnambool
82	Breton St	Breton St: Moonah St (East) (Intersection)	Warrnambool
83	Janlor Dr	Janlor Dr: Garden - Edwin	Warrnambool

Project id	Road Name	Asset Description	Asset Locality
84	Minerva Dr	Minerva Dr: Breton - Ormsby Ct Incl Mc Kellar Ct Intersection	Warrnambool
85	Moonah Street	Moonah St: Breton - Dunlea (CH 122 - CH 242) Incl Dunlea Int	Warrnambool
86	Moonah Street	Moonah St: Mott St (Intersection)	Warrnambool
88	Whites Road	Whites Rd: Balmoral - Carlyle	Warrnambool

5.4 CONSIDERATION OF TENDER SUBMISSIONS FOR TENDER NO.2018043 – SUPPLY, DELIVERY & ASSEMBLY OF FOGO BINS**PURPOSE**

The purpose of this report is to inform Council of the tenders that were received for Tender No. 2018043 – Supply, Delivery and Assembly of FOGO Bins.

EXECUTIVE SUMMARY

- The intent of this contract is to engage a contractor to supply, deliver, assemble and deliver to households FOGO bins, kitchen caddies and compostable liners.
- 3 tender submissions were received and considered by the Tender Assessment Panel, the details of which are attached to this report.
- The Tender Assessment Panel has recommended the contract be awarded to Mastec Australia Pty Ltd.

MOVED: CR. NEOH
SECONDED: CR. HERBERT

That Council:

1. **Accept the tender submission from Mastec Australia Pty Ltd for Tender No. 2018043 for an amount of \$938,811 exclusive of GST over three years, for the supply and assembly of FOGO bins, kitchen caddies and compostable liners and delivery to households of FOGO bins, kitchen caddies and compostable liners.**
2. **Authorise the CEO to sign and seal the contract documents.**

CARRIED – 7:0**BACKGROUND**

Council sought submissions through a publically advertised tender process from suitably experienced and qualified contractors to supply, deliver and assemble FOGO bins, kitchen caddies and compostable liners.

Purpose

The purpose of entering into this contract is to appoint a suitable contractor to deliver the scope of works in a safe and timely manner.

Scope of Works

The FOGO bin rollout includes the supply and delivery of FOGO bins with RFID tags, kitchen caddies and compostable liners to Warrnambool. The bins and caddies will then be assembled and delivered to households with a roll of compostable liners.

Bins will be recorded against properties as they are rolled out. The rollout will occur in 9 Tranches across three years. Approximately 1,600 bins will be rolled out in each Tranche.

The works are detailed in Volume 3 – Principal's Project Requirements of the Request for Tender documents, and include the following activities:

- Supply of 240 litre FOGO bins including RFID tags and address labels and hot stamping
- Supply of kitchen caddies and use direction label
- Supply of compostable liners
- Assembly of FOGO bins and kitchen caddies
- Delivery to households of FOGO bins, kitchen caddies, compostable liners and education material
- Use of technology to record bin against property in database.

ISSUES**Legislative Powers**

Legislative provisions to enter into contracts are contained under Section 186 of the Local Government Act 1989.

This report must be submitted to Council for a determination due to the recommended contract amount.

Tenders Received

The close of tenders was at 2:00pm on Friday 8th June, 2018. A total of 3 tender submissions were received in the tender box up until the close of tenders. No late tenders were received.

The following companies submitted tenders to Council and their submissions have been assessed by the Tender Assessment Panel.

No	Company	Address	Separable Portions	Tender Price Excluding GST
1.	Mastec Australia Pty Ltd	6 Creswell Rd Largs North SA 5016	Year 1, 2 & 3	\$938,811
2.	Ecobin (non-conforming tender)	268 Waverley Rd Malvern East VIC 3145		
3.	Cardia Bioplastics	Suite 6, 205-211 Forster Rd, Mt Waverley VIC 3149	Compostable liners Years 1, 2 & 3	\$135,000

1.2 Tender Evaluation Panel

In accordance with Council's Tendering and Contract Management Procedures, a Tender Evaluation Panel was formed to assess the tenders consisting of the following persons:

No	Name	Position
1.	Kate McInnes	Strategic Waste Management Officer
2.	Rohan McKinnon	Senior Projects Engineer
3.	Glenn Reddick	Manager City Amenity

Attached to this report is a copy of the tender evaluation report prepared by the Tender Evaluation Panel, together with a recommendation for award of this tender.

Most Advantageous Tender

The Tender Evaluation Panel ranked Mastec Australia Pty Ltd as the most advantageous tender, for the supply and assembly of FOGO bins and kitchen caddies and delivery to households of FOGO bins, kitchen caddies and compostable liners.

Mastec Australia Pty Ltd provided a competitive price and were the contractors for the successful FOGO trial. Their bins are made in South Australia using 30% post-consumer recycled material. They have a proven good quality product, and rollout expertise, utilising technology and innovation during the rollout for an excellent result. Reference checks were excellent.

COMMUNITY IMPACT / CONSULTATION

The FOGO rollout has had widespread community consultation there is no need for specific consultation under this contract.

FINANCIAL IMPACT

The Year 1 project is funded through the 2018/2019 budget. Future budget allocations will need to be provided for Years 2 and 3.

ENVIRONMENTAL / RISK IMPACT

The bins are made from 30% post-consumer recycled material. Mastec have a new manufacturing facility featuring state of the art sustainable innovations.

This contract will allow for the provision of a FOGO collection service which will provide positive environmental impact.

5.5 TENDER NO. 2018031 – FIXED PRICE LUMP SUM TENDER PUBLIC AMENITIES

PURPOSE

To reconsider Tender No. 2018031 Public Amenities Renewal 2018 – Swan Reserve & Botanic Gardens.

EXECUTIVE SUMMARY

- Council has sought tenders for the renewal of two public conveniences identified through the public conveniences condition audit and strategy.
- The tender was advertised through Tenderlink on 23 February 2018 and closed on 23 March 2018.
- At its Ordinary Meeting of 7 May 2018, Council resolved to award this tender to Mount Kimberly Pty Ltd T/A Kimberly Constructions for an amount of \$545,400 excluding GST.
- Following award of the tender to Kimberly Constructions, their Manager advised Council that they were no longer in a position to fulfil the obligation of the contract.
- It is now intended that the second place tender BDH Construction be awarded the contract.
- The second place tender has been assessed by the evaluation panel as providing value for money to Council.

MOVED: CR. NEOH
SECONDED: CR. HERBERT

That Council:

- (i) Acknowledge that Mount Kimberly Pty Ltd T/A Kimberly Constructions has withdrawn from Contract No. 2018031.**
- (ii) Accept the tender submission from second placed tender BDH Constructions for Swan Reserve Amenities only for Contract No. 2018031 – Public Amenities Renewal 2018 – Swan Reserve and Botanic Gardens in the amount of \$705,100 excluding GST (\$775,610 GST inclusive).**
- (iii) Authorise the CEO to sign and seal contract documents.**

CARRIED – 7:0

BACKGROUND

The Warrnambool City Council invited tenders from suitably qualified builders for a fixed price lump sum contract to build green field public toilets at the Botanic Gardens and Swan Reserve.

The tender was advertised through Tenderlink on 23 February 2018 and in the Warrnambool Standard and on the Warrnambool Council website.

At its Ordinary Meeting of 7 May 2018 Council resolved:

'That Council accept the tender submission from Mount Kimberly Pty Ltd T/A Kimberly Constructions for Contract No. 2018031 – Public Amenities Renewal 2018 – Swan Reserve and Botanic Gardens in the amount of \$545,400 excluding GST.'

Following the meeting of 7 May 2018, after being formally advised of their success, Kimberly Constructions advised Council that it was no longer in a position to deliver the contracted works and withdrew from the contract.

DISCUSSION

At the close of tenders on Friday 23 March 2018 at 2:00pm the following tender submissions were received:

Tenderer
Mount Kimberly Pty Ltd trading as Kimberly Constructions
BDH Constructions
BC Bolden Constructions

All tenders have been submitted exclusive of GST.

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

Name	Position
Benjamin Storey	Manager Facilities and Projects
Paul Wickson	Coordinator Building Strategy and Services (Chair)

EVALUATION CRITERIA

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

Criterion	Weighting
Performance Capability	30%
Contractor Internal Systems	20%
Organisational Capacity	30%
Time Management	15%
Local Benefit	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. Accordingly 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.

5.6 ADVISORY COMMITTEE REPORTS**PURPOSE**

This report contains the record of three Advisory Committee meetings.

REPORT

1. **Visitor Economy Advisory Committee**
17 May 2018 – refer **Appendix A.**

 2. **International Relations Advisory Committee**
24 May 2018 – refer **Appendix B.**

 3. **Economic Development Advisory Committee**
29 May 2018 – refer **Appendix C.**
-

MOVED: CR. GASTON
SECONDED: CR. CASSIDY

That the Visitor Economy, International Relations and Economic Development Advisory Committee records be received.

CARRIED – 7:0

Visitor Economy Advisory Committee Meeting Minutes			
Date	Thursday, 17 May 2018	Time	7:30am – 9:15am
Location	The MID CITY HOTEL		
Committee Members	Chair Cr Tony Herbert, Peter Downs, Andrew Suggett, Lynette Skilbeck, Natasha Wilkinson, Bob Scarborough		
Council Officer Invitees	David McMahon, Manager Visit Economy & Bethany Lewis, Co-Ordinator Destination Marketing.		
No	What	Who	
1.	Apologies Jon Watson & Peter Downs	DMc	
2.	Update from Manager, Visitor Economy <ul style="list-style-type: none"> Update on Events, Surfside Holiday Parks, Flagstaff Hill and Visitor Information Centre Update on GORRT Product & Services A review of the City Growth Operations Report was discussed It was agreed that the VEAC Group would also support the delivery of the Holiday Parks Business Plan and Strategy. DMc & AP briefed the group on the Warrnambool Tourism Association decision to go in to recess. 	DMc	
3.	Warrnambool Destination Action Plan 2015 – 2017 (REVIEW DISCUSSION) <ul style="list-style-type: none"> Decision taken to conduct a detailed workshop in July to review and edit key actions from DMP DMc to arrange venue and date/time. 	ALL	
4.	Destination Marketing Update <ul style="list-style-type: none"> Beth provided a summary of the collaborative marketing campaign with Port Fairy & Portland for the upcoming Whale Season A review of Visit Warrnambool Website and Social Media was discussed with action to be presented at the next meeting. 	ALL	
5.	General Business Next meeting: TBC Location: TBC	ALL	

International Relations Advisory Committee Meeting Minutes					
Date	24 May 2018	Time	04:00 PM to 5:00 PM	Location	Reception Room – Civic Centre
Committee Members – attending	Chair: Councillor Michael Neoh Rob Askew, Michelle Joseph, Troy Tampion, David McKenzie, Les Gardiner, Carolyn Moore; Geraldine Moloney.				
Council Officer Invitees	Andrew Paton Director of City Growth; Shaun Miller, Manager Economic Development & Investment,				
No	What				Who
6.	Apologies <ul style="list-style-type: none"> - Les Gardiner - John Cook 				Chair
7.	Minutes – August 2017 <ul style="list-style-type: none"> - Move – Chair - Second – Unanimous 				
8.	IRAC 2018 Goals\Activities update: <ul style="list-style-type: none"> • Consider protocol for provision of "Gap Year" activities for suitable Warrnambool students. Miura requirements etc. and give City support to Students exchange between Emmanuel College and Miura. <ul style="list-style-type: none"> ○ Michelle Joseph provided an overview to members on how Emmanuel College student exchange to program is working currently with opportunity to link in with the Mirua MLT program. • Continue dialogue with Knoxville authorities Re Sister-City relationship <ul style="list-style-type: none"> ○ Robert Askew provided update to the upcoming Knoxville series in which Warrnambool Speedway will also be making attendance • Investigate feasibility of "Haiku Trail" (site ,cost, implementation). <ul style="list-style-type: none"> ○ The group discussed possible locations in Warrnambool with agreement to look at funding options. • Promote and support activities at the Japanese Garden. <ul style="list-style-type: none"> ○ Members discussed the possibility of using the community grants fund for further updates and pathway linkage improvements 				Chair Shaun Miller

	<ul style="list-style-type: none"> • Involve the local media in promoting the City's International activities. <ul style="list-style-type: none"> ○ SM provided update to discussions between 3YB and Changchun Media Centre. • Continue to lobby GOR committee to promote Warrnambool as a tourist destination. • Update Warrnambool City Council with a 'welcome' page in different languages and key information (group meetings, sporting clubs etc) <ul style="list-style-type: none"> ○ SM provided information on a shared google page set up to exchange ideas, content and images but the group agreed a single account access (single username and password) for the group would be easier to use. <p>Shaun Miller to update and distribute the username and password for the IRAC members to exchange content.</p>	
9.	<p>Warrnambool & Miura, KN, Japan</p> <p>- Miura International Association visit 2018</p> <p>Update to the citizens Tour to Warrnambool in 25th May 2018-1st June 2018 Est of 15 in the group and schedule for visit including Mayoral welcome, city tour, airport connection support. Tour led by President and Vice President of the Miura International Association.</p> <p>Reception at the Warrnambool Art Gallery (WAG) with extension of invitation to citizens of Warrnambool involved in the Miura connection to date.</p> <p>Shaun Miller to finalise Flagstaff Hill Bus for connection and tour support.</p>	David McKenzie
10.	<p>Warrnambool & Knoxville, IA, USA</p> <p>Update provided to members on the correspondence from Knoxville, IA with also information provided from RA</p> <p>Letter sent from WCC to Knoxville City Mayor to discuss protocol for establishing formal sister city links. Report of letter of thanks received from Mayor of Knoxville after recent Warrnambool representative visit, demonstrating an interest in formalising links.</p>	Rob Askew
11.	<p>General Business</p> <p>Welcoming Cities Framework</p> <p>Shaun introduced briefly the welcoming cities framework that looks to advance Australia as a welcoming prosperous, cohesive nation by benchmarking cities cultural diversity and inclusion policies and practices across the organisation</p> <p>Members agreed to discuss framework in more detail in next meeting.</p>	Chair / ALL

Changchun City, China

Shaun Miller provided update on the recent media delegation and the details of a Chinese television show taking imagery and interviews for a 15 minute television show to be produced and aired in Changchun. Footage of the content will be available to the city following its airing.

Meeting close – 4.50pm

Shaun Miller

Economic Development Advisory Committee - Minutes					
Date	29 th May 2018	Time	12pm – 1.30pm	Location	Committee Room 1 – Civic Centre
Committee Members	Martin Ellul , Dr Helen Scarborough , Mark Bridge, James Tait, Doreen Power, Dean Luciani, Rob Lane, Cr. Tony Herbert (Chair), Alister McCosh, Dale Camm				
Council Officer Invitees	Andrew Paton, Shaun Miller and Eddie Ivermee				
No	What				Who
12.	Apologies: Helen Scarborough, Mark Bridge, Dean Luciani, Alistair McCosh (Geraldine Moloney in attendance on Alistair's behalf)				Chair
13.	<p>LaunchVic Round 6: Funding Update –</p> <p>Meeting Begins at 12.11pm</p> <p>Chair Tony Herbert moved a motion that the minutes from the last committee meeting were true and correct.</p> <p>Seconded by James Tait.</p> <p>Shaun Miller spoke to group about the status of the LaunchVic Funding WCC in conjunction with Moyne and Corangamite Shires, SW TAFE and Deakin University has applied for.</p> <p>Leveraging infrastructure in place already the funding application has been shortlisted and is currently in the process of being evaluated further with the likelihood of the funding be received highly probable.</p>				Shaun Miller
14.	<p>City Growth Operations Report 2018 –</p> <p>Director of City Growth Andrew Paton discussed the City Growth Operations report and in particular the key economic fundamentals and how the City was tracking.</p> <p>Key components of the report included –</p> <ul style="list-style-type: none"> • Visitor numbers at holiday parks were up on previous years 				Andrew Paton

	<ul style="list-style-type: none"> • Visitor nights over last 12 months have reached over 1 million in Warrnambool • Land Supply within the city has a span of 20 years allowing for continued growth within the town • Key economic indicators are all leaning towards a positive direction <p>Chair spoke of the business confidence in town being up and the feeling of optimism being more prevalent than previous years with many positive stories emerging over the past few months.</p>	
15.	<p>Spendmapp Data –</p> <p>Shaun Miller spoke to committee around the newly adopted data gathering service Spendmapp which tracks expenditure within the city. Allowing analysis of sector spend, escape spending and trends via weeks, days and months, the service will allow for greater evidence moving forward concerning the city’s economic prospects.</p> <p>Overall the data suggests that spending is trending in a positive direction and will be supported moving forward by updated pedestrian counts within the CBD vicinity.</p> <p>Committee members noted its “important to have facts in these matters” which Spendmapp will allow for Council to do.</p>	Shaun Miller
16.	<p>Economic Development Advisory Committee – Priority Projects – Ideas for consideration and discussion:</p> <p>Chair spoke to committee about possible projects or plans we can put before Council as priority projects or recommendations to Council moving forward.</p> <p>Some key discussions were –</p> <ul style="list-style-type: none"> * a targeted marketing campaign, for skills attraction that includes careful messaging as well as a targeted approach at those that have yet to consider a move to a regional centre such as Warrnambool. * getting the message out about the liveability of Warrnambool in light of recent findings. * the rate of growth of the City and what is a sustainable level of growth to ensure the liveability values of the City were preserved. <p>Chair asked that the group prepare a paragraph or key words around recommendations we can move forward on as a group for the next meeting.</p>	Chair/All
17.	<p>General Business</p> <p>*Chair requested Andrew Paton to prepare documentation around agricultural data that can be shared with committee at next meeting.</p>	All

	<p>* importance regarding shop front facades within the CBD and how its paramount that continue to be improved moving forward in light of renewal works.</p>	
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Chair declares meeting closed at 1.41pm

- Next meeting: Tuesday August 28th

5.7 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. Thursday 14 June 2018 – refer **Appendix A**
2. Monday 25 June 2018 – refer **Appendix B**

MOVED: CR. NEOH
SECONDED: CR. CASSIDY

That the information be received.

CARRIED – 7:0

APPENDIX A**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	14 June 2018
Start time:	6.00pm
Councillors present:	Cr. R. Anderson – Chairperson Cr. K. Gaston Cr. P Hulin Cr. M Neoh
Council Officers present:	Bruce Anson, Chief Executive Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth Scott Cavanagh Director City Infrastructure David Harrington Manager Finance
Other persons present:	
Apologies:	Cr S Cassidy, Cr D Owen, Cr T Herbert
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> ▪ Sport And Recreation Victoria's Community Facility Funding Programs ▪ Fletcher Jones Redevelopment Site ▪ Consideration of Budget and Council Plan submissions ▪ Consideration of projects for development through the Small infrastructure Fund
Other items raised by Councillors & Officers:	Proposed notice of Motion for the reintroduction of general business items to the ordinary council meetings Investigation required for Maxi taxi parking in CBD for safe disability Access

The meeting closed at 7:18pm.

APPENDIX B**Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	25 June 2018
Start time:	12 noon
Councillors present:	Cr. R. Anderson – Chairperson Cr. S. Cassidy 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 Scott Cavanagh, Director City Infrastructure Richard Stone, Acting Director Community Development
Other persons present:	Manager, City Strategy & Development. Jodie McNamara Manager, Community Policy & Planning, Lisa McLeod Manager, Economic Development, Shaun Miller Ashley Pittard, Executive Officer, Barwon South West Waste
Apologies:	Nil.
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> ▪ City Centre Renewal – Zone 3 ▪ Tender Submissions For Tender No.2018043 – Supply, Delivery And Assembly of Fogo Bins ▪ Tender No. 2018031 – Fixed Price Lump Sum Tender Public Amenities ▪ VEOHRC – Complaint ▪ Banyan Street Trees ▪ Port of Warrnambool – Safer Launch Facilities ▪ ‘Spendmapp – New Data On Expenditure Patterns In Warrnambool’ ▪ Recycling Negotiations ▪ Council Management of Private Car Parks ▪ Proposed Notice of Motion -No. 2150 from Cr. Peter Hulin ▪ Footpath Trading Policy 2018 Adoption ▪ 2018/2019 Bitumen Sealing Works – Joint Contract Agreement ▪ Proposed Amendment to the Warrnambool Planning Scheme – Implementation of the Logans Beach Strategic Framework Plan (Amendment C104) ▪ Warrnambool – A Healthy City: Action Plan 2018/19 ▪ Monthly Financial Report – May 2018 ▪ Target Centre Public Amenities – Cleaning Arrangements ▪ Reserve and Feature Lighting ▪ MAV Water Update, Draft State Environment Protection (Waters) – Sepp Waters Policy For Comment ▪ Great Ocean Road Regional Tourism Board – Stakeholder Report ▪ Great South Coast Population & Workforce Supply Working Group – Situation Analysis – Regional Cities
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> • Councillors requested postcode survey information report be provided on Flagstaff hill attendances. ▪ An update was provided by Cr Herbert in relation to a proposed community project on the illumination and activation of the T&G clock tower ▪ Information was sought on updates for advocacy to the State Government in relation to recycling materials destination and on recent responses in relation to rail upgrades

The meeting closed at 5.35pm

5.8 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
13 June 2018	Hamilton	Chief Executive – Attended the Great South Coast - Integrated Water Management Forums - Forum No. 1
	Hamilton	Mayor & Chief Executive – Attended the Great South Coast Regional Assembly.
16-20 June 2018	Canberra	Mayor, Chief Executive & Cr Hulin – Attended the National General Assembly of Local Government
21 June 2018	Melbourne	Mayor & Chief Executive – Attended a meeting of the Regional Cities Victoria group.
22 June 2018	Hamilton	Mayor & Chief Executive – Attended a meeting of the Great South Coast Board.
26 June 2018	Warrnambool	Mayor- Hosted a Fun4Kids Volunteer Recognition night.
	Warrnambool	Mayor – Attended the Rotary Club of Warrnambool - Changeover Dinner.
27 June 2018	Port Campbell	Chief Executive – Attended a meeting of the Regional Development Australia Barwon South West Committee.

MOVED: CR. CASSIDY
SECONDED: CR. GASTON

That this report be received.

CARRIED – 7:0

6. NOTICE OF MOTION - NO. 2150

MOVED: CR. HULIN

The Warrnambool City Council reintroduce to its Ordinary Meetings, “General Business” as an ongoing agenda item.

The Motion lapsed for want of a Secunder.

7. PUBLIC QUESTION TIME

7.1 QUESTION FROM ANNE VICKERY, 13 NAYLER CRESCENT, WARRNAMBOOL

“Could a copy of the application that was submitted to the government for the funding of the harbour be published on the Warrnambool City Council website for public viewing? For the purpose of transparency may be all applications should be made available.”

The Chief Executive responded that the harbour funding application would be published on the Warrnambool City Council website.

7.2 QUESTION FROM ANNE VICKERY, 13 NAYLER CRESCENT, WARRNAMBOOL

“Could a breakdown of the \$91,044 that is allocated by the government to WCC for maintenance to the harbour be made available for public viewing please?”

The Chief Executive responded that the port maintenance funding details would be published on the Warrnambool City Council website.

7.3 QUESTION FROM ROBERT KNIGHT, 105 STAFFORDS ROAD, WARRNAMBOOL

“With the greatest of respect to WCC, would it be possible to review the realignment, resealing and subsequent remarking of the southern end of Staffords Road. Heading north off the Highway, the last 110 metres of sealed section has been offset by some 1.5m. This offset is at the base of a rise which is over 4.5m in duration and creates a blind spot. North bound traffic is directed to swerve into the path of south bound traffic. The caution sign which was erected at the southern end of the blind rise indicates that the road bends to the left (west); where in fact it bends to the right (east). Would it be possible to reinstate the original straight alignment of this dangerous section of road? Can the speed limit for Staffords Road also be reviewed; given the number of residents that live on this dangerous road? It is currently limited to 100Kmh; but I note that some civic minded person, or persons, has put an 80Kmh sign on the misleading caution sign.”

The Chief Executive advised that the Director City Infrastructure would contact Mr Knight to work through the detail of the question.

7.4 QUESTION FROM CATHERINE & DAVID QUINLESS, 10 McCONNELL STREET, WARRNAMBOOL

“What type of tree is being planted in McConnell Street and why have the residents not been consulted in this process?”

The Chief Executive advised that the Director City Infrastructure or his staff would contact with Mr & Mrs Quinless regarding their question.

7.5 QUESTION FROM DAVID REID, 2/9 TAITTS ROAD, WARRNAMBOOL

“At the Council meeting of the 4 June 2018, Cr Hulin asked the CEO the following:-

- *How the budget for the CBD renewal was tracking?*
- *What was the status and budget for the artwork at Liebig and Princes Highway.*
- *What is the status for the question posed by Angie Paspaliaris.*

The CEO response was to get back to Councillors, I have spoken with Cr Hulin this afternoon and he was unable to give me the answers as he has not received a response from the CEO.

My questions are:-

1. *Given the CEO has had 1 month to respond why this has not happened and what are the answers to questions Cr Hulin posed last meeting?*

2. *Has the tender been put out for the Liebig and Princes Highway artworks and have artworks been commissioned, what is the design and when will it be installed?"*

The Chief Executive responded that a detailed report was submitted to a Councillor Briefing in the last month that outlined all the detailed costings of Liebig Street. In relation to the art work at Liebig and Princes Highway the final design adopted by Council for the northern section of the Highway did not include those artworks in the final design adopted as it caused compromise to the exit of McDonalds for larger vehicles and the status of the questions posed by Ms Paspaliaris; a response has gone to Ms. Paspaliaris and I also have another series of questions and/or statements; the next question is from Ms Paspaliaris.

7.6 QUESTION FROM ANGIE PASPALIARIS, 62 KEPLER STREET, WARRNAMBOOL

"On May 16, I wrote an email addressing and cc'ing in all councillors, which asked what the Council's intentions were with respect to new pedestrian crossings proposed at roundabouts Koroit/Kepler and Liebig/Timor, and why one roundabout (Koroit/Fairy) would be scrapped based on financial constraints as well as '...no pedestrian accidents were recorded at this location'. There was no reply to my email from any of the councillors.

I would like to ask (again) – what pedestrian accident figures that Council have based and continue to base their roundabout crossings decisions on, and why conveniently, one particular crossing can be scrapped so readily based on an official figure of zero, while the council seems adamant to implement and keep others – with no official figures stated? I t only seems fair that such a critical change to the way our traffic system works in the CBD would be based on recorded statistics and that the subsequent decisions made would be evident-based.

A simple explanation of Koroit/Fairy roundabout figures is given that includes zero recorded pedestrian accidents, yet City Infrastructure Director Mr Cavanagh, whom, I also emailed in the interim asking to supply recorded figures for all roundabouts, cannot give me exact numbers for the other roundabouts? If the missing details for pedestrian accident figures for the remaining roundabouts in the CBD area could be located in Councils CBD planning documents and supplied to me in written form that would be greatly appreciated.

My second question is why the councillors seem satisfied to ignore said email from May 16, and up until today, have not responded in any capacity, either verbally or via email? The councillors are voted in to have discussions and create dialogue with the community in order to best represent them on major issues, not to sit silent and ignore questions when emailed in a proper, articulated manner such as my email.

Only last council meeting on June 4, Councillor Herbert spruiked about how important communication between council and the community was and should continue to be, and yet, my experience has been the complete opposite."

The Chief Executive advised that was a question for individual Councillors to respond to Ms Paspaliaris.

7.7 QUESTION FROM BRIAN KELSON, 96 WHITES ROAD, WARRNAMBOOL

"1. Could you explain how Spendmapp data gathering service works and if personal data is collected how will this protected?"

The Director City Growth responded that Council has recently subscribed to the Spendmapp service; its put together by a data demographics firm called Geographia, they partner with a number of financial institutions to receive the Eftpos point of sale transactions - the big data from the banks that is often referred to; its not all of the transactions there is some modelling components in that, it captures the point of sale Eftpos data there is also some assumptions in their for the cash component which we know is reducing in our consumer spend and there is also a component in their for international credit card data. I can provide assurances that no personal transaction data is seen as part of this service, its collected at 3 levels firstly the total spend for the City, secondly at geography levels the north of Warrnambool and the south of Warrnambool and the third level data is received by industry category, I think it is about 19 categories, I will confirm that by response.

2. *What is the cost to Council for this service?"*

The Director City Growth responded that there is a cost and we did receive a heavy discount as an early adopter of this service, I will need to just check the licence agreement we have signed up to because data is a competitive market, that there are no clauses in there that we are giving away in breach of commercial-in-confidence. If that is not the case I am happy to put that detail into the written response.

8. CLOSE OF MEETING

The meeting closed at 6.25pm.

CHAIRMAN

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

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CR. ROBERT ANDERSON
MAYOR