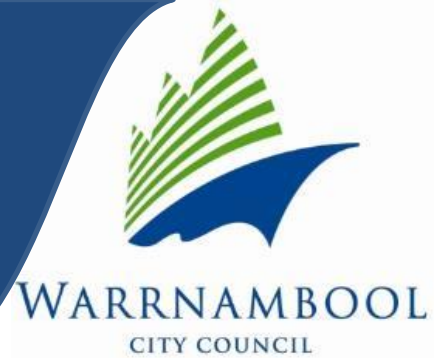


# MINUTES

**ORDINARY MEETING**

**WARRNAMBOOL CITY COUNCIL**

**5.45PM - MONDAY 3 APRIL 2017**



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**VENUE:**

**Reception Room**

**25 Liebig Street**

**Warrnambool**

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**COUNCILLORS**

Cr. Kylie Gaston (Mayor)

Cr. Robert Anderson

Cr. Sue Cassidy

Cr. Tony Herbert

Cr. Peter Hulin

Cr. Michael Neoh

Cr. David Owen

Copies of the Warrnambool City Council's Agendas & Minutes  
can be obtained online at [www.warrnambool.vic.gov.au](http://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.

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**MINUTES OF THE ORDINARY MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN THE  
RECEPTION ROOM, WARRNAMBOOL CIVIC CENTRE, 25 LIEBIG STREET, WARRNAMBOOL ON  
MONDAY 3 APRIL 2017 COMMENCING AT 5.45PM**

**PRESENT:** Cr. Kylie Gaston, Mayor/Chairman  
Cr. Robert Anderson  
Cr. Sue Cassidy  
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 (from 6.00pm)  
Mr Andrew Paton, Director City Growth  
Mr Scott Cavanagh, Director City Infrastructure  
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**

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**MOVED:** CR. HULIN  
**SECONDED:** CR. ANDERSON

**That the Minutes of the Ordinary Meeting of Council held on 6 March 2017 be confirmed.**

**CARRIED – 7:0**

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**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.

## **5. REPORTS**

### **5.1 MAYORAL & COUNCILLOR ALLOWANCES & SUPPORT POLICY**

#### **PURPOSE**

***To propose the level of Mayoral & Councillors Allowances to be set by Council and the adoption of the 'Provision of Resources & Support to Councillors' Policy as amended.***

#### **EXECUTIVE SUMMARY**

- In accordance with the *Local Government Act 1989*, Council is required to review and determine the level of Mayoral and Councillor Allowances by the 30 June 2017.
- Members of the public have the right to make a submission to Council under section 223 in regards to the proposed level of allowances. Section 223 requires Council to publish a public notice providing not less than 28 days for submissions to be received.
- Council will be required to provide due consideration to any submissions received and consider the adoption of the Mayoral and Councillor Allowances at a Council meeting before 30 June 2017.
- Additionally under the provisions of Section 75B of the Act Council must adopt and maintain a policy in relation to reimbursement of expenses for Councillors.
- It is recommended that Council gives public notice and invite submissions concerning its intention to set the Mayoral and Councillor allowances at the maximum amount for a Category 2 Council, being \$76,521 Mayoral Allowance and \$24,730 Councillor Allowance.
- It is also recommended that Council adopt the 'Provision of Resources & Support to Councillors' Policy as tabled.

**MIOVED: CR. HULIN**  
**SECONDED: CR. HERBERT**

#### **That Council:**

1. In accordance with Section 74 of the *Local Government Act 1989 (the Act)* give public notice of its intention to retain the Mayoral and Councillor Allowances at the top of the band for a Category 2 Council i.e. currently set at \$24,730 Councillor Allowance and \$76,521 Mayoral Allowance;
2. Consider submissions received in accordance with Section 223 of the Act and the adoption of the Mayoral and Council Allowances at an Ordinary Council Meeting to be held in June 2017; an
3. Adopt the revised 'Provision of Resources & Support to Councillors' Policy as tabled.

**CARRIED – 7:0**

#### **BACKGROUND**

In accordance with the *Local Government Act 1989* (the Act) section 74(1), Council must review and determine the level of the Mayoral and Councillor allowances within the period of 6 months after a general election or by the 30 June, whichever ever is later.

The Minister for Local Government is responsible for setting the maximum and minimum limits and ranges of Mayoral and Councillor Allowances. These limits are reviewed at least once every year and have regard to movements in the levels of remuneration of executives within the meaning of the *Public Administration Act 2004*.

Councils are classified into three categories based on the number of residents in each municipal area and their total recurrent revenue. The Mayoral and Councillor limits set by the Minister vary for each of the three categories. Warrnambool City Council is currently listed as a category 2 Council.

The current gazetted allowance limits and ranges effective from the 1 December 2016 for a Category 2 council were gazetted (G47) on the 24 November 2016, and are set at:

- Mayoral Up to \$76,521 per annum
- Councillor \$10,284 to \$24,730 per annum

In addition to the allowance, the Mayor and Councillors also receive an amount equivalent to the superannuation guarantee under Commonwealth taxation legislation which is currently 9.5% of the current set allowance.

## ISSUES

### a) Allowances

As the election was held on the 22 October 2016, this review and determination must be completed by the 30 June 2017.

In addition, section 74 (4) requires that *“A person has the right to make a submission under section 223 in respect of a review of allowances.”* Section 223 (1)(a)(iii) stipulates that the Council must publish a public notice *“specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published.”*

As such, Council will be required to provide due consideration to any submissions received and consider the adoption of the Mayoral and Councillor Allowances at a Council meeting before 30 June 2017.

Council can only determine an allowance level within the limits imposed by the Order in Council for a Category 2 council. That is, Council may propose the allowance be set at the maximum level for a Category 2 council or any other value between the minimum and maximum level for a Category 2 Council.

It is recommended that Council give public notice of its intention to retain the Mayoral and Councillor allowances as currently set at the top of the band for a category 2 council.

Any decision Council takes in regard to the setting the level of allowance will be fixed for the term of this Council until October 2020.

### b) Reimbursement of Expenses

Pursuant to Section 75B of the Act, Council is also required to adopt and maintain a policy in relation to the reimbursement of expenses incurred by Councillors in undertaking their duties as a councillor and accordingly has in place a *Provision of Support and Resources for Councillors Policy* which was last reviewed and adopted by Council in July 2015.

The Policy provides for reimbursement of travel expenses, child care expenses, provision of support, computer equipment, mobile phones and stationery and if required, funds available up to \$3,500 per councillor per annum for professional development.

It is recommended that the Policy be reaffirmed by Council with minor amendments as tabled - (**Appendix A**).

## COMMUNITY IMPACT/CONSULTATION

Section 223 stipulates that the Council must give public notice *“specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published.”*

Public submissions will be invited through a notice advertised in the Warrnambool Standard and on Council's website - (**Appendix B**).

## **FINANCIAL IMPACT**

There are sufficient budget funds in the 2016/2017 budget to enable the Mayoral and Councillor allowances to be set at the maximum level.

Council's decision on allowances will inform future years budget forecasts during this Council term.

## **RISK IMPACT**

Failure to review Mayoral and Councillor Allowances by the 30 June 2017 will result in the Council being in breach of the Act.

## **OFFICERS' DECLARATION OF INTEREST**

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

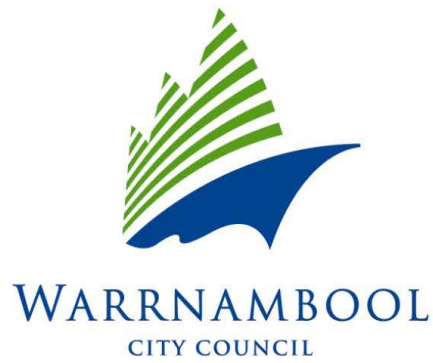
No member of Council staff, or other person engaged under a contract, involved in advising on and or preparing this report has declared a direct or indirect interest in relation to the matter of the report.

## **CONCLUSION**

In accordance with the *Local Government Act 1989*, Council is required to review and determine the level of Mayoral and Councillor Allowances by the 30 June 2017.

Members of the public have the right to make a submission to Council under section 223 in regards to the proposed level of allowances. Section 223 requires Council to publish a public notice providing not less than 28 days for submissions to be received.

Council will be required to provide due consideration to any submissions received and consider the adoption of the Mayoral and Councillor Allowances at an Ordinary Council Meeting to be held in June 2017.

**APPENDIX A**

## **Councillors Provision of Resources & Support Policy**

POLICY TYPE: COUNCIL

APPROVAL DATE: #####

REVIEW DATE: June 2021

## DOCUMENT CONTROL

Document Title:	<i>Councillor Provision of Resources &amp; Support Policy</i>
Policy Type:	<i>Council</i>
Responsible Branch:	<i>Chief Executive's office</i>
Responsible Officer:	<i>Manager Governance Projects &amp; Risk</i>
Document Status:	<i>Draft</i>
Adopted By:	<i>Council</i>
Adopted Date:	<i>### 2017</i>
Review Date:	<i>by June 2021</i>

Councillors - Provision of Resources & Support Policy



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COUNCIL POLICY: Provision of Resources & Support for Councillors**1. INTRODUCTION****1.1 Purpose**

This policy outlines the range of resources and support provided to elected Councillors to enable them to effectively carry out their role.

Resources and support include a Councillors' allowance, payment of certain expenses; the provision of communication and computer equipment; and opportunities to participate in professional development activities and networks relevant to local government and public sector governance.

**1.2 Scope**

This policy applies to elected Councillors of Warrnambool City Council.

This Policy is not intended to prescribe every possible situation that may arise. Should a situation arise that is not adequately covered by this policy, the matter will be referred to the Chief Executive and if required to Council for determination by resolution.

**1.4 References**

<b>Legislation</b>	Local Government Act (Vic.) 1989
<b>Council Related Policies/Appendix'</b>	<ul style="list-style-type: none"> <li>• Councillors Code of Conduct</li> <li>• Councillors IT Equipment Policy</li> <li>• Light Fleet Policy</li> <li>• Appendix A – Legislative framework and context</li> <li>• Appendix B – Councillor Professional Development program</li> </ul>

**2. POLICY STATEMENT**

This Policy establishes the resources, administrative and professional development support to be provided to elected Councillors to enable them to carry out their duties as representatives of the community, communicate with each other, Council officers and the community.

The development of this Policy was guided by the following principles:

- Warrnambool City Council is committed to achieving best practice governance by supporting Councillors in skill development and knowledge of issues affecting the local government sector;
- Warrnambool City Council is committed to providing information on strategic issues on a group or individual basis;
- Warrnambool City Council is committed to assisting Councillors to improve skills necessary to perform their role and function as Councillors on a group or individual basis;
- Warrnambool City Councillors should not be out of pocket as a result of performing their Council functions and duties:

Councillors - Provision of Resources & Support Policy

- Reimbursements claimed by Councillors must be for expenses actually and necessarily incurred in performing their official Council functions and Councillor duties;
- The payment of Councillor allowances, the reimbursement of expenses and the support provided to Councillors must be accountable and transparent to the community.

**3. LEGISLATIVE FRAMEWORK**

The provision of facilities, resources and support to Councillors, and the expenses paid or reimbursed for Councillors, should be consistent the requirement of the Local Government Act (Vic.) 1989 (the Act) and principles prescribed under the Councillor Code of Conduct. The Act requires Council adopt and maintain a Policy in relation to the resources and facilities provided,

Refer **Appendix A** to this Policy for details the legislative framework, context and duties of a Councillor.

**4. RESOURCES AND SUPPORT PROVIDED TO COUNCILLORS**

The following resources and support shall be provided to Councillors during their term of office:

- 4.1 Councillors' allowance, pursuant to Section 74 of the *Local Government Act 1989*. The level of the allowance will be determined by the Council after each general election, within the statutory limits set by the Minister for Local Government. In addition to the allowance, an amount equivalent to the superannuation guarantee contribution shall be payable by Council to the Councillor's nominated superannuation fund.
- 4.2 Reimbursement of expenses associated with:
  - 4.2.1 Travel involved in attending any meeting of Council whether formal or informal.
  - 4.2.2 Travel, accommodation, meals, fees and expenses incurred in representing Council at any meeting or function outside the municipality where the Councillor is requested to attend by Council or the Mayor.
  - 4.2.3 Travel expenses incurred in carrying out duties associated with representing Council as the delegated Council representative to another organisation and or community association, and
  - 4.2.4 Travel expenses incurred in attending civic functions hosted by Warrnambool City Council, including but not limited to citizenship ceremonies; official Warrnambool City Council Australia Day celebrations; official Warrnambool City Council welcome receptions for Ministers, Sister City officials and other civic events.
- 4.3 Council will cover costs associated with a Councillor and partner attending any Council run and organised event.
- 4.4 Warrnambool City Council pool vehicles may be booked by a Councillor, subject to availability of a vehicle and Council's Light Fleet Policy, for travel to/from official meetings, conferences, seminars, training and events.
- 4.5 Pool car travel arrangements will be made for Councillors attending relevant functions, where Council Officers are attending.

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Councillors - Provision of Resources & Support Policy

- 4.6 Reimbursement of child and/or family care expenses in accordance with the following provisions:
  - 4.6.1 Reimbursement for childcare is available up to \$25 per hour for Council activities that are deemed claimable.
  - 4.6.2 Reimbursement will only be paid for services where a receipt from the caregiver is received showing the dates and times the care was provided.
  - 4.6.3 The care must be for a person who resides with the Councillor, and for whom the Councillor is the sole primary carer.
  - 4.6.4 The care must not be provided by a person who is an immediate family member and/or normally or regularly lives with the Councillor.
  - 4.6.5 When a need is identified the Councillor involved can work with Council to develop appropriate care arrangements.
- 4.7 The following information technology and communications equipment shall be provided to Councillors:
  - 4.7.1 A smartphone with voicemail facilities and hands free (Bluetooth) kit (if required). The account for this mobile telephone will be paid for by Council.
  - 4.7.2 A tablet/laptop computer or Apple iPad with access to email and loaded with Council approved applications and anti-virus software will be provided for use during the Council term.
  - 4.7.3 Council will liaise with each Councillor to provide a suitable internet facility for their tablet and laptop.
  - 4.7.4 A multi-function colour printer/scanner/copier and fax device.
  - 4.7.5 A case to protect the smartphone and tablet/iPad.
- 4.8 Councillors will be provided with a Warrnambool City Council (WCC) email address, which will be linked to the Council's electronic Mail (& Calendar) system to allow for diary management by the Chief Executive's office.
- 4.9 Council's IT department will provide support to Councillors for Council provided equipment and software. Where a Councillor wishes to use their own equipment, full IT support may not be provided and/or expenses reimbursed by Council.
- 4.10 Standard stationery shall be provided to carry out Council duties, including but not limited to, diaries, notebooks and pens.
- 4.12 Paper will be supplied for the printer on an 'as needs basis'. For large documents and print jobs Councillors may contact Chief Executive's office to arrange printing at the Civic Centre office.
- 4.13 Relative to Council business, administrative support will be provided to Councillors through the Chief Executive's office. Nb: Staff will not provide non-Council business administrative

Councillors - Provision of Resources & Support Policy

services, run personal errands, or undertake non-Council business administrative tasks for Councillors.

- 4.14 A Councillors meeting room (including light refreshments) will be provided at the Civic centre for Councillor briefing/meetings and civic functions as arranged by the Chief Executive's office.
- 4.15 Each Councillor will receive a security pass allowing access to the Councillors meeting room and public areas of the Council's civic centre offices during business operating hours. After hour arrangements shall be made and approved the Chief Executive's office.
- 4.16 Councillors will be provided with car parking permissions to park in the designated WCC parking bays adjacent to the Council civic centre offices when attending for Council business.
- 4.17 Council will ensure applicable coverage for Public Liability; Professional Indemnity; Councillors and Officers Liability and Personal Accident insurance for Councillors while undertaking their Council duties.
- 4.18 Council will pay any insurance policy excess in respect of any claim made against a Councillor arising from Council business where any claim is accepted by Council's insurers.
- 4.19 Councillors will be supplied upon request with a copy of the Local Government Act, the Planning and Environment Act and any other appropriate legislation as requested but are encouraged to access the electronic versions of these documents from [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) as paper copies may not be up to date.
- 4.20 Councillors will be provided with a Warrnambool City Council name badge for use while on Council business.

In addition to the resources listed above, the Mayor will be provided with:

- 4.19 A furnished Mayoral office with desktop computer connected to Council printers, a telephone, bookshelf and drawers.
- 4.20 Private use of a medium sized, executive vehicle with a five star safety rating, hands free (Bluetooth) kit and fuel card.

Notes:

- Details of current allowances fixed for the Mayor and Councillors are available for public inspection at the Council civic centre office.
- Unless directly delegated by Council or the Mayor to attend, any costs associated with attending community run and organised events will be met by a Councillor.
- The configuration and use of Council provided IT equipment shall be in accordance with "*Councillors IT Equipment Policy*"
- The conditions of use of Council vehicles shall be in accordance with Council's "*Light Fleet Policy*".
- If the Councillor is not returned to office, all Council provided equipment, business information and materials must be returned to Council on the first business day following Council elections,

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Councillors - Provision of Resources & Support Policy

- Council provided equipment and services will not be transferred or continued to former Councillors.

**5. COUNCILLOR PROFESSIONAL DEVELOPMENT**

Councillor professional development is encouraged in order to develop and maintain Councillors' skills and abilities with regards to effective community representation, decision making and strategic Council planning.

There are three avenues for Councillors to utilise professional development opportunities.

- 5.1 The first is through a compulsory Councillor Induction Program and regular in-house workshops arranged through the Chief Executive's office.
- 5.2 The second is through workshops, seminars, conferences, and other day training as offered by industry partners, local government networks and support organisations OR participation in relevant formal study courses at appropriately recognised training facilities.
- 5.3 The third is through professional membership activities of peak Australian Local Government bodies and related organisations.

The costs associated with 5.1 shall be borne by Council. Access to opportunities covered under 5.2 & 5.3 shall be at the discretion of each Councillor, who will be entitled to have paid (up to the annual maximum allowance set\*) the following professional development costs:

- 5.4 Registration fees for attendance at conferences and seminars.
- 5.5 Conference dinner/meals – payment for the main conference dinner if not covered by registration fee costs together with all meals within reasonable limits for the duration of the conference or seminar.
- 5.6 Accommodation – appropriate accommodations from the day prior to registration day and each day on which the conference or seminar is held. Any additional costs as a result of the attendance of partners and/or children shall be borne by the Councillor.
- 5.7 Transportation in the most appropriate mode to, from and during conferences and seminars. Airfares will be economy class.
- 5.9 Car parking fees including airport and hotel parking.
- 5.10 Professional Membership fees associated with any of the following bodies
  - i. Municipal Association of Victoria (MAV)
  - ii. Victorian Local Government Associations (VLGA)
  - iii. Australian Local Government Association (ALGA)
  - iv. Australian Local Government Women's Association (ALGWA)
  - v. Australian Institute of Company Directors (AICD)

The Mayor and/or delegated Councillor/s accompanied by the Chief Executive will endeavour to regularly participate in the following key local government events, of which attendances costs would be covered by Council and not subject to this policy:-

Councillors - Provision of Resources & Support Policy



- Australian Local Government Association National General Assembly
- MAV Annual Session
- MAV Plenary Session

Notes:

- The professional development fund\* allocation is set at \$3,000 per annum per Councillor for skills development programs and topics at the discretion of each Councillor approved in accordance with this Policy.
- An additional \$500 allowance is available per annum per Councillor exclusively for access to governance related professional development and/or memberships approved in accordance with this Policy.
- The annual allocation shall be subject to annual review as part of the Council budget approval process.
- Registration and payment for conferences, seminars and memberships shall be organised through the Chief Executive's office.
- Whilst individual allocations are available for use at each Councillor's discretion, the Chief Executive shall assess and approve all Councillor professional development requests.
- If a Councillor does not use their annual allocation, they cannot carry forward their outstanding allocation in the next year.
- Council may resolve to approve a higher annual cost for requests to undertake a formal relevant qualification, such as a certificate, diploma, or relevant units of an undergraduate or postgraduate degree.
- **Attachment B** outlines a recommended yearly program and examples of options available for Councillors to consider over their four year electoral term.

## 6. PAYMENT AND REIMBURSEMENT OF EXPENSES

### 6.1 Resources paid by Councillors

Councillors must pay for all costs not provided for in this Policy, unless where extenuating circumstances exist, and the Council and/or Chief Executive have approved payment of such expenses.

### 6.2 Payment and reimbursement of expenses

- 6.2.1 Travel expenses that meet the criteria listed above will be reimbursed by Council upon receipt of a completed claim form from the Councillor.
- 6.2.2 The rate of travel reimbursement will be by per kilometre travelled and based on the rates prescribed the Australian Taxation Office.
- 6.2.3 Other expenses claimed will be reimbursed by Council upon receipt of a completed claim form, accompanied by all relevant receipts and invoices.

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Policy Type: Council | Responsible Branch: Governance & Risk | Approved Date: #### 2017 | Review Date: June 2021

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Councillors - Provision of Resources & Support Policy



- 6.2.4 Expenses, authorised under this Policy, can be booked and charged directly to Council by prior arrangement with the Chief Executive's office.
- 6.2.5 All claims for the reimbursement of expenses will be authorised for payment by the Chief Executive or his/her delegate.

## **7. GOVERNANCE**

### **5.1 Owner**

The Manager Governance Projects & Risk is responsible for monitoring the currency and viability of this policy and updating it when required.

### **5.2 Review**

The Manager Governance Projects & Risk will review the policy for any necessary amendments no later than three years after its formulation or after the last review.

### **5.3 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).

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

Councillors - Provision of Resources & Support Policy**Appendix A: LEGISLATIVE FRAMEWORK, CONTEXT & COUNCILLORS' DUTIES****Allowances**

The Victorian Government views Councillor allowances '*not as a form of salary, but as some recognition of the contributions made by those elected to voluntary, part time roles in the community*'.

The Government acknowledges the value and significance of Local Government Councillors – both through their skills and ability to represent and engage with their constituents and their leadership in developing solutions to the pressing social and cultural, environmental and economic challenges facing communities everywhere.

Sections 73A to 74C of the Local Government Act 1989 (the Act) provide the framework for payment of annual allowances to Mayors and Councillors.

The allowance framework provides a three-level structure for allowances based on Council population and total revenue. The allowances are reviewed and adjusted annually by the Minister for Local Government.

In addition to the allowance, an amount equivalent to the superannuation guarantee contribution is payable.

Details of current allowances fixed for the Mayor and Councillors of Warrnambool City Council are available for public inspection at the Council offices.

Allowances are taxable income and are paid fortnightly in advance. Personal taxation implications are the responsibility of individual Councillors.

**Resources and Facilities**

Section 75C of the Act provides that a Council must make available for the Mayor and the Councillors the minimum resources and facilities prescribed.

**Expenses**

Sections 75 to 75C of the Act provide for the reimbursement of expenses of Councillors and members of Council committees.

Section 75 provides that a Council must reimburse a Councillor for expenses if the Councillor applies in writing and establishes in the application that the expenses were reasonable bona fide Councillor out-of-pocket expenses incurred while performing duties as a Councillor.

**Duties as a Councillor**

'*Duties as a Councillor*' means duties performed by a Councillor that are necessary or appropriate for the purposes of achieving the objectives of a Council having regard to any relevant Act, regulations, Ministerial guidelines or Council policies.

Section 75A provides that a Council may reimburse members of Council Committees for necessary out-of-pocket expenses incurred while performing duties as a Committee member.

Duties of a Councillor will therefore include attendance at:

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- Meetings of the Council or its Committees;
- Briefing sessions, workshops and civic or ceremonial functions convened or scheduled by the Council or the Mayor;
- Meetings of community groups, organisations and statutory authorities to which a Councillor has been appointed as Council representative;
- A meeting, function or other official role as a representative of the Council or the Mayor; and
- Other meetings, inspections or events attended by a Councillor in an official capacity, together with the associated research, discussions and communication.

The basic test to be applied to determine whether or not an expense is bona fide is whether the expense is necessary because it is either supplemental to, incidental to, or consequent on, the exercise of the duties as a Councillor.

*References: The Vic. Government Policy Statement on Local Government Mayoral and Councillor Allowances and Resources – April*

Councillors - Provision of Resources & Support Policy**Appendix B: WCC COUNILLOR PROFESSIONAL DEVELOPMENT PROGRAM**

Conferences, seminars and training courses are organised throughout the year by Council, local government related organisations, professional bodies and private sector providers on issues and events which may be relevant to the role of a Councillor.

The selection of conferences and training should be based on its relevance to the responsibilities and the specific training needs of a Councillor and Council's Council Plan goals and are likely to encompass but not limited to:

- Sessions organised by Local Government peak bodies including the Municipal Association of Victoria (MAV), the Victorian Local Governance Association (VLGA), the Australian Local Government Association (ALGA) and the Australian Local Government Women's Association (ALGWA).
- Specialist training related to the duties, responsibilities and competencies of a Councillor as organised by the Chief Executive's office.
- Australian Institute of Company Directors (AICD) or other courses approved by the Chief Executive related to governance and leadership.
- Sessions conducted inhouse as part of Council's annual Councillor training program, briefings and workshops.
- Specific needs based training as approved by the Chief Executive, including, but not limited to media and public speaking.

**Suggested Training Options:**

Councillors are open to select their own professional development training program. The following is provided for illustrative/guidance purposes only.

Year One	<ul style="list-style-type: none"> <li>• WCC Councillor Induction program</li> <li>• MAV Mayoral Workshop (as appropriate)</li> <li>• MAV/VLGA new Councillor &amp; Councillor development short courses (as scheduled) e.g Meeting Procedures</li> <li>• Australian Institute Company Director's Course</li> <li>• Diploma of Governance (Local Government)</li> <li>• WCC (in-house) Councillor learning and development workshops (as scheduled) e.g. Media training, Team Building, Financial Management and Budgets, Conflict of Interest, Local Government/Planning &amp; Environment Acts</li> </ul>
Year Two	<ul style="list-style-type: none"> <li>• MAV Mayoral Workshop (as appropriate)</li> <li>• Chairing of Meetings/Meeting Procedures</li> <li>• Australian Institute Company Director's Course</li> <li>• Diploma of Governance (Local Government)</li> <li>• WCC (in-house) Councillor learning and development workshops (as scheduled)</li> <li>• MAV, VLGA or Australian Institute of Company Directors, short courses or specific workshops as relevant.</li> </ul>

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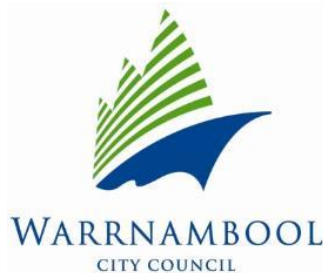
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Year Three	<ul style="list-style-type: none"> <li>• MAV Mayoral Workshop (as appropriate)</li> <li>• Australian Institute Company Director's Course</li> <li>• Diploma of Governance (Local Government)</li> <li>• WCC (in-house) Councillor learning and development workshops (as scheduled)</li> <li>• MAV, VLGA or Australian Institute of Company Directors, short courses or specific workshops as relevant.</li> </ul>
Year Four	<ul style="list-style-type: none"> <li>• WCC (in-house) Councillor learning and development workshops (as scheduled)</li> <li>• MAV, VLGA or Australian Institute of Company Directors, short courses or specific workshops as relevant.</li> </ul>

**APPENDIX B**

## **Public Notice**



Council is required to review the level of Mayoral and Councillor allowances payable and wishes to seek community input into the setting of these allowances.

The range of allowances payable is set by the State Government and Council is only able to amend the allowances in the future if the Minister for Local Government undertakes a review of the categories of Councils and amends these or otherwise increases the levels payable.

The Council at its meeting held on 3 April 2017 considered the level of allowances payable and is proposing to retain the allowances at the maximum level so that the Mayoral allowance will be \$76,521 per annum and the Councillor allowance \$24,730 per annum. Any decisions Council takes in regard to setting the level of allowances will be fixed for the term of this Council.

An amount equivalent to the superannuation guarantee (currently 9.5%) is payable in addition to these amounts.

Council is interested in seeking community input into this decision and any interested persons are encouraged to make a submission in regard to this review. Any such submissions must be in writing and be lodged no later than 5.00pm on 5 May 2017.

If any person wishes to make a verbal presentation in support of their submission they should state so in the submission and these persons will be heard by the Council at A meeting to be scheduled for 15 May 2017.

Submissions should be addressed to the Chief Executive Officer, Warrnambool City Council and delivered to 25 Liebig Street, Warrnambool or posted to PO Box 198 Warrnambool 3280 or emailed to [wbool@warrnambool.vic.gov.au](mailto:wbool@warrnambool.vic.gov.au).

A person requiring further information concerning the review of the allowances or the making of a submission should contact Anne-Maree Neal, Manager Governance Projects and Risk on 03 5559 4800.

## **5.2 CITY MEMORIAL BOWLS CLUB LEASE RENEWAL**

### **PURPOSE**

***This report presents Council a process for endorsement regarding the renewal of the lease with the City Memorial Bowls Club Inc. for the property at 50-54 Cramer Street Warrnambool.***

---

### **EXECUTIVE SUMMARY**

- The current Lessee's, City Memorial Bowls Club, entered into a 21 year lease for the property 50-54 Cramer Street Warrnambool in July 2000.
- The club operates on Crown Land and Council is Committee of Management
- The existing lease expires on 30 June 2021.
- The tenant has made a submission to surrender the current lease in favour of a renewed lease for a further 21 year period via direct negotiation and supplied documentation on the significant private investment held and proposed on the site in support of the application.
- A lease under direct negotiation requires ministerial approval and a public notification and submission process as set out in the Crown Land Leasing Policy and Guidelines of the Department of Environment, Land, Water & Planning (DELWP).
- The rent under the proposed lease would be established at a level to be negotiated with the minimum amount being at market value and have annual CPI and market review increments.

---

**MOVED: CR. ANDERSON**  
**SECONDED: CR. NEOH**

**That subject to in principle agreement being granted by the Minister for Environment, Climate Change and Water Council agrees to seek the renewal of the lease for 21 years concluding on 30 June 2038 with City Memorial Bowls Club for the property known as 50-54 Cramer Street Warrnambool.**

**CARRIED – 7:0**

---

### **BACKGROUND**

As Committee of Management for Parts of Crown Reserve RS00283, the Albert Park Reserve, Council manages the lease arrangements for the property known as City Memorial Bowls Club at 50-54 Cramer St Warrnambool.

The property has a lease of twenty one years which expires on 30 June 2021.

DELWP have policy and guidelines that set out the process for negotiating leases on Crown Land on a consistent basis across the state and to ensure that social, environmental and economic benefits are maximised.

### **ISSUES**

In most cases a competitive process is undertaken for the leasing of Crown Land, however direct negotiations are allowable in certain circumstances as are the granting of a new lease to incumbent tenants.

All leases require the approval of the Minister and a detailed submission must be submitted as part of the ministerial approval process.

As indicated a proposal to grant a new lease to an incumbent tenant may be considered by the Minister subject to the same considerations as a new lease. Generally, proposals to issue a new lease to an incumbent tenant will not be considered until at least 50% of the term of the lease has expired. The current lease is due to expire on 30 June 2021 with only four years of the term remaining.

The incumbent tenant has supplied a detailed submission addressing the social, environmental and economic benefits associated with the leasing of the site. They are seeking to surrender the final period of the current lease and enter into a renewed lease. All of the requirements associated with the issuing of a new lease have been addressed for submission to the Department for ministerial in principle agreement.

Submissions for Ministerial in principle agreement, also includes a demonstrated process undertaken in regard to a public notification of the proposal and the calling of submissions. This could be undertaken in a similar way to which Council calls for submissions under Section 223 of the Local Government Act so as to meet this requirement.

This option has been canvassed with representatives of DELWP and they are comfortable with this outcome.

Standard DEWLP lease documentation would apply to the new lease and rent would be established at a level to be negotiated with the minimum amount being at a market value. Rent is currently \$36,400.00 per annum.

### **CONSULTATION/COMMUNICATION**

Both the lessee and DEWLP representatives have been involved in discussions regarding the process for renewing the lease. The proposal will also be advertised with an opportunity for submissions to be lodged.

### **FINANCIAL IMPACT**

All financial implications are factored into Council's budget.

### **ENVIRONMENTAL/RISK IMPACT**

Delays in the process could impact on the operations at the facility.

## **5.3 PLANNING PERMIT APPLICATION PP2016-0159 FOR QUALITY SUITES DEEP BLUE**

### **PURPOSE**

***This report provides an assessment of planning permit application PP2016-0159 and recommends that a permit be issued subject to conditions.***

---

### **EXECUTIVE SUMMARY**

- An application has been received to extend the existing Quality Suites Deep Blue Hotel to provide for a geothermal spa facility and café.
- Seventeen (17) objections have been received by Council.
- An on-site meeting was held on 15 March 2017 with Councillors, Council Officers, the applicant and objectors.
- Objector concerns relate to traffic and car parking, impact of the design of the development and impact of noise on amenity.
- For reasons outlined in the planning assessment, the application is supported and it is recommended that a permit be issued, subject to conditions.

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**MOVED: CR. HERBERT**  
**SECONDED: CR. CASSIDY**

That Council having caused notice of Planning Application No. PP2016-0159 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot F PS 415327D PSH WAN TSH WARR, 16 Pertobe Rd WARRNAMBOOL VIC 3280, for the Use and development of leisure and recreation facility (geothermal springs and day spa) in accordance with the endorsed plans, subject to the following conditions:

1. Before the use or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must show:
  - (i) Deletion of the reference to 'future expansion' on Level 01 Plan drawing TP.105 revision 2 dated 22.12.16.
  - (ii) Amended elevations to show details of any signage
  - (iii) Amended site layout plan showing construction access point to only be from Worm Bay access road.
  - (iv) Car parking plan that nominates car and bus parking areas allocated for use with the approved geothermal springs and day spa. In this regard the plan must not impinge on existing car parking allocation and any registered agreement.
2. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

The landscaping plan must show:

- a. a survey (including botanical names) of all existing vegetation to be retained and/or removed;
- b. buildings and trees (including botanical names) on neighbouring properties within at least three metres of the boundary, or where impacted;
- c. details of surface finishes of hardstand areas such as pathways and driveways;
- d. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- e. landscaping and planting within all open areas of the site;
- f. any earthworks, accesses, hard landscaping and lighting.

All species selected must be to the satisfaction of the Responsible Authority.

3. Before the use starts the landscaping works as shown on the endorsed Landscape Planting Plan must be completed to the satisfaction of the Responsible Authority and then maintained thereafter to the satisfaction of the Responsible Authority. No plant substitutes are permitted for species identified in the endorsed Landscape Planting Plan within the 12 month planting establishment period, without the consent of the responsible authority.
4. Before development construction works commence, the developer must provide Wannon Water with the following information (if applicable).
  - The projected volume increase in sewerage load to be discharged to the Wannon Water sewer system.
  - The projected composition and temperature of the increased sewerage load to be discharged to the Wannon Water sewer system.
  - The projected increase or water demand volume from the Wannon Water reticulated water supply.
  - Any proposed changes to the bore extraction licence volume from the Dilwyn Aquifer, resulting in additional water being extracted and discharged to the Wannon Water sewer.
  - Details of proposed pre-treatment equipment to be installed to remove sediments and other trade waste implications prior to discharge of wash water from the proposed mud room and waste from other proposed facilities prior to discharge to sewer.

This information is required to determine the extent of sewerage system, including sewerage pump station augmentation works that are required to be provided by the developer at the developers cost.

The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water

5. **Before the commencement of any works for the development (including any preliminary site preparation and establishment works, demolition or material removal) a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must include and address the following:**
  - a) **Details of Public Safety, Amenity Considerations and Site Security.**
  - b) **Environmental Management Plan (EMP) in accordance with the Environment Protection Authority document Environmental Guidelines for Major Construction Sites, February 1996 or its successor document, including:**
    - i. **Operating Hours, Noise and Vibration Controls;**
    - ii. **Air and Dust Management;**
    - iii. **Stormwater and Sediment Control; and**
    - iv. **Waste and Materials Reuse Management.**
  - c) **Construction Program.**
  - d) **Traffic Management Plan.**
  - e) **Evidence of Responsible authority approvals and insurance required to undertake works.**
  - f) **Asset Condition Report, with photos and assessment of any prior damage to public infrastructure and identified actions to minimise damage to infrastructure during construction.**
  - g) **Once approved, the Construction Management Plan will be endorsed and form part of this permit.**
6. **Before the use or development commences an amended Traffic Management Plan that reflects a maximum patronage of 200 must be submitted to and approved by the Responsible Authority.**
7. **Before the use starts, a noise and amenity plan/patron management plan to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan.**

The plan must include:

- (a) **staffing and other measures which are designed to ensure the orderly arrival and departure of patrons**
  - (b) **signage to be used to encourage responsible off-site patron behaviour**
  - (c) **the training of staff in the management of patron behaviour**
  - (d) **staff communication arrangements**
  - (e) **measures to control noise emissions from the premises**
  - (f) **any additional measures to comply with *State Environment Protection Policy (Control of Music Noise from Public Premises)*, No. N-2 (or as amended).**
8. **Before the use starts a detailed Stormwater Management Plan is to be submitted to and endorsed by the Responsible Authority prior to any works commencing. The works must be designed in accordance with the current Responsible Authority's Design Guidelines, the endorsed application plans and the endorsed Development Plan and must include:**
  - a) **Details of how the works on the land are to be drained and/or retarded.**
  - b) **Where interim or temporary works are proposed, details must be provided to show details on how these interim or temporary works will integrate with the ultimate drainage systems.**
  - c) **Where drainage is required to be conveyed across privately owned land, demonstration of the consent of the landholder and/or easements must be provided to the satisfaction of the Responsible Authority**

- d) **Identify any existing drainage on the site**
- e) **Computations of the existing and proposed drainage**
- f) **Independent drainage or on-site retention facility for each lot.**
- g) **Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;**
- h) **The storm water discharge from this development must be limited to predevelopment runoff for an 18% AEP storm event.**
- i) **The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.**
- j) **Maintenance schedules for treatment elements.**
- k) **Designed and constructed to satisfy AS/NZS 3500.**
- l) **Demonstrate storm water runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within development.**

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

9. **Before the use or occupation of the development, the car parking areas (both on street and off street) must be provided to the satisfaction of the Responsible Authority. The works must be designed in accordance with the following where plans are to be submitted to and endorsed by Council prior to construction.**
  - a) **In accordance with Australian Standards.**
  - b) **Finished with an all-weather surface.**
  - c) **Drained in accordance with the endorsed storm water management plan**
  - d) **Provision for appropriate signage and line marking**
10. **Before the use starts, details of disinfection controls including rate and volume of wastewater discharge and filter types to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the details will be endorsed to form part of the permit.**
11. **The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
12. **The exterior colour and cladding of the building must be of a non-reflective nature and finished in muted toning to the satisfaction of the Responsible Authority.**
13. **The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
  - a) **transport of materials, goods or commodities to or from the land**
  - b) **appearance of any building, works or materials**
  - c) **emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil**
  - d) **presence of vermin,**
  - e) **collection and storage of waste,**
14. **To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:**
  - a) **Stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and must have measures in place to prevent the movement of such material off site.**

- b) **Building operations such as brick cutting, washing tools, concreting and bricklaying must be undertaken on the building block. The pollutants from these building operations must be contained on site.**
  - c) **Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.**
15. **No more than 200 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.**
16. **The use may only operate between the hours of 7am to 9pm seven days a week.**
17. **No patrons are permitted to be on-site outside the approved opening hours.**
18. **External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.**
19. **No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.**
20. **During construction all access to the site must be via the nominated access/ crossing shown on the endorsed plan. No construction traffic is permitted to the site via Barbro Terrace.**
21. **All stormwater discharged from the site must be conveyed by means of underground drains to a lawful point of discharge to the satisfaction of the responsible authority.**
22. **No polluted or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses or outside the boundary of the site.**
23. **All works must occur within the title boundary and no disturbance to any adjoining property shall occur as a result of this application to the satisfaction of the Responsible Authority.**
24. **No construction activity or access may occur in the adjoining coastal reserve.**
25. **The take and use of groundwater for the purpose of providing water for the development or any other commercial use must comply with licence BEE049304 issued in accordance with section 51 of the Water Act 1989;**
26. **The disposal of hot water must comply with the responsible authority approval.**
27. **The provision, at the developers cost, of the required water supply works necessary to serve the proposed development.**
28. **The developer entering into an agreement with Wannon Water for payment of the new customer contributions applicable to the proposed development.**
29. **The developer obtaining the necessary consents and approvals for: -**
  - **Alteration to or connection of on-site plumbing.**
  - **The discharge of “trade waste” (other than domestic sewage) from the property.**
30. **This permit will expire if one of the following circumstances applies:**
  - a) **the development and the use are not started within two (2) years of the date of this permit.**
  - b) **the development is not completed within four (4) years of the date of this permit.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:**

- a) **Within six months afterwards for commencement, or**
- b) **Within twelve months afterwards for completion.**

**Notes****Road Reserve Works Permit**

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

**Asset Protection Permit**

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

**Native vegetation**

Further planning approval may be required for the removal of native vegetation.

**CARRIED – 6:1**

**Crs. Herbert, Cassidy, Anderson, Gaston, Owen & Neoh voting for the motion**

**Cr. Hulin voting against the motion**

**PROPOSAL**

An application has been received to extend the existing Quality Suites Deep Blue Hotel to provide for a geothermal spa facility and ancillary café. **Appendix A**

Planning permits are triggered for the use and development pursuant to the Mixed Use Zone (MUZ), the Design and Development Overlay (DDO8), the Significant Landscape Overlay (SLO1). A permit is also triggered for the provision of car parking to the satisfaction of Council.

The spa and café building will replace the existing conference centre which is to be demolished.

- The entry, reception, change-rooms and café will be accommodated within a new architecturally designed building attached to the south eastern elevation of the existing seven (7) storey hotel and apartment building.
- The new buildings are predominantly single storey (approximately 6m) in height, with a flat roof and clad in timber.
- A smaller two storey component (approximately 9.7m in height), also having a flat roof and clad in timber will accommodate a 'licensed cafe' (proposed to operate as an extension of the café) allowing ocean views and private cabanas to spa patrons.
- All buildings will be located within the boundary of the existing site.
- A new main entrance and designated parking is proposed off the Worm Bay access road.
- A Traffic Impact Assessment (PIA) has been prepared by Ratio Consultants 21 August 2016.
- The TIA identifies a potential need for 72 car parking spaces to be allocated for the new facility and that these are currently available within the site and local area.
- The TIA concludes that the proposal "would not create adverse traffic and parking impacts on the area" on the basis that the demand for parking would be less than that at present with the operation of the conference centre.
- The TIA does however comment that there would be an increase in vehicle movements.
- The use of the land for the purpose of a geothermal springs and spa is proposed to operate seven (7) days a week from 7am until 9pm. This includes the roof-top area proposed to include a 'licensed café'.
  - The spa is centred on a number of naturally heated water and mud baths (some of which within small buildings). The current facility benefits from an existing bore with a 500 Mega Litre licence from Southern Rural Water (SRW).
- All buildings on the site will equate to a site coverage of less than 50%

## BACKGROUND

The site has a complex history of planning approvals which are referenced in the attached delegate report at **Appendix C**

The application site is within an area of Cultural Heritage Sensitivity. The application is accompanied by a report (Ecology and Heritage Partners) which demonstrates the land has been previously subject to significant ground disturbance within the meaning of the Aboriginal Heritage Act 2006. Accordingly the applicant is not required to prepare a Cultural Heritage Management Plan.

## ISSUES

The application has been the subject of notice to adjoining residents/ landowners and referral to internal departments and external authorities. There is general support provided from the various referral bodies. A number of objections have been received from residents/ landowners in the local area. **Appendix B**

- The objections can generally be grouped under three headings, being a lack of appropriate car parking and traffic management, the potential for noise from the roof-top licenced café to adverse impact on amenity of nearby residents and the double storey component of the development to impact on views.
- Objectors have reported existing car parking problems within Barbro Terrace which they feel are likely to be exacerbated should Council give approval for the proposed development. The following comments are provided in response:
  - Barbro Terrace is identified as 'R-1' on Plan of Subdivision PS415327D and is privately owned. An extension of Barbro Terrace provides a pedestrian link to the Worm Bay access road.
  - The applicant has provided a Traffic Management and car parking report prepared by 'Ratio:'. The report draws comparisons between the existing use as a conference centre and proposed thermal hot springs and day spa. The report concludes that a reduction in patron numbers for the site (from 340 to a maximum of 240) would reduce parking demand and therefore car parking can be accommodated within the existing car parking areas available within the site and in Worm Bay access road. However, the nature of the new facility compared with the existing would give rise to a theoretical increase in vehicle movements per hour in any day e.g multiple users during the course of the day, versus a return trip to a one-off event at the conference centre.
  - The existing car parking for the Deep Blue extends to outside the title on to Crown land for which Council is the land manager. The Department of Environment Land Water and Planning (DELWP) have been referred the application and do not object in this regard. Council's Infrastructure Unit and City Sustainability unit have also not objected.

Amenity concerns in particular around the use of the roof-top bar.

- Amended plans submitted to Council 25 January 2017 included the provision of a second storey to the development to accommodate a 'roof-top bar'. Notice of the amended application attracted further objections.
- Following a consultation meeting on 15 March 2017 concerns were raised to the potential for noise disturbance from music and patrons of the bar.
- Concerns have been expressed to the design of the new building and impact on views
  - The development is both single storey and two storey and incorporates a flat roof. The two storey component would reach a maximum height of 9.72m above natural ground level and the single storey part would have a height of 6.02m above ground.
  - While the single storey building will extend at ground level from the south east elevation of the existing seven (7) storey hotel, the two storey component will stand on its own with a setback of 8m from the hotel.
  - The relevant planning considerations call for consideration of the design guidelines provided in the Design and Development Overlay and Significant landscape Overlay. It is also relevant to consider the decisions of VCAT in respect to protection of views.

## ASSESSMENT SUMMARY

The zone and overlays applicable to the site seek to facilitate a range of uses that complement the mixed use function of the locality. The bulk, location and appearance of new development is required to be compatible with adjacent buildings and the streetscape, in particular the village character of South Warrnambool. However, opportunity exists for high quality design outcomes that enhance the Gateway area (in vicinity of the Lady Bay and Deep Blue Quality Suites). The location is highly visible from various locations and therefore consideration must also be given to design that recognises the scenic qualities afforded to residents, visitors and the tourist industry. These objectives are echoed by the relevant State and Local Policy Framework.

The proposed geothermal hot springs and spa will operate separately from the existing hotel and have a separate access from Worm Bay access road. Therefore there will be no additional demand for parking in Barbro Terrace.

The roof top licenced café is restricted to patrons of the spa during normal opening hours. The design of the roof top area will incorporate a 1.8m high glass balustrade and is proposed to be a relaxing and quiet environment with no live or amplified music. The noise levels emanating from the rooftop are therefore unlikely to exceed those which might otherwise occur from the proposed open pool areas within the spa (including waterfall features), open space around the hotel and Barbro Terrace (Shipwreck Bay) and other tourist facilities in the local area. Within a mixed use zone the anticipated noise levels from the springs and spa are considered acceptable, although it would be appropriate to include an amenity condition on any permit to allow Council to monitor noise levels and respond if required.

The bulk and scale of the development is subservient in the context of the existing hotel. The development may become part of the views afforded from neighbouring properties, particularly for those with outlooks toward the coastal reserve. However the development would be close enough to the existing hotel to not be seen in isolation of other buildings and would only form a small proportion of the total outlook afforded by neighbouring properties.

Having regard to the relevant planning considerations the proposal is considered to provide an appropriate outcome for the site subject to the conditions outlined earlier in this report.

## CONSULTATION/COMMUNICATION

Notice of the application has been given to adjoining residents/landowners and relevant authorities. There are no mandatory referrals prescribed by the Planning Scheme for this proposal.

Notice of the planning application was also included in the Warrnambool Standard newspaper.

A consultation meeting was held on site with Councillors, officers, the applicant and objectors on 15 March 2017.

## FINANCIAL IMPACT

The costs associated with the assessment of the application and any subsequent reviews have been allowed for in the City Strategy and Development budget.

## ENVIRONMENTAL/RISK IMPACT

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

### Locality Plan



## APPENDIX A – APPLICATION DOCUMENTS



Planning Enquiries  
Phone: 03 5559 4800  
Web: <http://www.warrnambool.vic.gov.au>

Clear Form

Office Use Only

Application No.:

Date Lodged:

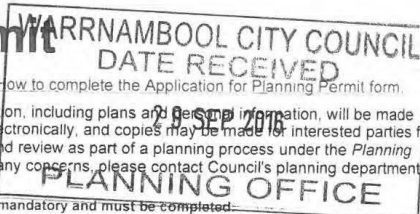
## Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (\*) are mandatory and must be completed.

If the space provided on the form is insufficient, attach a separate sheet.



### The Land

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

Street Address \*

Unit No.:	St. No.: 16	St. Name: Pertobe Road
Suburb/Locality: Warrnambool		Postcode: 3280

Formal Land Description \*  
Complete either A or B.

This information can be found on the certificate of title.

A ☐ Lot No.: 15 ☐ Lodged Plan ☐ Title Plan ☒ Plan of Subdivision No.: 432254H

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

### The Proposal

You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

2 For what use, development or other matter do you require a permit? \*

If you need help about the proposal, read:  
[How to Complete the Application for Planning Permit Form](#)

Partial external + internal demolition of the existing conference centre next to the hotel.  
Propose a new indoor day spa + outdoor hot springs.

Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

3 Estimated cost of development for which the permit is required \*

Cost \$2,000,000.00 You may be required to verify this estimate.

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

### Existing Conditions

4 Describe how the land is used and developed now \*

eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing

Conference Centre

Provide a plan of the existing conditions. Photos are also helpful.

Title Information **i**

## 5 Encumbrances on title \*

If you need help about the title, read:  
How to complete the  
Application for Planning Permit  
form

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

☐ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)

☒ No

☐ Not applicable (no such encumbrance applies)

☒ Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', eg. restrictive covenants.)

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WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED

29 SEP 2016

PLANNING OFFICE

Applicant and Owner Details **i**

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

## Applicant \*

The person who wants  
the permit.

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

Please provide at least one  
contact phone number \*

## Owner \*

The person or organisation  
who owns the land

Where the owner is different  
from the applicant, provide  
the details of that person or  
organisation.

Name:		
Title: Mr	First Name: Domenic	Surname: Cerantonio
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.: 4	St. No.: 249	St. Name: Chapel Street
Suburb/Locality: Prahran		State: VIC Postcode: 3181

Contact person's details *		
Same as applicant (if so, go to 'contact information') <input checked="" type="checkbox"/>		
Name:		
Title: Mr	First Name: Domenic	Surname: Cerantonio
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.: 4	St. No.: 249	St. Name: Chapel Street
Suburb/Locality: Prahran		State: VIC Postcode: 3181

Contact information	
Business Phone: 03 9533 2582	Email: dom@cerastribley.com
Mobile Phone:	Fax:

Name:		
Same as applicant <input type="checkbox"/>		
Title:	First Name:	Surname:
Organisation (if applicable): Deep Blue Properties Pty. Ltd		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 4	St. Name: Muntz Street
Suburb/Locality: Caulfield North		State: VIC Postcode: 3161
Owner's Signature (Optional):		Date: 27 Sep 2016
		day / month / year

Declaration **i**

## 7 This form must be signed by the applicant \*

**A** Remember it is against  
the law to provide false or  
misleading information,  
which could result in a  
heavy fine and cancellation  
of the permit.

I declare that I am the applicant, and that all the information in this application is true and correct, and the owner (if not myself) has been notified of the permit application.

Signature:	Date: 27 Sep 2016
	day / month / year

**Need help with the Application? **

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).  
General information about the planning process is available at [www.dpcd.vic.gov.au/planning](http://www.dpcd.vic.gov.au/planning)

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

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


☒ No ☐ Yes


**ADVERTISED****Checklist **

- 9 Have you:

☒ Filled in the form completely?

☐ Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

☒ A full, current copy of title information for each individual parcel of land forming the subject site

☒ A plan of existing conditions

☒ Plans showing the layout and details of the proposal

☒ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

☒ If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).

☒ Completed the relevant Council planning permit checklist?

☒ Signed the declaration (section 7)?

**Lodgement **

Lodge the completed and signed form, the fee payment and all documents with:

Warrnambool City Council  
PO Box 198 Warrnambool VIC 3280  
25 Liebig Street Warrnambool VIC 3280

**Contact information:**

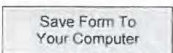
Telephone: 61 03 5559 4800  
Email: [wbool\\_city@warrnambool.vic.gov.au](mailto:wbool_city@warrnambool.vic.gov.au)  
DX: Ausdoc 28005

**Deliver application in person, by fax, or by post:**

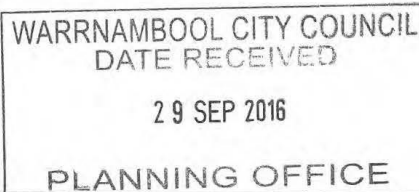


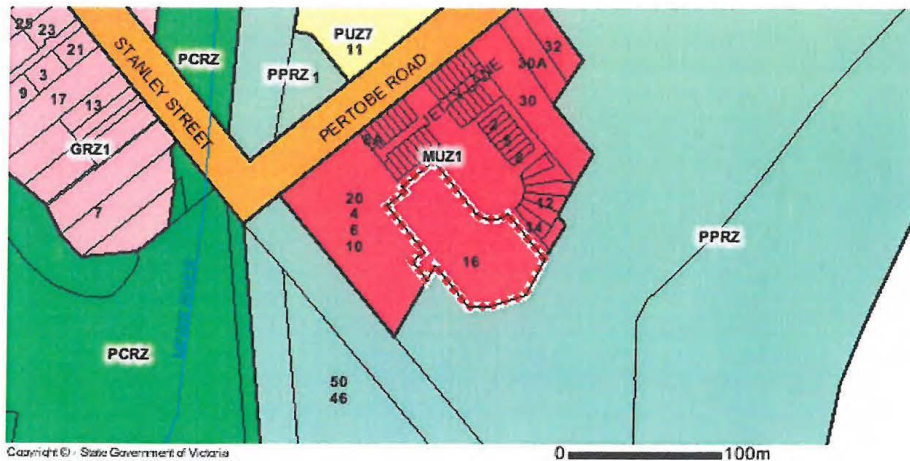
Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

**Save Form:**



You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.



**ADVERTISED**Department of  
Environment, Land,  
Water and Planning**Planning Property Report**From [www.delwp.vic.gov.au/planning](http://www.delwp.vic.gov.au/planning) on 03 October 2016 08:39 AM**Address:** 16 PERTOBE ROAD WARRNAMBOOL 3280**Lot / Plan:** Lot 15 PS432254**Local Government (Council):** WARRNAMBOOL **Council Property Number:** 16847**Directory Reference:** VicRoads 514 H11**Planning Zone**MIXED USE ZONE - SCHEDULE 1 (MUZ1)SCHEDULE TO THE MIXED USE ZONE - SCHEDULE 1

Note: labels for zones may appear outside the zone boundary - please compare the labels with the legend.

## Planning Property Report

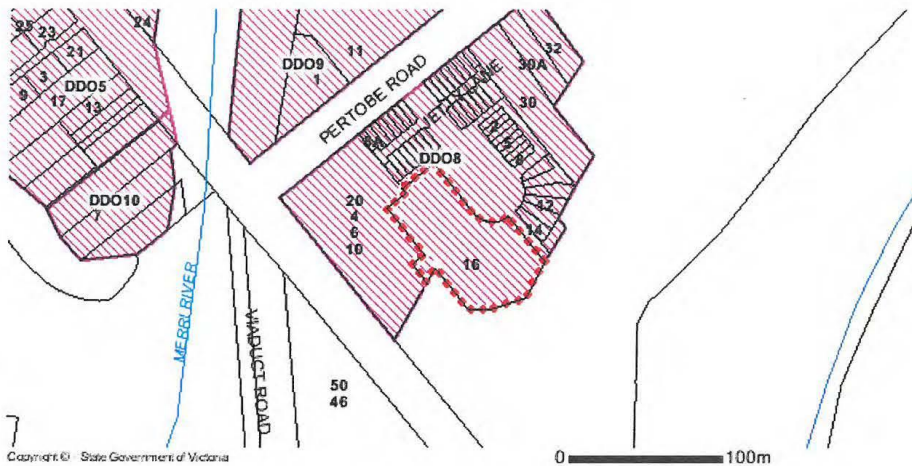
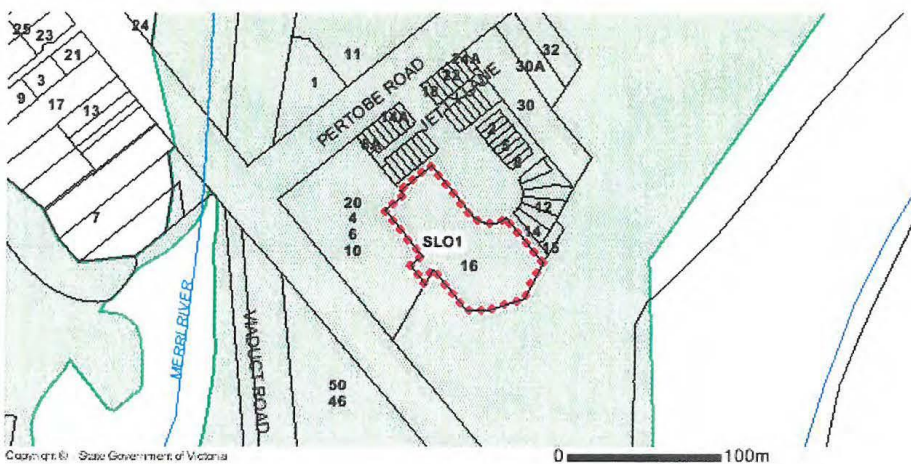
Page 2 of 5

## Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

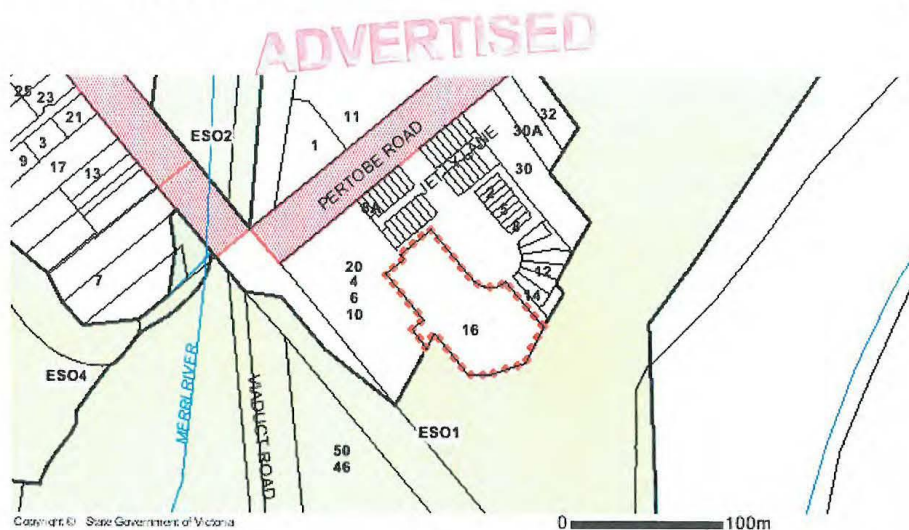
— Urban Growth Boundary

ADVERTISEMENT

**Planning Overlays****DESIGN AND DEVELOPMENT OVERLAY (DDO)****DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8 (DDO8)****SIGNIFICANT LANDSCAPE OVERLAY (SLO)****SIGNIFICANT LANDSCAPE OVERLAY - SCHEDULE 1 (SLO1)****OTHER OVERLAYS**

Other overlays in the vicinity not directly affecting this land

**ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)****HERITAGE OVERLAY (HO)****LAND SUBJECT TO INUNDATION OVERLAY (LSIO)**



#### Overlays Legend

AEQ - Airport Environs	LSIO - Land Subject to Inundation
BMO - Bushfire Management (also WMO)	MAEQ1 - Melbourne Airport Environs 1
CLPD - City Link Project	MAEQ2 - Melbourne Airport Environs 2
DCPD - Development Contributions Plan	NCO - Neighbourhood Character
DDO - Design & Development	PO - Parking
DDOPT - Design & Development Part	PAO - Public Acquisition
DPO - Development Plan	RO - Restructure
EAO - Environmental Audit	RCD - Road Closure
EMO - Erosion Management	SBO - Special Building
ESO - Environmental Significance	SLO - Significant Landscape
FO - Floodway	SMD - Salinity Management
HO - Heritage	SRO - State Resource
IPO - Incorporated Plan	VPO - Vegetation Protection

Note: due to overlaps some colours may not match those in the legend.

#### Further Planning Information

Planning scheme data last updated on 29 September 2016.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may affect

the use of the land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a **Planning Certificate** go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

<http://services.land.vic.gov.au/landchannel/content/propertyReport?reportNo=3&report...> 3/10/2016

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit [www.delwp.vic.gov.au/planning](http://www.delwp.vic.gov.au/planning)

### Areas of Aboriginal Cultural Heritage Sensitivity

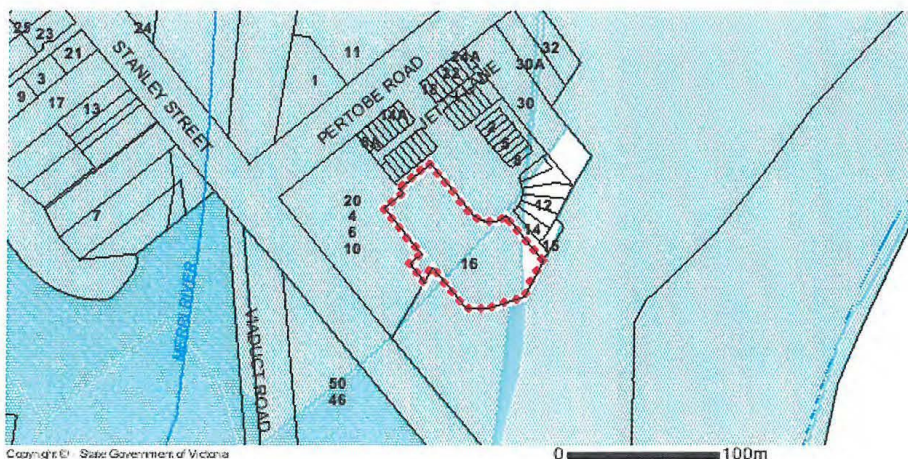
This property is within, or affected by, one or more areas of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007.

The data provides indicative information about the location and extent of areas of Aboriginal cultural heritage sensitivity and is provided to assist with the decisions about the potential need to prepare a Cultural Heritage Management Plan in relation to proposed activities on this property.

For further information about whether a Cultural Heritage Management Plan is required go to [Aboriginal Heritage Planning Tool](#)

To find out if your property has any recorded Aboriginal cultural heritage places, such as scarred trees, occupation sites or places of burial, you can request information from the Victorian Aboriginal Heritage Register.

Find out more about the [Victorian Aboriginal Heritage Register](#)



**Aboriginal Cultural Heritage Sensitivity**  Aboriginal Cultural Heritage Sensitivity  Selected Land

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## TOWN PLANNING REPORT

to accompany an application for a planning permit to

**WARRNAMBOOL CITY COUNCIL**

in relation to an application for a planning permit for

**GREAT OCEAN ROAD HOT SPRINGS**

**(GEOTHERMAL SPRINGS AND DAY SPA)**

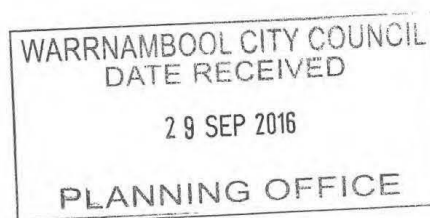
at

**16 Pertobe Road, Warrnambool**

Prepared for

**Quality Suites Deep Blue**

September 2016



**ADVERTISED****APPLICATION SUMMARY****PROPOSAL**

<b>Proposal</b>	Use and development of land for a natural geothermal springs (Great Ocean Road Hot Springs).
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**APPLICANT**

<b>Applicant</b>	Quality Suites Deep Blue Pty Ltd.
------------------	-----------------------------------

**LANDOWNER**

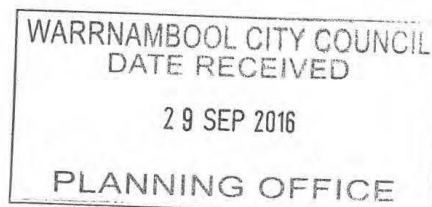
<b>Landowner</b>	Deep Blue Properties Pty Ltd.
------------------	-------------------------------

**LAND DETAILS**

<b>Address</b>	16 Pertobe Road, Warrnambool
<b>Title description</b>	Lot 16 and Lot 'S3' on Plan of Subdivision 432254H (refer to <b>Appendix A</b> for Certificate of Title).
<b>Existing use and development</b>	The subject site is occupied by Quality Suites Deep Blue Hotel which comprises 80 guestrooms, function centre, day spa and guest facilities.

**PLANNING SCHEME**

<b>Applicable Planning Scheme</b>	Warrnambool Planning Scheme.
<b>Applicable State Planning Policy Clauses</b>	Clause 11 Settlement. Clause 12 Environmental and Landscape Values. Clause 15 Built Environment and Heritage. Clause 17 Economic Development.
<b>Applicable Local Planning Policy Clauses</b>	Clause 21.02 Municipal Overview. Clause 21.02 Key Influences. Clause 21.03 Vision - Strategic Framework. Clause 21.06 Environment. Clause 21.07 Economic Development. Clause 22.01 Housing.
<b>Zone</b>	Mixed Use Zone (Schedule 1).
<b>Overlays</b>	Design and Development Overlay (Schedule 8). Significant Landscape Overlay (Schedule 1).
<b>Particular provisions</b>	Clause 52.06 Car Parking.



**ADVERTISED****TABLE OF CONTENTS**

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## 1 INTRODUCTION

This report has been prepared on behalf of Quality Suites Deep Blue and accompanies an application for the use and development of land at 16 Pertobe Road, Warrnambool (known as Lot 16 and Lot 'S3' on PS432254H) for a natural geothermal springs (Great Ocean Road Hot Springs). The subject site is shown in the figure below.

The Great Ocean Road Hot Springs will be one of the biggest one-off tourism developments created in Warrnambool. The luxurious retreat will feature indoor and outdoor pools, steam room, sauna, mud baths and a café for patrons.



Figure 1: Subject site (source: Myers Planning Group, DataVic and Nearmap).

This report includes an analysis of the subject site and context description, together with details of the proposed use and development and a detailed assessment of the proposal against relevant planning controls and policies contained in the Warrnambool Planning Scheme.

This report is supported by a Traffic Engineering Report (**Appendix B**) prepared by Ratio Consultants Pty Ltd and a Cultural Heritage Letter of Advice (**Appendix C**) prepared by Ecology and Heritage Partners Pty Ltd.



## 2 THE SUBJECT SITE

### 2.1. The subject site

The subject site is located at 16 Pertobe Road, Warrnambool (known as Lot 16 and Lot 'S3' on PS432254H).

The site has an area of approximately 5,000 square metres and is irregular in shape. The proposed geothermal spa facility will occupy approximately 2,000 square metres of the site.

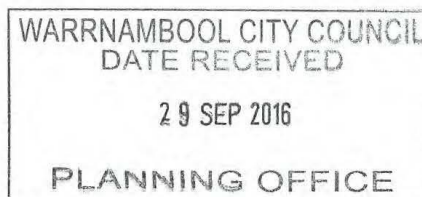
The northern portion of the site comprises the existing Quality Suites Deep Blue Hotel (six storey hotel with 80 guestrooms, function centre, day spa and guest facilities). The western and southern boundary of the proposed hot springs development abuts a Crown land coastal reserve. Barbro Terrace and an associated walkway abut the site along the eastern boundary.

The proposed hot springs site is currently developed with a function centre with capacity for 320 people. Thirty-nine (39) undercover car parking spaces are provided on site for the existing hotel and function centre. An additional 18 open-air car parking spaces are provided onsite and within the Crown land reserve adjacent to the existing function centre. Access is provided via Worm Bay Road (sealed carriageway with mountable kerb and no footpath). An informal staff car parking area is accessed via Barbro Terrace.

The site is relatively flat with minimal fall. There is no significant vegetation on the site.

The site is located approximately 1.5 kilometres south-west of the Warrnambool Central Business District and is within close proximity to the Warrnambool breakwater precinct and Lady Bay. Public transport (bus) is available on Pertobe Road.

Adjacent and nearby development includes the Lady Bay Resort (six storey hotel with 81 guestrooms and apartments, restaurant and guest facilities) and the Port Warrnambool Village development (high density residential development). An additional 98 public car parking spaces are available within the surrounding area (Barbro Terrace and in front of the Lady Bay Resort). A Site Analysis Plan is provided at **Appendix D**. Photographs of the subject site and surrounding area are provided at **Appendix E**.



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## 2.2. Encumbrances, caveats and notices

### Easements

The proposed hot springs site is affected by a Carriageway easement (E-2).

### Agreements

Three (3) agreements (registered under Section 173 of the *Planning and Environment Act 1987*) apply to the subject site. The agreements relate to the provision of services (water and sewerage), traffic management and general management of the site (for example, garbage and mail management, interim management of land reserved for future development, etc.).

The agreements do not restrict the ability to use and develop the subject site for the proposed geothermal spa facility.

Copies of the agreements are provided at **Appendix A**.



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**3 PROPOSAL**

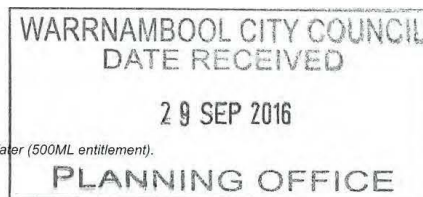
The application seeks a planning permit for the use and development of land for a natural geothermal springs (Great Ocean Road Hot Springs). The Great Ocean Road Hot Springs will be one of the biggest one-off tourism developments created in Warrnambool. The luxurious retreat will feature indoor and outdoor pools, steam room, sauna, mud baths and a café for patrons. The spa facility will operate seven (7) day per week between 7.00 am and 9.00 pm.

The existing function centre and ancillary buildings will be demolished to make way for the development. In regards to built form, the hot springs includes four (4) new structures:

- A main entrance building which links the existing hotel and day spa complex to the proposed hot springs (via an open walkway). The ground floor features a main entrance / reception, change areas, locker rooms, salt room, private salt rooms and amenities. The first floor (above the entrance) features an infinity edge pool and private lounge deck.
- Immediately behind the main building are two private mud rooms.
- A third building includes an undercover hydrotherapy pool, indoor mud room, undercover hot bath, indoor private pools, indoor dry sauna and undercover cold plunge pool.
- A round steam room (with large skylight) is incorporated within the star gazing and cave pool section of the facility.
- A hot salt bath (with large skylight) and adjacent café frame the entrance to the family pool area.

Externally, the hot springs features eight (8) pools including a large family pool, wading pool, main pool, star gazing pool, cave pool, reflexology walk and hot baths / mineral pools. Pools (other than the reflexology walk) feature benched seating. All pools will make use of natural thermal waters from the Dilwyn Aquifer, located deep below the spa facility<sup>1</sup>.

The design of the hot springs features a natural palette of materials and colours which reflect the coastal environment in which it is located. Rammed earth has been incorporated throughout the design of the buildings. The double storey entrance features dark timber cladding. A timber deck with pergola link the hot springs to the existing hotel and day spa complex.



<sup>1</sup> Accessed via an existing bore under license issued by Southern Rural Water (500ML entitlement).

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The minimal footprint of the proposed buildings (less than 50 percent site coverage) provides opportunities for extensive landscaping. Outdoor pools will be landscaped in stone and surrounded by native coastal vegetation which will blend seamlessly with the surrounding coastal reserve.

Access to the proposed hot springs will be via Worm Bay Road. The hot springs will utilise existing car parking on site and public car parking spaces within the surrounding area. Deliveries to the springs will utilise an existing delivery area associated within the existing hotel. Site plans, floor plans, elevations and artist impressions are provided at **Appendix D**.



#### 4 CULTURAL HERITAGE

The subject site includes areas of cultural heritage sensitivity as mapped on the Office of Aboriginal Affairs Victoria Aboriginal Heritage Map<sup>2</sup>.

An assessment of Aboriginal cultural heritage has been undertaken by Ecology and Heritage Partners Pty Ltd (**Appendix C**). The assessment confirms the subject site has been subject to high levels of disturbance from the construction and operation of the existing complex (for example, site preparation works, levelling and stripping of topsoils, trenching for foundations and utilities, etc.) The disturbance is considered to meet the definition of 'significant ground disturbance' within the meaning of the *Aboriginal Heritage Regulations 2007*. The assessment concludes this disturbance voids the area of cultural heritage sensitivity and a mandatory Cultural Heritage Management Plan is not required for this proposal.



---

<sup>2</sup> <https://applications.vic.gov.au/apps/achris/public/publicMap>

**5 PLANNING CONTROLS****5.1. Zoning of the subject site**Mixed Use Zone

The subject site is zoned Mixed Use (Schedule 1) under the Warrnambool Planning Scheme.

The purpose of the Mixed Use Zone is:

- *To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.*
- *To provide for housing at higher densities.*
- *To encourage development that responds to the existing or preferred neighbourhood character of the area.*
- *To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.*

A permit is required to use land for an outdoor / indoor recreation facility (Section 2 use). A permit is also required to construct a building or construct or carry out works associated with a Section 2 use.

**5.2. Overlays affecting the subject site**Design and Development Overlay

The subject site is affected by Schedule 8 to the Design and Development Overlay.

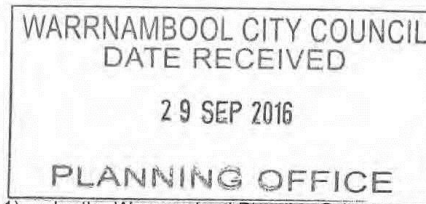
The purpose of the Design and Development Overlay is:

- *To identify areas which are affected by specific requirements relating to the design and built form of new development.*

Schedule 8 to the Design and Development Overlay applies to all land zoned Mixed Use south of Pertobe Road. The schedule contains the design objectives:

Village Character

- *To ensure that the Norfolk Island Pines along Pertobe Road remain as the dominant landscape feature in the area.*
- *To ensure that development reduces in size away from the new hotel proposed as part of the Port Warrnambool Development.*
- *To ensure that development is not visible above the dunes from the beach.*



## ADVERTISEMENT

- To ensure that new development includes features that enhance the appearance of the Warrnambool foreshore and environs, or contribute to the areas character or sense of identity.
- To ensure that special attention is given to the facades of buildings that are visible from the South Warrnambool Wetlands and Breakwater Road.

*Site layout and Building Envelope*

- To ensure that buildings are appropriately setback from sensitive environmental boundaries and street frontages.

Pursuant to Clause 43.02-2 (Permit requirement), a permit is required to construct a building or construct or carry out works. Buildings and works must be constructed in accordance with any requirements in a schedule to the overlay. The requirements of Schedule 8 to the Design and Development Overlay are discussed further in Section 8.5.

Significant Landscape Overlay

The subject site is affected by Schedule 1 to the Significant Landscape Overlay.

The purpose of the Significant Landscape Overlay is:

- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

Schedule 1 to the Significant Landscape Overlay contains the following statement of nature and key elements of the landscape, and the landscape character objective to be achieved.

*Statement of nature and key elements of landscape*

*Warrnambool is the largest coastal city in Victoria, and is bordered by scenic coasts. The proximity of the Hopkins and Merri rivers to the coast also gives the rivers, their estuaries and the coasts important landscape qualities. Coastal and coastal hinterland views are of significance to residents, visitors and the tourist industry.*

*Landscape character objective to be achieved*

- To protect and enhance the scenic qualities of coastal hinterland areas.
- To recognise the value of the scenic qualities of views towards the coast to residents, visitors and the tourist industry.



- *To maintain and enhance views from major roads and residential areas towards the coast.*
- *To prevent the interruption of views towards the coast by inappropriate or poorly designed development or that which is sited in prominent locations.*
- *To encourage development which does not intrude upon views of the coast.*
- *To recognise hedgerows and established exotic vegetation as an important element of the coastal landscape.*

Pursuant to Clause 42.03-2 (permit requirement), a permit is required to construct a building or construct or carry out works. The requirements of Schedule 1 to the Significant Landscape Overlay are discussed further in Section 8.5 of this report.

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## 6 PARTICULAR PROVISIONS

The following clauses are applicable to this application.

### 52.06 - Car Parking

The proposal must be assessed against the requirements of Clause 52.06 contained within the Warrnambool Planning Scheme. An assessment of car parking requirements is provided in Section 8.6 of this report.



## 7 GENERAL PROVISIONS

The following general provisions are relevant to this application.

### Clause 65 - Decision Guidelines

The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of Clause 65. Clause 65.01 sets out the matters the responsible authority must consider when considering an application.

### Clause 66 - Referrals and Notice Provisions

Clause 66.01 sets out the types of application which must be referred under Section 55 of the *Planning and Environment Act 1987* or for which notice must be given under Section 52(c) of the Act. Clause 66.01 does not contain any requirements applicable to this proposal.

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## 8 PLANNING ASSESSMENT

### 8.1. State Planning Policy Framework

**Clause 11** relates to **Settlement** and contains policy relating to regional development and the Great South Coast region.

**Clause 11.05 Regional development** seeks to promote the sustainable development of regional Victoria through a network of settlements. Warrnambool is identified as a major regional city where development is encouraged. Clause 11.05-4 *regional planning strategies and principles* seeks to support the growth and development of distinctive and diverse settlement by:

- *Encouraging high-quality urban and architectural design which respects the heritage, character and identity of each settlement.*
- *Ensuring development respects and enhances the scenic amenity, landscape features and view corridors of each settlement.*
- *Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.*

Clause 11.05-5 *Coastal settlement* seeks to support the development of a broad range of economic opportunities, housing and services within coastal settlements (such as Warrnambool).

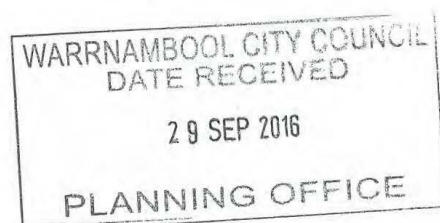
The regional growth plan relevant to Warrnambool is the *Great South Coast Regional Growth Plan*. Key objectives and strategies of the *Great South Coast Regional Growth Plan* are contained in **Clause 11.09 Great South Coast regional growth**. Clause 11.09-1 *A diversified economy* seeks to strengthen the Great South Coast region's economy through increased industry diversification, innovation and development. This proposal supports and implement the strategy to "support growth and economic opportunities through the region, especially along the north-south and east-west corridors".

Clause 11.09-6 *Environmental assets* seeks to facilitate a diverse range of tourism development, including an increase in the supply of appropriate tourism infrastructure. Clause 11.09-6 also seeks to ensure significant landscapes (for example, coastal landscapes) are protected.

**Clause 12** relates to **Environment** and contains policy relating to development and tourism uses in coastal areas.

**Clause 12.02 Coastal Areas** seeks to recognise and enhance the value of coastal areas to the community and ensure sustainable use of natural coastal resources.

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The *Victorian Coastal Strategy 2014* provides policy direction for the development of coastal areas. Of relevance to this proposal, the Victorian Coastal Strategy identifies recreation and tourism developments are often focused around activity and recreation nodes. Activity nodes (such as the Quality Suites Deep Blue resort and Lady Bay resort) provide for tourism activities and community recreation facilities. Nodes often include private and public land (as is the case within the Warrnambool Foreshore Precinct).

This proposal supports policy within the Victorian Coastal Strategy by locating development within an existing tourism activity node.

Clause 12.02-2 *Appropriate development of coastal areas* seeks to ensure development is sensitively sited and designed and respects the character of coastal settlements. The revegetation of cleared land abutting coastal reserves is encouraged.

Clause 12.02-4 *Coastal tourism* seeks to ensure a diverse range of coastal experiences are provided for. The policy also notes development should be of an appropriate scale, use and intensity relative to its location and minimises impacts on surrounding natural visual, environmental and coastal character. The proposal supports and implements these strategies by enhancing the range of coastal tourism experiences within an established tourism node. The scale and design of the proposed hot springs is sensitive to its coastal location and will enhance the coastal character of the area.

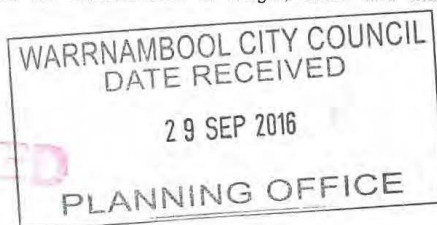
Clause 12.02-6 *The Great Ocean Road region* seeks to develop a network of tourism opportunities throughout the region (extending from Warrnambool to Torquay). The Great Ocean Road Hot Springs will be one of the biggest one-off tourism developments created in the Great Ocean Road region which will encourage visitors to spend more time within the region.

**Clause 15** relates to **Built Environment and Heritage** and contains policy relating urban design.

Clause 15.01-2 *urban design principles* contains design principles which should be applied to development proposals for non-residential development (such as this proposal). Relevant principles include:

*Context*

- *Development must take into account the natural, cultural and strategic context of its location.*
- *A comprehensive site analysis should be the starting point of the design process and form the basis for consideration of height, scale and massing of new development.*



*Safety*

- *New development should create urban environments that enhance personal safety and property security and where people feel safe to live, work and move in at any time.*

*Energy and resource efficiency*

- *All building, subdivision and engineering works should include efficient use of resources and energy efficiency.*

*Architectural quality*

- *New development should achieve high standards in architecture and urban design.*
- *Any rooftop plant, lift over-runs, service entries, communication devices, and other technical attachment should be treated as part of the overall design.*

*Landscape architecture*

- *Recognition should be given to the setting in which buildings are designed and the integrating role of landscape architecture.*

The proposal supports the above design principles. A site analysis is provided in **Appendix D**. The proposed hot springs has been designed to respect and enhance the coastal character of the area. Proposed buildings are of very high architectural quality and include efficient use of resources and energy efficiency. The use of indigenous species within proposed landscaping areas will ensure the hot springs development integrates with the surrounding coastal reserve.

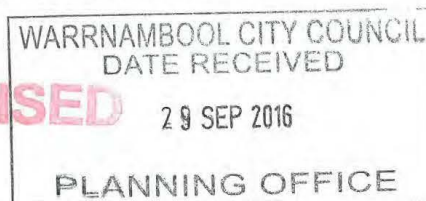
**Clause 17** relates to **Economic Development** and contains policy relating tourism.

Clause 17.03-1 *Facilitating tourism* seeks to "encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination."

This objective is supported by the following strategies:

- *Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.*

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Victoria's Regional Tourism Strategy 2013-2016 identifies there is a growing consumer mindset which focuses on personal, environment and community wellbeing which is driving growth in spa and wellbeing experiences (amongst other tourism industries). The development of new visitor experiences within the Great South Coast region is identified as a way to encourage dispersal of visitors beyond the icons of the Great Ocean Road.

The proposal supports and implements strategies contain in Clause 17.03-1 and the actions contained in Regional Tourism Strategy. Importantly, the proposed hot springs will increase the range of high-quality tourism product available in Warrnambool and the Great South Coast region which will encourage visitors to spend more time within the region.

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**8.2. Municipal Strategic Statement**

Clause 21 of the Warrnambool Planning Scheme presents the Municipal Strategic Statement (MSS). The MSS provides an overview of key strategic planning, land use and development objectives for the municipality.

**Clause 21.01 *Municipal profile*** identifies Warrnambool is Victoria's largest coastal city outside Port Phillip Bay and is a major destination for people traveling along tourist routes including the Great Ocean Road, Princes Highway and the Melbourne-Warrnambool railway. The city attracts over 700,000 regional, interstate and international visitors each year.

Tourism is identified as a major contributor to the local and regional economy. Clause 21.01 notes the main tourism market with Warrnambool comprises the beach holiday segment, festivals, the whale season and cultural attractions.

**Clause 21.02 *Key influences*** identifies tourism is an increasingly important part of the local economy. **Clause 21.07 *Economic development*** identifies the Lady Bay area<sup>3</sup> is a significant tourism asset which *"is to be promoted as a major foreshore precinct with several significant attractions and the opportunity for the well designed redevelopment of private land."*

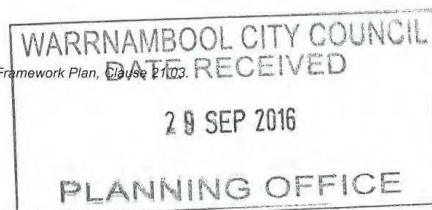
Clause 21.07-2 *Economic Development Objectives* seeks to *"develop Warrnambool as the recognised western gateway to the Great Ocean Road region and as a hub for exploring south west Victoria."* The following strategies support this objective:

- *Improve visitor services and port facilities in the harbour area.*
- *Support coastal tourism development that is environmentally responsive and easily accessible from Warrnambool.*
- *Ensure coastal and river development optimise tourism potential in a manner that recognises the sensitive nature of these areas.*
- *Provide for the development of foreshore facilities based on Warrnambool's maritime heritage and environment.*
- *Facilitate the development of a recreation precinct in the Lady Bay area that recognises the sensitive nature of the area.*

Of note, Clause 21.07-4 *Economic Development Implementation* identifies land within tourism precincts will be zoned Mixed Use to establish a wide range of uses around these activity nodes.

<sup>3</sup> Located within the 'Foreshore Area' as shown on the Strategic Framework Plan, Clause 21.03.

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In regards to coastal landscapes, **Clause 21.06 Environment** recognises Warrnambool contains areas of great natural beauty. For example, Clause 21.06 identifies the rugged coastal cliffs and beaches are highly regarded by the local population and attract many visitors.

Clause 21.06-2 *Environment Objectives* seeks to protect and enhance coastal areas and provide opportunities for sustainable use and development along the coast. Clause 21.06-3 *Environment Strategies* identifies the use of simple building forms and the use of colours and finishes which complement the coastal setting as ways to achieve these objectives.

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### 8.3. Local Planning Policy

Clause 22 of the Warrnambool Planning Scheme presents the Local Planning Policies.

**Clause 22.01** relates to **Housing** and contains policy relating to residential development within the 'South Warrnambool Village Precinct'<sup>4</sup>. The policy provides guidance relating to built form within the precinct (for example, height, site coverage, landscaping requirements, etc.).

It is noted these requirements are generally replicated within Schedule 8 to the Design and Development Overlay. Compliance with the Design and Development Overlay achieves compliance with this policy. The policy therefore has limited relevance to this proposal.



<sup>4</sup> The subject site is located in the south-eastern end of the precinct.

**8.4. Zone provisions**Mixed Use Zone

Pursuant to Clause 32.04-2 (Table of uses), a permit is required to use land for the proposed hot springs development<sup>5</sup>.

The use of the subject site for the proposed hot springs has strong State and local planning policy support. The proposal supports and implements relevant planning policy through development of a high-quality tourism product in Warrnambool which will encourage visitors to spend more time in the city and within the Great South Coast region. The proposal supports Warrnambool City Council's vision to strengthen the role of tourism in the Warrnambool economy and to create precincts which provide a wide range of tourism uses.

Pursuant to Clause 32.08-8 (Buildings and works associated with a Section 2 use), a permit is required for the construction of the proposed hot springs. The following application requirements are applicable to buildings and works associated with a Section 2 use:

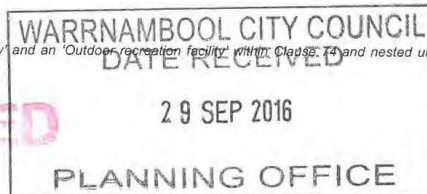
**A site analysis and descriptive statement explaining how the proposal responds to the site and its context:**

A site analysis plan is provided within **Appendix D**. In summary, the subject site is located within an established tourism node. The surrounding area contains significant tourism assets such as the Quality Suites Deep Blue resort and Lady Bay resort. The site is accessed via Worm Bay Road and Barbro Terrace. Barbro Terrace contains a number of high density dwellings which provide accommodation for visitors and permanent residents. There are limited opportunities to view the site from the adjacent coastal reserve due established vegetation. Where views are available, they are filtered through established vegetation. Views are available to the site from Barbro Terrace and the adjoining walkway.

The proposed development enhances the mix of tourism uses within the activity node. Through the use of simple building forms and use of natural materials (timber and rammed earth), the proposed hot springs development responds to the site's coastal setting. The low scale built form provides an appropriate transition between the coastal reserve and existing development within the precinct. The use of indigenous species within proposed landscaping areas will enhance the coastal character of the area. Vegetation is proposed along the eastern boundary of the site

<sup>5</sup> Defined as an 'Indoor recreation facility' and an 'Outdoor recreation facility' within Clause 74 and nested under 'Leisure and recreation' under Clause 75.

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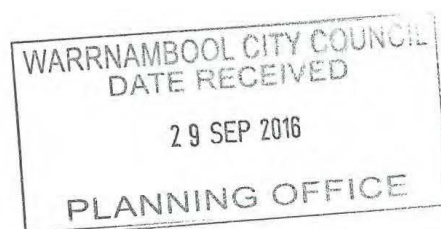


**A site analysis and descriptive statement explaining how the proposal responds to the site and its context:**

(Barbro Terrace walkway) to provide a landscaped transition between the hot springs and nearby residential development.

**Plans drawn to scale and dimensioned which show:**

The layout of proposed buildings and works.	A proposed site plan is provided in <b>Appendix D</b> .
An elevation of the building design and height.	Elevations of proposed buildings are provided in <b>Appendix D</b> .
Setbacks to property boundaries.	Setbacks to property boundaries are shown on the proposed site plan provided in <b>Appendix D</b> .
All proposed access and pedestrian areas.	Requirement not applicable. The proposed spa facility will utilise existing access.
All proposed driveway, car parking and loading areas.	Requirement not applicable. The proposed spa facility will utilise existing driveways, car parking and loading areas.
Existing vegetation and proposed landscape areas.	Existing vegetation is shown on the existing site plan within <b>Appendix D</b> . Indicative landscaping is shown on the proposed site plan.
The location of easements and services.	The location of easements is provided within the Feature and Levels Survey provided in <b>Appendix D</b> .



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**8.5. Overlay provisions**Design and Development Overlay (Schedule 8)

Pursuant to Clause 43.02-2 (Buildings and works) a permit is required to construct the proposed spa facility. In accordance with Schedule 8 to the Design and Development Overlay, the construction of the facility must meet the following requirements:

Permit application requirement	Response
Buildings and works are considered to meet the design objectives for village character if:	
The maximum height of any development is generally limited to 12 metres. If in order to ensure that the facade of the development can be articulated to minimize visual bulk and result in an improved urban design outcome, an exception to this height limit to a maximum height of 16 metres may be permitted. The maximum height of 16 metres cannot be varied with a permit.	<b>Complies.</b> The maximum height of the proposed facility is 9 metres above natural ground level.
New garages and carports are setback behind the building line of any existing or proposed buildings.	<b>Requirement not applicable.</b>
Exposed brick is not used in external finishes to new buildings.	<b>Complies.</b> Externally, the building will comprise rammed earth and timber cladding.
New development addresses street frontages.	<b>Complies.</b> The proposed development addresses street frontages.
Fencing height is 1.2 metres or less along street frontages.	<b>Requirement not applicable.</b> Fencing is not proposed.
Buildings and works are considered to meet the design objectives for site layout and building envelope if site coverage is restricted to 60%.	<b>Complies.</b> Site coverage (proposed buildings) is approximately 42%. Refer to Figure 2 below for a plan showing built form site coverage.



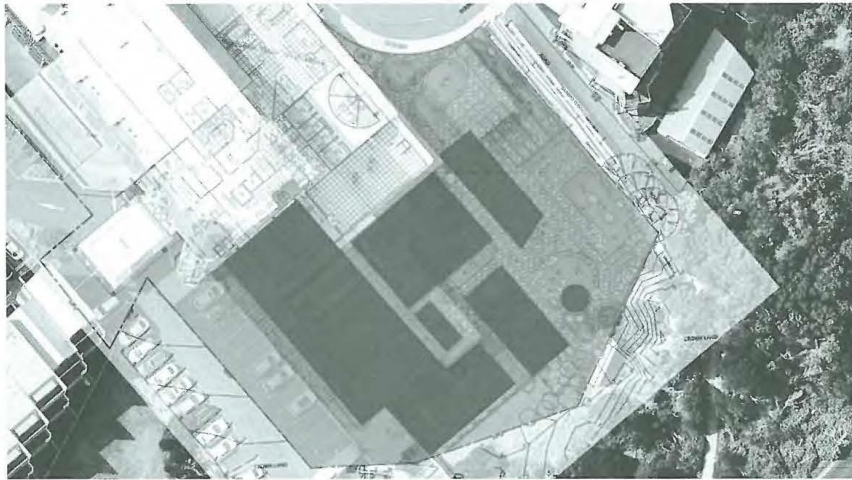


Figure 2: Built form site coverage (source: Myers Planning Group and Nearmap).

The proposal supports the design objectives contained in Schedule 8 to the Design and Development Overlay. In particular, the hot springs will provide an appropriate transition between the coastal reserve and existing built form within the precinct (for example, the Quality Suites Deep Blue Hotel and adjacent residential development). The low scale form of the hot springs ensures buildings will not be visible above the nearby coastal dunes. The high quality design of the development will enhance the appearance of the area and will reinforce the coastal character of this important tourism activity node.

#### Significant Landscape Overlay (Schedule 1)

Pursuant to Clause 43.03-2 (Permit requirement) a permit is required to construct the proposed hot springs. A planning permit under Schedule 1 to the Significant Landscape Overlay must be accompanied with a site analysis and plans which includes:

Permit requirement	Response
The topography of the site and location of any existing native vegetation, sand dunes and drainage lines.	The topography of the site and location of existing buildings is shown on the Feature and Levels Survey provided in <b>Appendix D</b> .
The location of any existing and proposed buildings and works, including fences of a height of more than 1.5 metres.	

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Permit requirement	Response
Elevations of any proposed buildings or works including exterior surface treatments. The elevations must illustrate the existing and proposed ground level in relation to the proposal.	Elevations of proposed buildings are provided in <b>Appendix D</b> . Exterior surface treatments are shown within the artist impressions.
A Landscaping Plan which shows all existing vegetation, any vegetation to be removed, areas to be planted with indigenous species, and type of species to be planted. Plants recognised locally as environmental weeds should not be included.	Indicative landscaping is shown on the proposed site plan. Indigenous species will be utilised within proposed landscaping areas to ensure the hot springs integrates with the surrounding coastal reserve. A landscape plan will be prepared prior to buildings and works commencing. This requirement can be appropriately managed via a condition on any permit issued.
Photographs of the site of the proposal, as viewed from any nearby residential areas, roads, or other public activity areas towards the coast. A photographic montage or wide-angle photographs should be submitted with an accompanying plan, which shows the location from which the photographs were taken.	Photographs of the subject site are contained in <b>Appendix E</b> . Artist impressions of the proposed hot springs are provided <b>Appendix D</b> .

The proposal supports the landscape character objectives contained within Schedule 1 to the Significant Landscape Overlay. The high quality site responsive design will enhance the coastal character of the area. The hot springs has been sited to ensure it has negligible visual impact on the coastal reserve. The use of natural materials, muted tones and landscaping will ensure the hot springs sits comfortably within its coastal setting. The low scale form of the springs ensures buildings will not impact upon views towards the coast from adjacent residential areas.



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**8.6. Particular provisions**

The car parking provisions of Clause 52.06 set out the number of car parking spaces required for specified uses. Planning Practice Note 22 *Using the Car Parking Provisions, June 2015* provides useful background to the use of the car parking provisions in Clause 52.06. The Practice Note states:

*"If the car parking space requirement for a new use is less than or equal to the requirement for an existing use, and the existing number of car parking spaces is not reduced, then no additional car parking spaces need to be provided".*

The subject site is currently used as a hotel (80 guestrooms), day spa and function centre (320 patrons). The proposed hot springs ('Leisure and recreation') will replace the existing function centre. Existing on-site car parking (57 spaces) remains unaffected by this proposal.

Pursuant to Clause 52.06, the following car parking requirements apply to the existing function centre use:

Use	Rate	Car parking measure	Car parking requirement
<b>Place of assembly (Function centre)</b>	0.3	To each patron permitted.	90 spaces.

A 'Leisure and recreation' facility is not listed under Table 1 of Clause 52.06-5. Accordingly, where a car parking requirement is not specified, car parking spaces must be provided to the satisfaction of the responsible authority before the use commences.

As identified within the Traffic Engineering Report prepared by Ratio Consultants Pty Ltd (**Appendix B**), the most similar land use term is 'Place of assembly', which is defined as "*Land where people congregate for religious or cultural activities, entertainment, or meetings.*" The parking requirements for a 'Place of assembly' under Table 1 of Clause 52.06-5 is 0.3 spaces to each patron permitted. Based on these car parking requirements, **72** car parking spaces are required for the proposed use (maximum of 240 patrons). The number of car parking spaces provided on site are not reduced as a result of this proposal. A permit is therefore not required to reduce the number of car parking spaces as the parking requirement for the new use is less than parking requirement for the existing function centre.

The Traffic Engineering Report concludes the existing parking provision for the hotel and associated facilities is sufficient to accommodate future parking demand generated by the proposed hot springs.



## 9 CONCLUSION

The proposed use and development of the subject site for a natural geothermal springs (Great Ocean Road Hot Springs) is in accordance with relevant planning objectives, policies and strategies of the Warrnambool Planning Scheme. In particular, the proposed hot springs development has strong State and local planning policy support. The hot springs will be one of the biggest one-off tourism developments created in Warrnambool which will encourage visitors to spend more time in the city and within the Great South Coast region. The proposal supports Warrnambool City Council's vision to strengthen the role of tourism in the Warrnambool economy and to create precincts which provide a wide range of tourism uses.

The proposal supports the design objectives contained in Schedule 8 to the Design and Development Overlay. The hot springs development provides an appropriate transition between the coastal reserve and existing built form within the area. The high quality design of the hot springs will enhance the appearance of the area and will reinforce the coastal character of this important tourism activity node.

The proposal supports the landscape character objectives contained within Schedule 1 to the Significant Landscape Overlay. The site responsive design and use of natural materials, muted tones and landscaping will ensure the hot springs sits comfortably within its coastal setting.

For the above reasons, it is considered appropriate that a planning permit be issued subject to appropriate conditions.

**Myers Planning Group**  
**September 2016**

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## APPENDIX A

### CERTIFICATE OF TITLE

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958**  
VOLUME 11174 FOLIO 682  
Security no : 124063233140E  
Produced 10/11/2016 01:57 pm

**LAND DESCRIPTION**

Lot S3 on Plan of Subdivision 432254H.  
PARENT TITLES :  
Volume 11041 Folio 085      Volume 11087 Folio 669  
Created by instrument PS432254H Stage 2 01/12/2009

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
DEEP BLUE PROPERTIES PTY LTD of 4 MUNTZ STREET CAULFIELD NORTH VIC 3161  
[AK154380S](#) 29/01/2013

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE [AK154381Q](#) 29/01/2013  
NATIONAL AUSTRALIA BANK LTD

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

AGREEMENT Section 173 Planning and Environment Act 1987  
[V354659K](#) 06/04/1998  
AMENDMENT OF AGREEMENT [X269782N](#) 18/01/2001

AGREEMENT Section 21(1)(b)(ii) Subdivision Act 1988  
[V771118C](#) 30/11/1998

AGREEMENT Section 173 Planning and Environment Act 1987  
[AB904342B](#) 26/02/2003

**DIAGRAM LOCATION**

SEE [PS432254H](#) FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: PERTOBE ROAD WARRNAMBOOL VIC 3280

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED  
Effective from 23/10/2016


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## OWNERS CORPORATIONS

The land in this folio is affected by

[OWNERS CORPORATION 1 PLAN NO. PS432254H](#)

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<a href="#">Home</a>	Account: <b>323163</b>		<table><tr><td>Authority Fee(GST exclusive):</td><td><b>\$8.18</b></td></tr><tr><td>Service Fee(GST exclusive):</td><td><b>\$0.00</b></td></tr><tr><td>GST Payable:</td><td><b>\$0.00</b></td></tr><tr><td>Total:</td><td><b>\$8.18</b></td></tr></table>	Authority Fee(GST exclusive):	<b>\$8.18</b>	Service Fee(GST exclusive):	<b>\$0.00</b>	GST Payable:	<b>\$0.00</b>	Total:	<b>\$8.18</b>	10/11/2016 01:58PM
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GST Payable:	<b>\$0.00</b>											
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**LAND DESCRIPTION**

Lot 16 on Plan of Subdivision 432254H.

**PARENT TITLES :**

Volume 11041 Folio 085      Volume 11087 Folio 669

Created by instrument PS432254H Stage 2 01/12/2009

**REGISTERED PROPRIETOR**

Estate Fee Simple

Sole Proprietor

DEEP BLUE PROPERTIES PTY LTD of 4 MUNTZ STREET CAULFIELD NORTH VIC 3161

[AK154380S](#) 29/01/2013**ENCUMBRANCES, CAVEATS AND NOTICES**

STATUTORY CHARGE Section 96(1) Land Tax Act 2005

[AL113999R](#) 28/05/2014MORTGAGE [AK154381Q](#) 29/01/2013

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[V771118C](#) 30/11/1998

AGREEMENT Section 173 Planning and Environment Act 1987

[AB904342B](#) 26/02/2003**DIAGRAM LOCATION**SEE [PS432254H](#) FOR FURTHER DETAILS AND BOUNDARIES**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: PERTOBE ROAD WARRNAMBOOL VIC 3280

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED  
Effective from 23/10/2016



ADVERTISE

**OWNERS CORPORATIONS**

The land in this folio is affected by

[OWNERS CORPORATION 1 PLAN NO. PS432254H](#)

DOCUMENT END

	Account: <b>323163</b>		Authority Fee(GST exclusive):	<b>\$8.18</b>	10/11/2016 01:55PM
			Service Fee(GST exclusive):	<b>\$0.00</b>	
			GST Payable:	<b>\$0.00</b>	
			Total:	<b>\$8.18</b>	

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## Department of Environment, Land, Water & Planning

### Owners Corporation Search Report

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Produced: 10/11/2016 01:57:16 PM

OWNERS CORPORATION 1  
PLAN NO. PS432254H

The land in PS432254H is affected by 1 Owners Corporation(s)

#### Land Affected by Owners Corporation:

Common Property 1, Lots 2A, 2B, 3, 4, 5A, 5B, 6 - 25, S3.

#### Limitations on Owners Corporation:

Unlimited

#### Postal Address for Service of Notices:

BARBRO TERRACE WARRNAMBOOL VIC 3280  
PS432254H 03/12/2007

#### Owners Corporation Manager:

NIL

#### Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules.  
See Section 139(3) Owners Corporation Act 2006

#### Owners Corporation Rules:

1. PS432254H 03/12/2007

#### Notations:

NIL

#### Entitlement and Liability:

NOTE - Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 1	0.00	0.00
Lot 2A	10.00	5.00
Lot 2B	10.00	5.00



## Department of Environment, Land, Water & Planning

### Owners Corporation Search Report

Lot 3	20.00	7.00
Lot 4	15.00	6.00
Lot 5A	10.00	5.00
Lot 5B	10.00	5.00
Lot 6	20.00	7.00
Lot 7	20.00	7.00
Lot 8	800.00	124.00
Lot 9	600.00	122.00
Lot 10	600.00	122.00
Lot 11	600.00	122.00
Lot 12	560.00	120.00
Lot 13	930.00	147.00
Lot 14	600.00	188.00
Lot 15	50.00	1.00
Lot 16	9900.00	2807.00
Lot 17	20.00	1.00
Lot 18	300.00	54.00
Lot 19	200.00	42.00
Lot 20	350.00	54.00
Lot 21	250.00	42.00
Lot 22	400.00	54.00
Lot 23	300.00	51.00
Lot 24	450.00	54.00
Lot 25	350.00	42.00
Lot S3	2000.00	1.00
Total	19375.00	4195.00

ADVERTISED

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.



## Imaged Document Cover Sheet

**ADVERTISED**

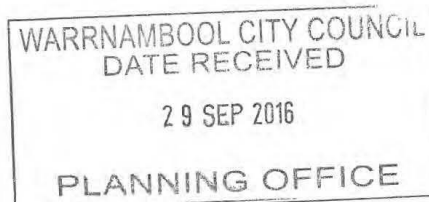
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Document Identification	<b>V354659K</b>
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Document Assembled	<b>10/09/2016 16:24</b>

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**APPLICATION BY A  
RESPONSIBLE AUTHORITY**

Form 9.1

**Section 181 Planning and Environment Act  
1987 for ENTRY OF A MEMORANDUM OF  
AGREEMENT under Section 173 of the Act****IMAGED**

Lodged by:

Name: Tait's Solicitors  
 Phone: (03) 5561 4111  
 Address: 121 Kepler Street, Warrnambool  
 Ref: Andrew Walker/James Tait  
 Customer Code: 1638Q

**ADVERTISED**

MADE AVAILABLE/CHANGE CONTROL

Land Titles Office Use Only

The Responsible Authority under the Planning Scheme having entered into an agreement with the parties named for the land described requires that a memorandum of the agreement be entered on the title to the land.

**LAND**

The land described in Plan of Subdivision No. **PS415327D** being the land described in **Certificates of Title Volume 8770 Folio 062, Volume 10286 Folium 567, 568 and 569, and Volume 10327 Folium 464 and 465**

**ADDRESS OF THE LAND**

Pertobe Road, Warrnambool

**RESPONSIBLE AUTHORITY**

WARRNAMBOOL CITY COUNCIL

**PLANNING SCHEME**

Warrnambool Planning Scheme

**AGREEMENT DATE**27<sup>th</sup> March, 1998**AGREEMENT WITH**

Barbro Investments Pty Ltd of 146 Timor Street,  
Warrnambool, 3280

A copy of the agreement is attached to this application

Dated: 27<sup>th</sup> March, 1998.SIGNED for and on behalf of WARRNAMBOOL  
CITY COUNCIL

Chief Executive Officer



21 APR 1998

s1980359154287.doc

Asep.

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*B* ABSTRACT ANNEXURE PAGE 'A'

CITY OF WARRNAMBOOL

- and -

BARBRO INVESTMENTS PTY LTD (ACN 068 238 979)

Assistant Registrar of Titles  
PLANNING & ENVIRONMENT ACT

AGREEMENT PURSUANT TO SECTION 173

27/2/01

AFFECTED LAND:

Pertobe Road, Warrnambool

**ADVERTISED**

Parts of Crown Allotments 1, 4, 5, 6, 7 and 8, Township of Warrnambool, Parish of Wangoom being part of the land described in Certificates of Title Volume 8770 Folio 062, Volume 10286 Folio 567, 568 and 569, Volume 10327 Folios 464 and 465

THIS AGREEMENT is made on 27<sup>th</sup> MARCH 1998

BETWEEN:

The Responsible Authority:

WARRNAMBOOL CITY COUNCIL ("the Council")

The Owner:

BARBRO INVESTMENTS PTY LTD (ACN 068 238 979) of 146 Timor Street, Warrnambool ("Barbro")

WHEREAS

1. Barbro owns the land being parts of Crown Allotments 1, 4, 5, 6, 7 and 8, Township of Warrnambool, Parish of Wangoom being the land described in Certificates of Title Volume 8770 Folio 062, Volume 10286 Folio 567, 568 and 569, Volume 10327 Folio 464 and 465, situate at Pertobe Road, Warrnambool ("the affected land").
  2. The affected land is affected by the provisions of the Warrnambool Planning Scheme ("the Scheme").
  3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme.
- The Council on 15 December 1997 issued planning permit No. 3528-97, ("the development permit"), allowing the Owner to use and develop the affected land as a 96 unit motel, 28 multi-dwelling units, 16 holiday units developed with associated recreation and commercial facilities in accordance with the submitted and endorsed plan, ("the development plan"), and subject to the conditions stated in the development permit.
- The Council on 27<sup>th</sup> March 1998 issued Planning Permit Number 4 / 98 ("the Subdivision Permit"), to subdivide the affected land in accordance with Plan No. PS415327D, ("the subdivision plan"), (Annexure 1, attached), and supplementary plans of subdivision PS415328B and PS415329Y.
- Pursuant to the Subdivision Permit, the Owner is required to enter into a section 173 Agreement in the form of or to the like effect as the draft agreement attached to the subdivision permit.

The parties enter this agreement in satisfaction of this requirement.

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED  
29 SEP 2016  
PLANNING OFFICE



DV354659K-2-1

2

ABSTRACT ANNEXURE PAGE 'B'

Assistant Registrar of Titles

27/12/01

## BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

## 1. OPERATION

- 1.1. This agreement is made pursuant to Section 173 of the Act.
- 1.2. This agreement shall come into force on execution by both parties.
- 1.3. The covenants contained in clause 5 shall continue until they have been performed.
- 1.4. The covenants of this agreement shall run with the land.

## 2. INTERPRETATION

## 2.1. LOT

In this agreement "lot" means any and each lot shown on the subdivision plan.

## 2.2. OWNER

In this agreement the word "Owner" unless the contrary intention appears shall be deemed to include Barbro its successors assigns and transferees and the obligations imposed on and assumed by Barbro shall be binding on the successors transferees purchasers mortgagees assigns of Barbro and any person obtaining possession of the whole or part of the affected land as if each of those successors separately executed this agreement; and

If the Owner holds the affected land in a trust capacity, "Owner" shall include the beneficiaries of the trust in relation to which it holds such land. Where such trust relationship exists the Owner in executing this agreement does so intending to assume not only personal liability, but also to bind the trust for which it acts as trustee.

If the Owner is constituted by more than one person any obligation imposed by this agreement on the Owner shall be imposed on those persons jointly and severally.

## 2.3. COUNCIL

In this agreement the word "Council" shall include the City's successors and its successors as responsible authority for town planning control in the area in which the land is situate.

## 2.4. LOT F

In this agreement "lot F" means lot F on Plan of Subdivision PS 415327D.

## 2.5. RESIDUAL LAND

In this agreement the words "the residual land" shall mean and refer to all the land contained in Plan of Subdivision PS415327D and not contained within lots AA, AB, B, C, D, E or F on that plan

## 3. COUNCIL NOT RESPONSIBLE FOR MAINTENANCE OF RESIDUAL LAND

## 3.1. The Owner acknowledges that:

3.1.1. The residual land is not owned by the Council

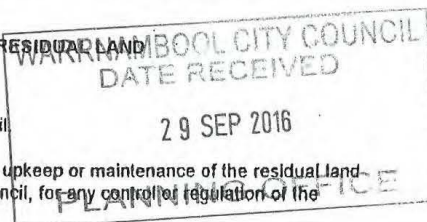
3.1.2. The Council is not responsible or liable for the upkeep or maintenance of the residual land nor, apart from its statutory obligations as Council, for any control or regulation of the residual land.

## 4. CONDITIONS ON TRANSFER OF THE RESIDUAL LAND

- 4.1. Subject to clause 4.3, when Barbro Investments transfers Lot F, the residual land also will be transferred to the purchaser of Lot F with it.



DV354659K-3-9



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- ABSTRACT ANNEXURE PAGE C  
Assistant Registrar of Titles  
27/12/01
- 4.2. Subject to clause 4.3, after the ownership of the residual land has passed from Barbro, the residual land will be dealt with and transferred, sold or purchased only with Lot F.
- 4.3. If at any time Barbro Investments or any subsequent owner of Lot F wishes to transfer the residual land other than with Lot F, Council may consent to such transfer in writing on such terms and conditions as it sees fit.
- 5. EASEMENTS TO BE DEFINED ON THE TRANSFER OF A LOT**
- When, apart from Lot F, Barbro transfers to a purchaser a lot or any part of a lot, the transfer will contain the grant of easement in the form or to the like effect as the grant of easement in the draft transfer attached as Annexure 2.
- 6. GARBAGE AND MAIL**
- The Owner to the satisfaction of the Council will make provision for the collection of garbage from, and any mail or other deliveries to, each lot.
- 7. REGISTRATION**
- The parties shall do all things necessary to enable the Council to register this agreement pursuant to Section 181 of the Act.
- 8. DISCLOSURE**
- The Owner shall not sell mortgage or part with possession of the land or any part of it without first disclosing to its successors the existence and the nature of this agreement.
- 9. COSTS OF AGREEMENT**
- The Owner forthwith on demand shall pay to the Council the Council's costs and expenses (as between the solicitor and own client) of and incidental to this agreement and of anything consequent on it or in furtherance of it.
- 10. NOTICES**
- Any notice required under this agreement may be served by delivering it to the Owner at its last known address within the rating records of the Council. Any notice posted shall be deemed to have been served at the expiration of twenty-four hours from the time of posting.
- 11. SUCCESSORS BOUND**
- Without limiting the operation or effect which this agreement has apart from this sub-clause, the Owner shall ensure that its successors:-
- 11.1. Give effect to and do all acts and sign all documents which are required of them to give effect to this agreement; and
- 11.2. Execute under seal a deed agreeing to be bound by the terms of this agreement.
- The obligation imposed on the Owner by sub-clause 1 of this clause shall cease for such time as there appears in the register book at the office of the Registrar of Titles a memorandum of this agreement.
- 12. RELEASE**
- On a person ceasing to own any part of the affected land that person shall be released from the obligations of that person as an owner under this agreement, save to the extent that any right has arisen against such owner prior to such cessation.
- 13. FURTHER DOCUMENTATION AND ACTION**
- Each of the parties shall sign and execute all such further documents and deeds and do all acts and things as the other party reasonably shall require for giving effect to this agreement.

29 SEP 2016

PLANNING OFFICE



## 14. DISPUTE

If any dispute or difference arise between the parties with respect to the interpretation of this agreement, on its application the dispute or difference shall be determined by a person appointed by the parties by agreement, or failing agreement, by a person qualified in the area of the dispute or difference and appointed by the Secretary as defined in the Act.

IN WITNESS whereof the parties have set their seals.

THE COMMON SEAL of WARRNAMBOOL  
CITY COUNCIL was hereto affixed in  
the presence of

*[Signature]*  
Chief Executive Officer  
Its duly authorised delegate

In the presence of:

*[Signature: Wendy Clark]*  
Witness

THE COMMON SEAL of BARBRO  
INVESTMENTS PTY. LTD. (ACN 068 238 979)  
was affixed hereto in accordance with its Articles  
of Association by a person who is a Sole Director  
and Sole Secretary of the Company

*[Signature]*  
Sole Director and Sole Secretary

ABSTRACT ANNEXURE PAGE 'D'  
*[Signature]*  
Assistant Registrar of Titles

27/12/16

ADVERTISED



- ANNEXURE 1: Subdivision Plan  
ANNEXURE 2: Draft Transfer containing Grant of Easement



DV354659K-5-3



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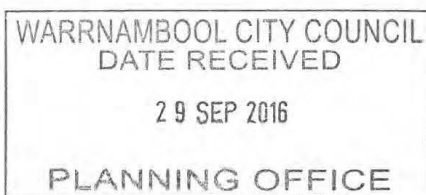
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Number of Pages (excluding this cover sheet)	<b>22</b>
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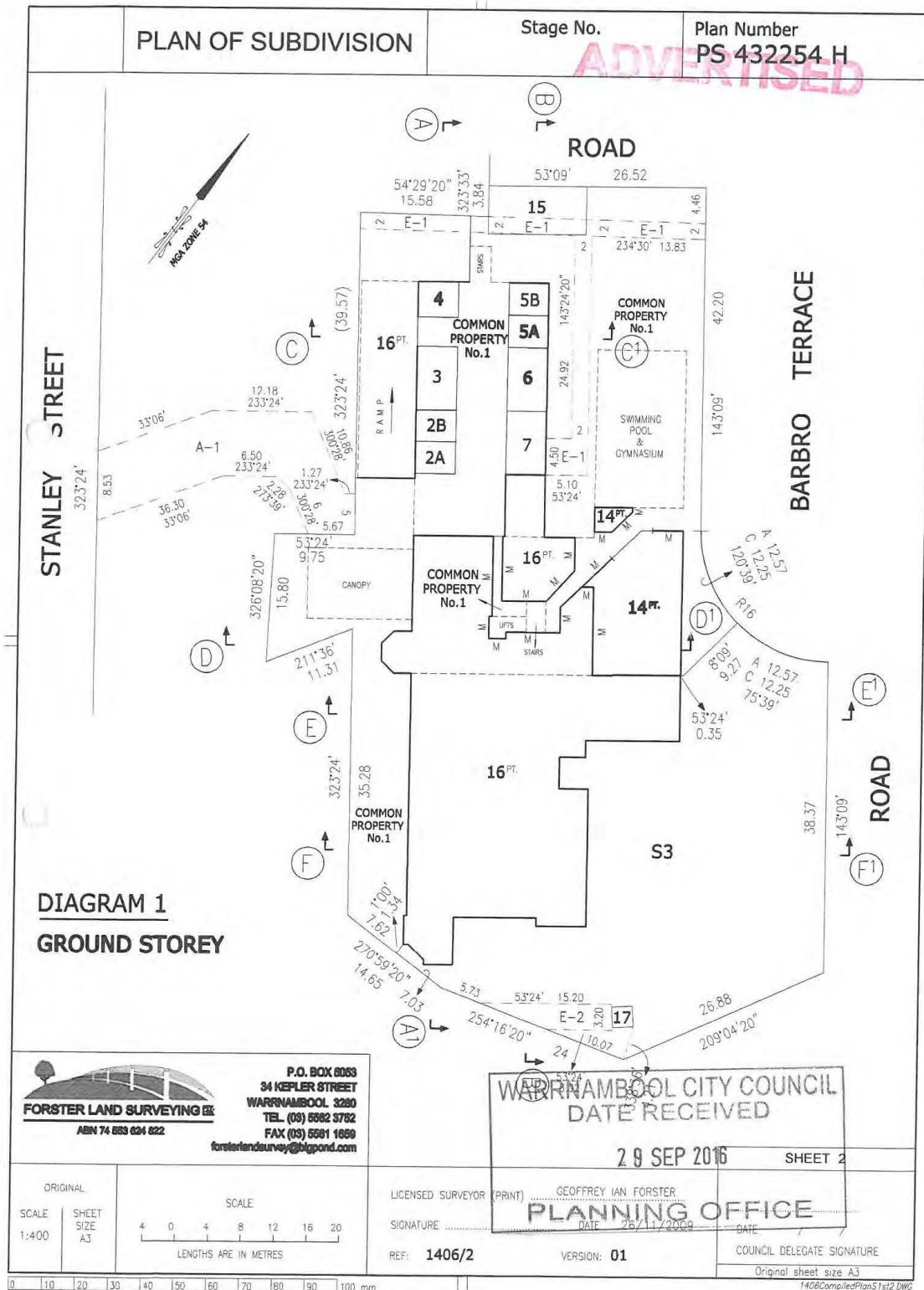
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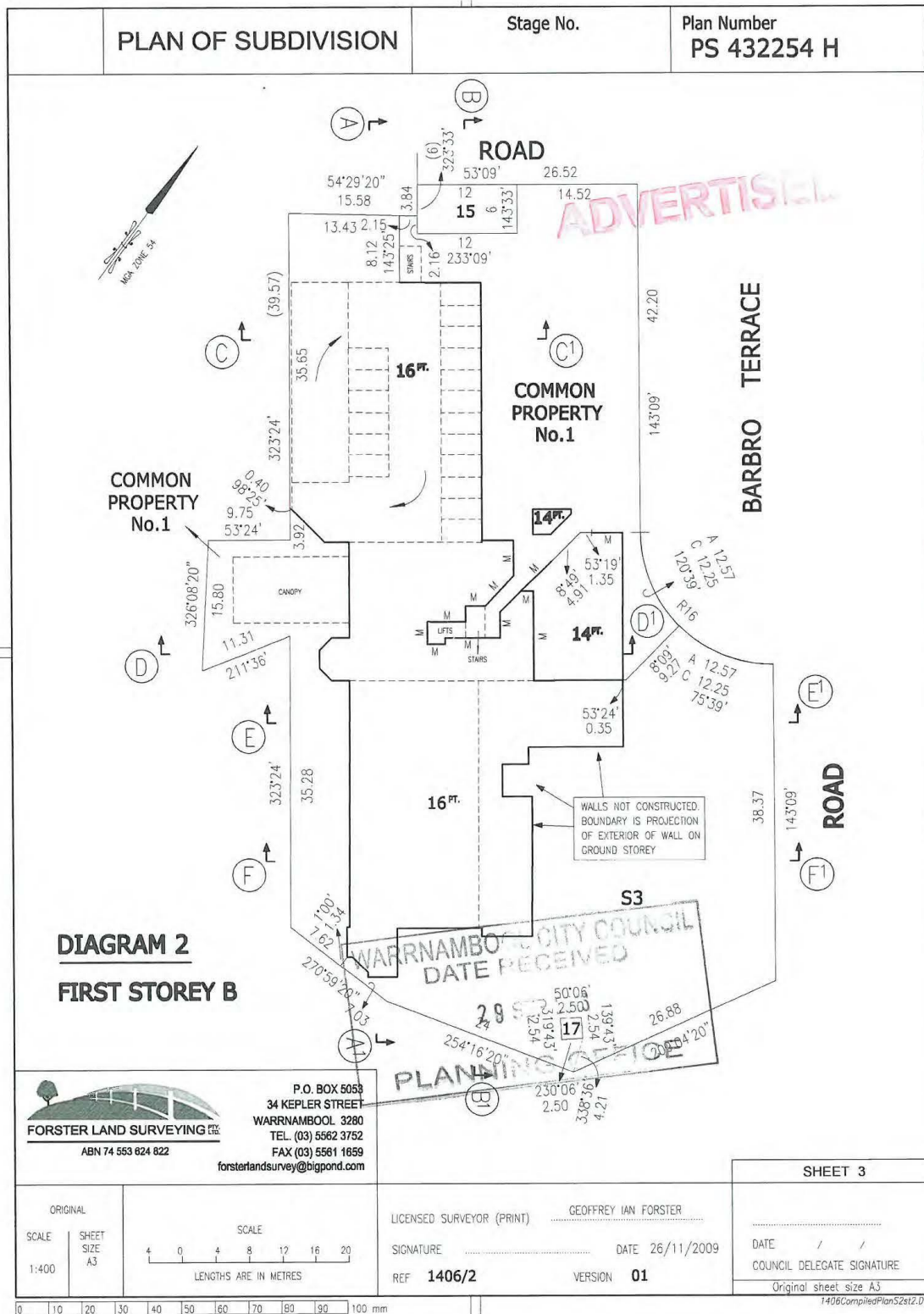
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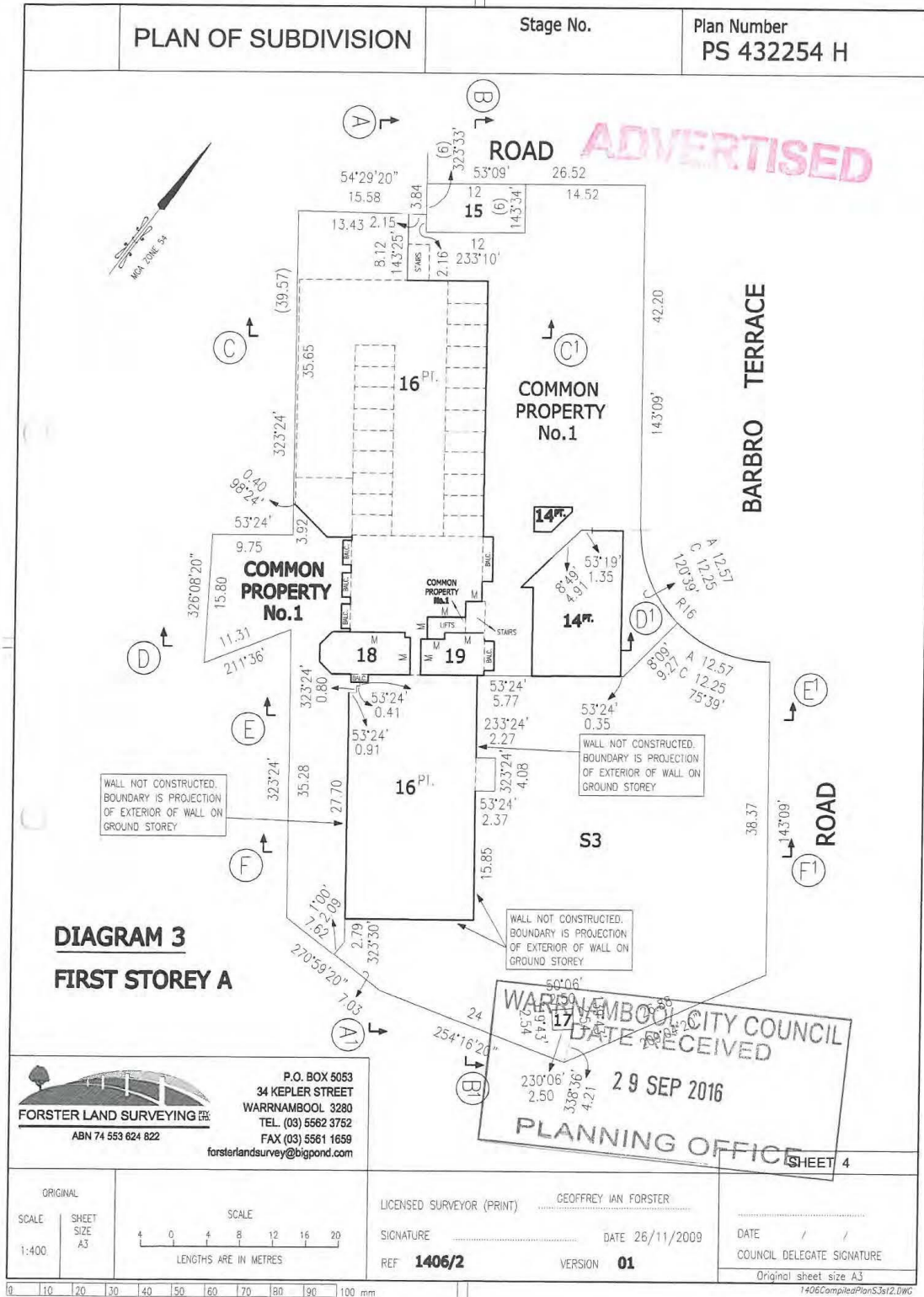
**ADVERTISED**

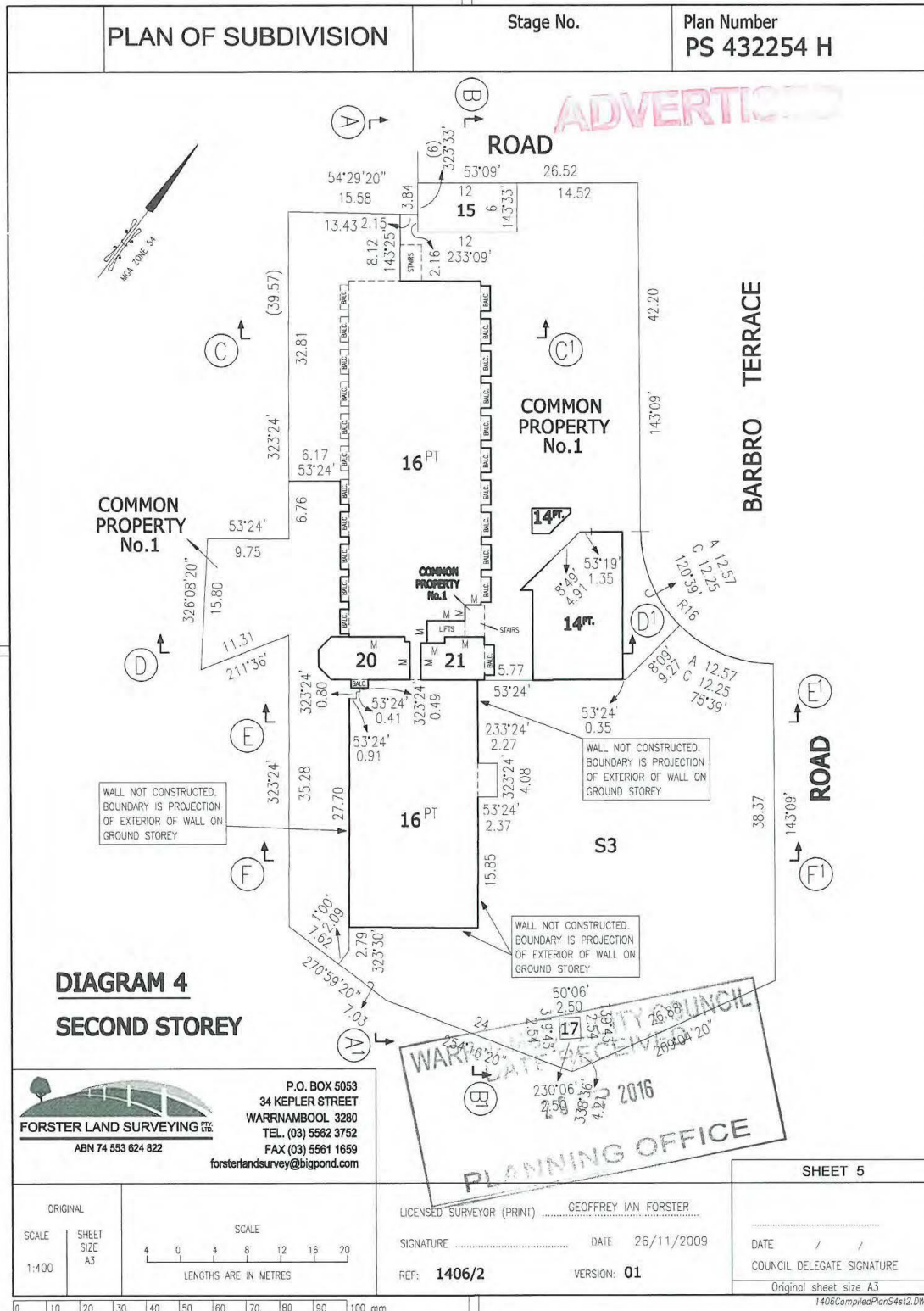


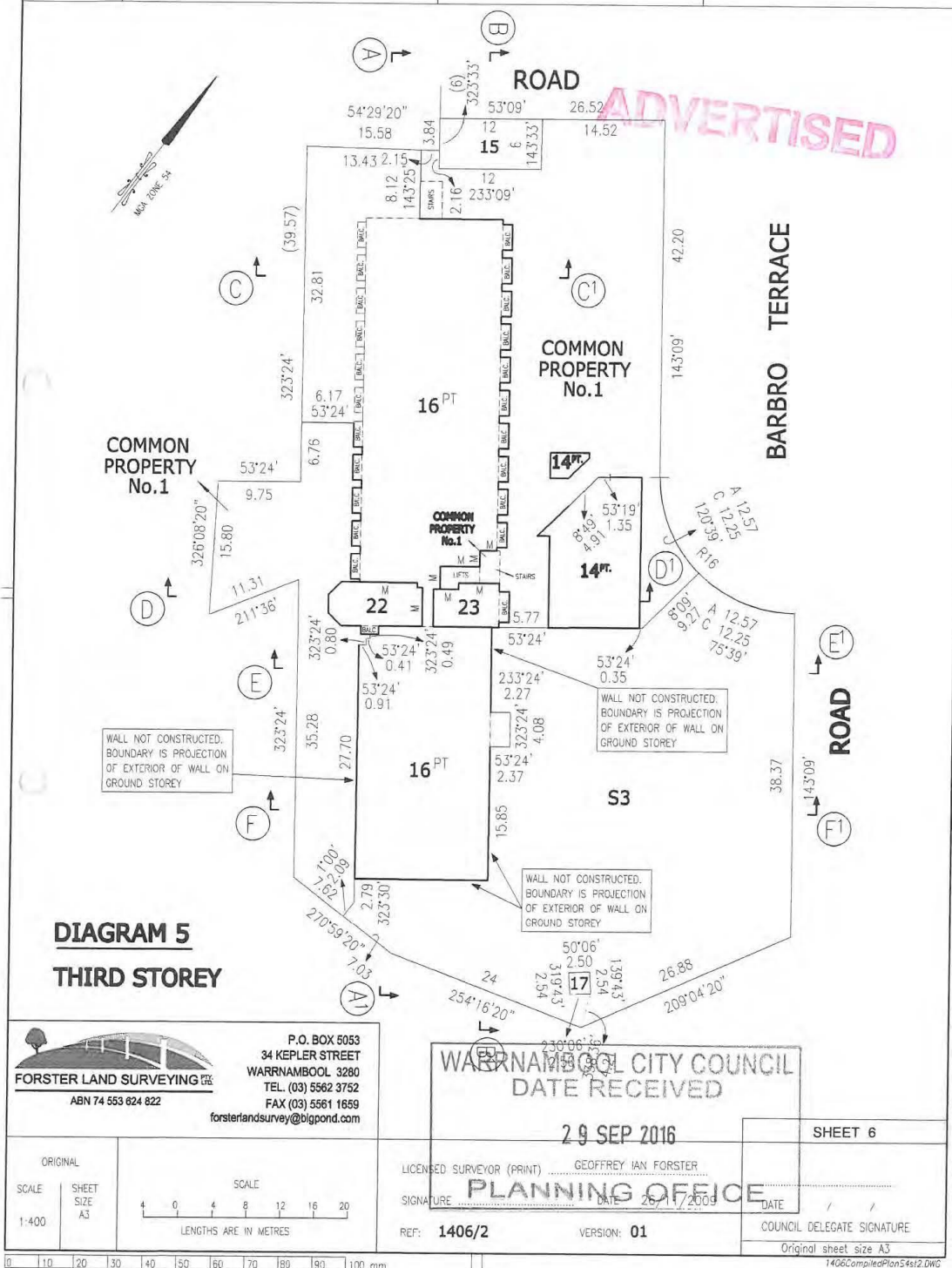
PLAN OF SUBDIVISION		STAGE NO.	LTO use only EDITION 2	Plan Number PS 432254 H
<b>Location of Land</b> Parish: WANGOOM Township: WARRNAMBOOL Section: 4A Crown Allotment: 1, 4, 5, 6 & 7 (ALL PARTS) Crown Portion: LTO Base Record: DCMB Title Reference: VOL. 10392 FOL. 591 Last Plan Reference: PS 415327 D (LOT F) Postal Address: BARBRO TERRACE, WARRNAMBOOL 3280 (at time of subdivision) MGA Co-ordinates E 628 680 Zone: 54 (of approx. centre of land in plan) N 5749 100		<b>Council Certificate and Endorsement</b> Council Name: WARRNAMBOOL CITY COUNCIL Ref: 2867 1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6</del> / / <del>3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</del> <b>OPEN SPACE</b> (i) A requirement for public open space under section 18 for the Subdivision Act 1988 has not been made. <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied as follows:</del> Council delegate <del>Council seal</del> Date 19/10/07 Re-certified under section 11(7) of the Subdivision Act 1988 Council delegate <del>Council seal</del> Date / /		
<b>Vesting of Roads and/or Reserves</b> Identifier Council/Body/Person NIL NIL		<b>Notations</b> Staging This is a staged subdivision Planning Permit No. P2007-047		
<b>LOCATION OF BOUNDARIES DEFINED BY BUILDINGS.</b> MEDIAN: BOUNDARIES MARKED 'M' EXTERIOR FACE: ALL OTHER BOUNDARIES BOUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS. COMMON PROPERTY 1 IS ALL THE LAND IN THE PLAN EXCEPT THE LOTS IN THIS PLAN OF SUBDIVISION  <b>OWNERS CORPORATION</b> LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS - SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS		WARRNAMBOOL CITY COUNCIL DATE 19/10/07 ALL INTERNAL SERVICE DUCTS AND PIPE SHAFTS WITHIN THE BUILDING ARE DEEMED TO BE PART OF COMMON PROPERTY. THE POSITIONS OF THESE DUCTS AND SHAFTS HAVE NOT NECESSARILY BEEN SHOWN ON THE DIAGRAMS CONTAINED HEREIN. <b>PLANNING OFFICE</b> EASEMENTS E-1 & E-2 SHOWN HEREON ARE LIMITED TO THE CEILING OF THE GROUND STOREY LOT 16 IS SHOWN IN 3 PARTS LOT 1 HAS BEEN OMITTED FROM THIS PLAN Survey This plan is based on survey. This survey has been connected to permanent marks No.(s) 275, 367 in Proclaimed Survey Area No. 23 Warrnambool & 368		
<b>Easement Information</b> Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement. A - Appurtenant Easement R - Encumbering Easement (Road).		LTO use only Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date 30/11/07		
SECTION 12 (2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL THE LAND IN THE PLAN				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
A-1	EGRESS, SEWERAGE DRAINAGE & PASSAGE OF GAS, ELECTRICITY, WATER AND DATA TRANSMISSION AND THE RIGHTS IN CONNECTION THEREWITH	SEE DIAG.	C/E AB 904207H	LAND IN THIS PLAN
E-1	POWER LINE	2	THIS PLAN: SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000 APPLIES	POWERCOR AUSTRALIA LIMITED
E-2	CARRIAGEWAY	3.20	THIS PLAN	LOT 17 ON THIS PLAN
 <b>FORSTER LAND SURVEYING PTY.</b> ABN 74 553 824 822 P.O. BOX 5053 34 KEPLER STREET WARRNAMBOOL 3280 TEL. (03) 5582 3752 FAX (03) 5581 1659 forsterlandsurvey@bigpond.com				LICENSED SURVEYOR (PRINT) GEOFFREY IAN FORSTER SIGNATURE ..... DATE 16/07/2007 REF: 1406/1 VERSION: 02
DATE 19/10/07 COUNCIL DELEGATE SIGNATURE Original sheet size A3				<b>THIS IS A LAND VICTORIA COMPILED PLAN</b> FOR DETAILS SEE MODIFICATION TABLE HEREIN SHEET 1 OF 21 SHEETS

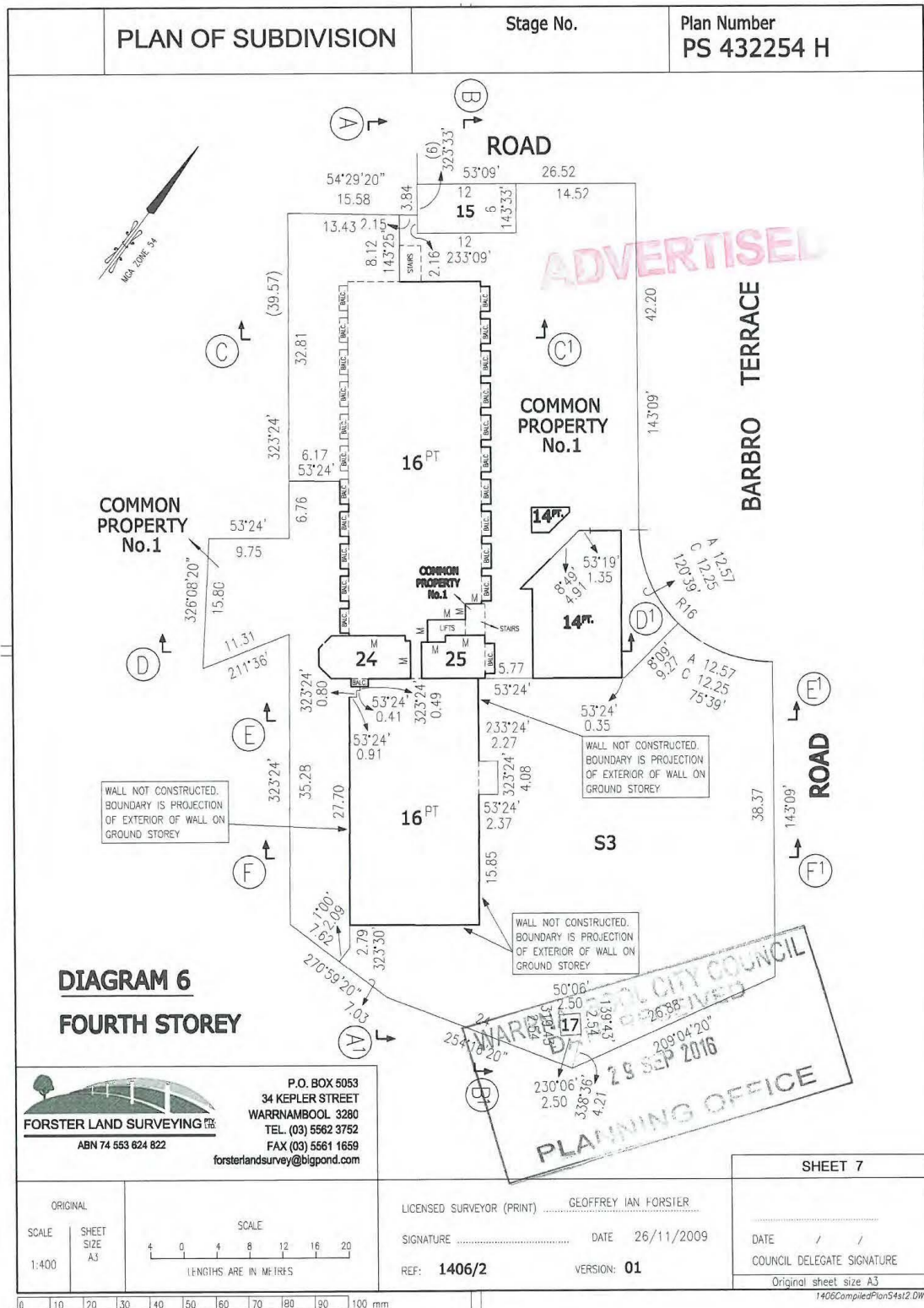


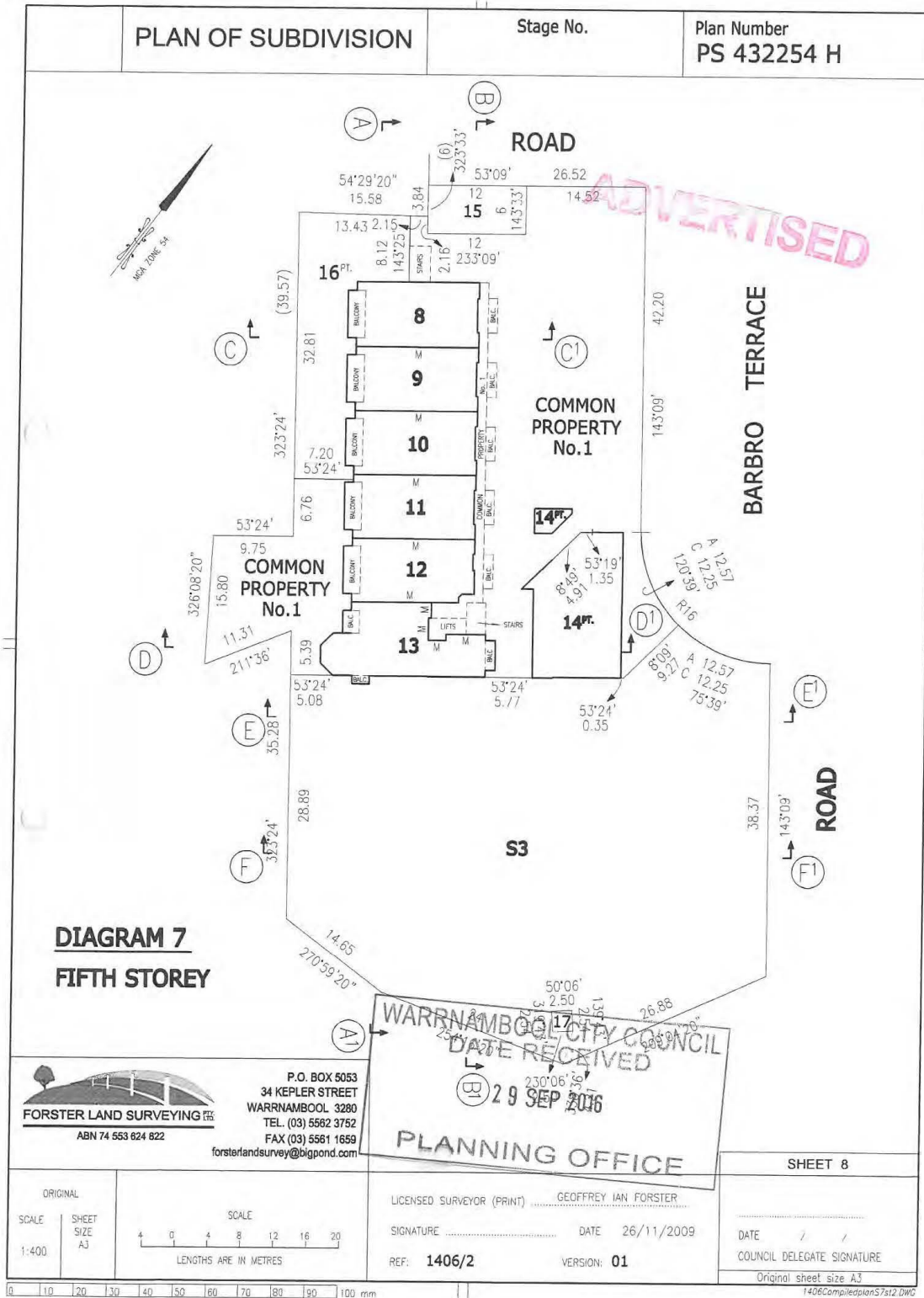




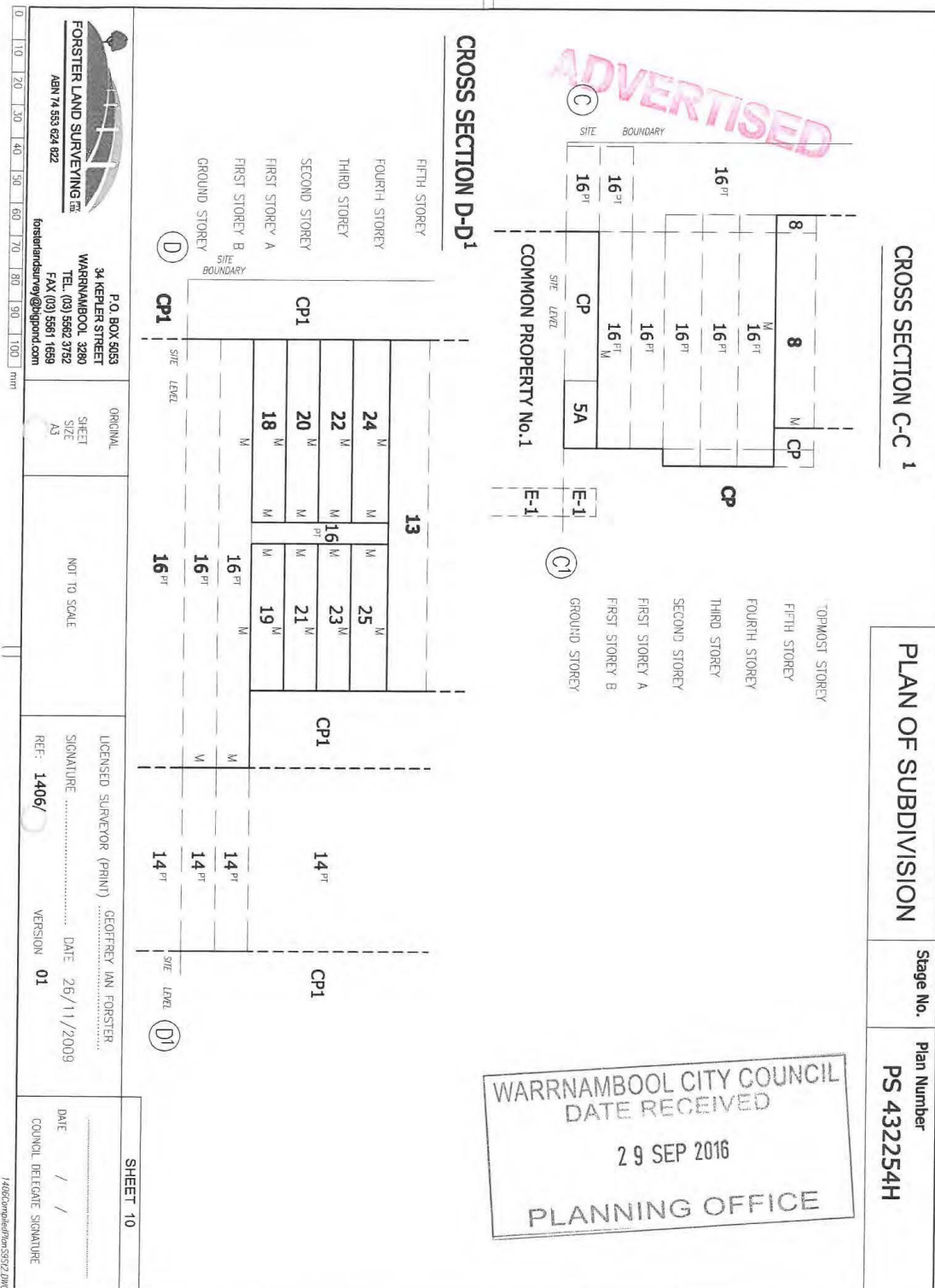


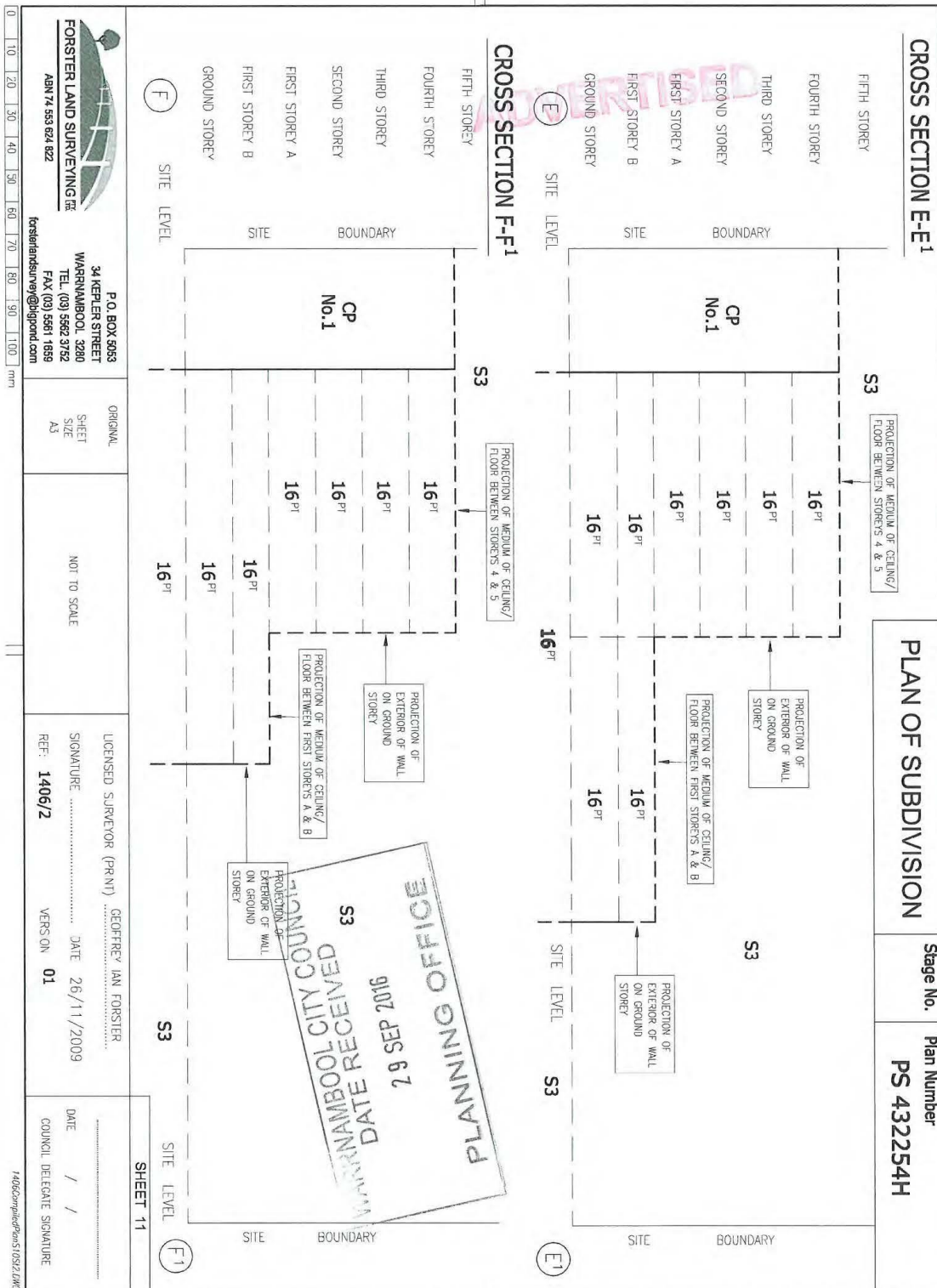












PS432254H

ADVERTISED

**FOR CURRENT OWNERS CORPORATION DETAILS  
SEE OWNERS CORPORATION SEARCH REPORT**

### ADDITIONAL RULES

The Body Corporate must keep in a state of good and serviceable repair and maintain the water and sewerage pipelines, as defined below, serving the lots:


Water Pipelines – are all those pipelines and fittings from the water authority defined point of water supply to the individual lot or individual meter (whichever is the further).

Sewerage Pipelines – are all those pipelines and fittings from the water authority defined point(s) of sewerage acceptance for the parent title to the individual lot(s) or individual lot inspection shaft(s) (whichever is the further).


See sheets 12–20 for additional Special Rules

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED  
29 SEP 2016  
PLANNING OFFICE

SHEET 12


<b>BODY CORPORATE SCHEDULE</b>		Stage No.	Plan Number <b>PS 432254H</b>
Body Corporate No. 1		Plan No. PS 432254H	
Rules of the limited Body Corporate (Body Corporate No.1)			
<p>Special Rules Apply</p> <p>1. DEFINITIONS</p> <p>In these rules:</p> <p>(a) "Act" means the Subdivision Act 1988;</p> <p>(b) "Building" means the building constructed on the Land;</p> <p>(c) "Building Manager" means the person for the time being appointed by the body corporate as its building manager</p> <p>(d) "Government Agency" means any governmental or semi-governmental, administrative, fiscal or judicial department, commission, authority, tribunal, agency or entity;</p> <p>(e) "Land" means the whole of the land described in the Plan;</p> <p>(f) "Managing Agent" means the person for the time being appointed by the body corporate as its managing agent or if no person is for the time being appointed, the secretary of the body corporate;</p> <p>(g) "Plan" means plan of subdivision No. P.S. 432254H;</p> <p>(h) "Proprietor" includes the owner of a lot and an occupier of that lot;</p> <p>(i) "Resident Manager" means the person appointed by the Managing Agent to be the resident manager for the purposes detailed in these rules;</p> <p>(j) "Security Key" means a key, magnetic card or other device used to open and close doors, gates and locks or to generate alarms, security systems or communication systems in respect of a lot or the common property;</p> <p>(k) Unless the context otherwise requires:</p> <p>(i) headings are for convenience only;</p> <p>(ii) words importing a gender include any gender;</p> <p>(iii) an expression importing a natural person includes and company, partnership, joint venture, association, corporation or other body corporate and any Governmental Agency;</p> <p>(iv) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, without limitation, persons taking by novation) and assigns;</p> <p>(v) a reference to any statute, regulation, proclamation, ordinance or by-law includes all statutes, regulations, proclamations, ordinances or by-laws varying, consolidating or replacing them, and a reference to a statute includes all regulations, proclamations, ordinances and by-laws issued under that statute;</p> <p>(vi) a reference to a body corporate includes any elected committee of the body corporate; and</p> <p>(vii) a reference to a thing includes part of that thing</p> <p>The obligations and restrictions set out in these rules shall be read subject to the rights, grants or privileges that may be given to any person or persons by the body corporate from time to time and to the extent of any inconsistency, such rights, grants or privileges prevail over these rules in respect of the person or persons to whom they are given.</p> <p>2. SUPPORT &amp; PROVISION OF SERVICES</p> <p>2.1 Except for the purposes of maintenance and renewal and with the written consent of the body corporate, a Proprietor of a lot must not do anything or permit anything to be done on or in relation to that lot or the common property so that:</p> <p>(a) any support or shelter provided by that lot or the common property for any other lot or the common property is interfered with;</p> <p>(b) the structural and functional integrity of any part of the common property is impaired; or</p> <p>(c) the passage or provision of services through the lot or the common property is interfered with.</p> <p>2.2 A Proprietor of a lot must not install in that lot a safe or other item of greater mass than 100kg when full or producing a floor loading of greater than 150 kg per square meter when full without the written consent of the body corporate.</p> <p>3. BEHAVIOUR BY PROPRIETORS</p> <p>3.1 A Proprietor of a lot must not:</p> <p>(a) create any noise or behave in a manner likely to interfere with the peaceful enjoyment of the Proprietor of another lot or of any person lawfully using common property and behave in an appropriate manner for a 4.5 star property.</p>			
 <p><b>FORSTER LAND SURVEYING</b> ABN 74 553 824 822</p>		<p>P.O. BOX 5053 34 KEPLER STREET WARRNAMBOOL 3280 TEL. (03) 5562 3752 FAX (03) 5561 1659 forsterlandsurvey@bigpond.com</p>	
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<p>(b) obstruct the lawful use of common property by any person; or</p> <p>(c) without limiting the generality of the foregoing, use hammer drills or jack hammers in a lot on weekends or public holidays or between the hours of 4pm to 9am weekdays.</p> <p>3.2 A Proprietor of a lot when on common property, or on any part of a lot so as to be visible from another lot or from common property, must be clothed and must not use language or behave in a manner likely to cause offence or embarrassment to the Proprietor of another lot or to any person lawfully using common property.</p> <p>3.3 A Proprietor of a lot must not smoke in the stairwells, lifts, foyers, car park lobbies, loading docks, or areas set aside for plant and storage within the common property, or such other parts of the common property as the body corporate or its Managing Agent may designate from time to time.</p> <p>3.4 A Proprietor of a lot must not permit any persons under its control to play on any part of the common property or, unless accompanied by an adult, to remain on any part of the common property comprising a car parking area or other area of possible danger or hazard to children.</p> <p>3.5 A Proprietor of a lot must not permit any persons under its control to use on the common property any skateboards, roller skates or roller blades.</p> <p>3.6 A Proprietor of a lot must not dispose or permit the disposal of cigarette butts, cigarette ash or any other materials over balconies or in the common property.</p> <p>3.7 A Proprietor of a lot must not permit persons under its control to consume alcohol or take glassware onto the common property.</p> <p>4. CLEANING OF LOT</p> <p>4.1 A Proprietor of a lot must keep that lot clean and in good repair.</p> <p>4.2 A Proprietor of a lot must ensure its car parking space(s) and nearby property are free of oil and like substances. The body corporate reserves the right to clean any common property near a Proprietor's car space(s) which is stained by oil, petrol or a like substance and charge that Proprietor for the cost. The body corporate will give fourteen days notice of its intention to do such cleaning.</p> <p>5. DAMAGE TO COMMON PROPERTY</p> <p>5.1 A Proprietor of a lot shall not mark, paint or otherwise damage or deface, any structure that forms part of the common property.</p> <p>5.2 A Proprietor of a lot must not breach the fire regulations by installing unapproved dead locks or peep holes that would void the body corporate insurance policy.</p> <p>6. MOVING OF CERTAIN ARTICLES</p> <p>6.1 A Proprietor of a lot must not move any article of furniture or any other article likely to cause damage or obstruction through the common property without first notifying the Managing Agent in sufficient time to enable a representative of the Managing Agent to be present.</p> <p>6.2 A Proprietor of a lot may only move an article of furniture or any other article likely to cause damage or obstruction through the common property via the service lifts and in accordance with the directions of the Managing Agent.</p>			
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<p>6.3 Prior to moving any article of furniture or any other article likely to cause damage or destruction, a representative of the Managing Agent and the Proprietor of the lot will inspect the common property through which such article is to be moved to establish its state of repair. The Proprietor of the lot will be liable for any damage caused to the common property arising from the movement of the article.</p> <p>6.4 Without limiting the generality of the foregoing rules, a Proprietor of a lot may only move articles likely to cause damage through the car park via the passages or via the goods lift.</p> <p>7. INTERFERENCE WITH COMMON PROPERTY</p> <p>7.1 A Proprietor of a lot must not, without the prior written consent of the body corporate, remove any article from the common property placed there by direction or authority of the body corporate and must use all reasonable endeavours to ensure that those articles are used only for their intended use and not damaged.</p> <p>7.2 A Proprietor of a lot must not, without the written authority of the body corporate or its Managing Agent, interfere with the operation of any plant and equipment owned by the body corporate installed on the common property.</p> <p>7.3 A Proprietor of a lot must not modify any air conditioning, heating or ventilation system, or associated ducting, servicing that lot without the prior written consent of the body corporate.</p> <p>7.4 A Proprietor of a lot must not install nor permit the installation of covering to any storage areas other than as permitted by the body corporate.</p> <p>7.5 A Proprietor of a lot must not modify any intercom, television aerial or communication system (except telephone connections) servicing that lot without the prior written consent of the body corporate.</p> <p>7.6 A Proprietor of a lot must not enter any plant room without the consent of the body corporate.</p> <p>8. SECURITY OF COMMON PROPERTY</p> <p>A Proprietor of a lot or persons thereon from time to time must not do or permit anything which may prejudice the security or safety of the common property or any person in or about the Building.</p> <p>9. NOTIFICATION OF DEFECTS</p> <p>A Proprietor of a lot must promptly notify the body corporate or it's Managing Agent on becoming aware of any damage to, or defect in, the common property or any personal property vested in the body corporate.</p> <p>10. COMPENSATION TO BODY CORPORATE</p> <p>The Proprietor of a lot shall compensate the body corporate in respect of any damage to the common property or personal property vested in the body corporate by that Proprietor or its respective tenants, licensees or invitees.</p> <p>11. RESTRICTED USE OF COMMON PROPERTY</p> <p>The body corporate may take measures to ensure the security, and to preserve the safety of, the common property and the lots affected by the body corporate from fire or other hazards and without limitation may:</p> <p>11.1</p> <p>(a) close off any part of the common property not required for access to a lot on either a temporary or permanent basis, or otherwise restrict the access to, or use by, Proprietors of any part of the common property;</p>			
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<p>(b) permit, to the exclusion of Proprietors, any designated part of the common property to be used by any security person as a means of monitoring the security and general safety of the lots, either solely or in conjunction with other lots; and</p> <p>(c) restrict, by means of key or other security device, the access of the Proprietors of one level of the lots to any other level of the lots.</p> <p>11.2 A Proprietor of a lot must abide by any actions taken by the body corporate in accordance with rule 11.1.</p> <p>12. SECURITY KEYS</p> <p>12.1 The body corporate may charge a reasonable fee for any additional Security Key required by a Proprietor of a lot.</p> <p>12.2 A Proprietor of a lot must exercise a high degree of caution and responsibility in making a Security Key available for use by any other Proprietor of a lot and must use all reasonable endeavours including, without limitation, an appropriate stipulation in any lease or licence of a lot to the occupier to ensure the return of the Security Key to the Proprietor or the body corporate.</p> <p>12.3 A Proprietor of a lot in possession of a Security Key must not, without written consent from the body corporate, duplicate the Security Key or permit it to be duplicated and must take all reasonable precautions to ensure that the Security Key is not lost or handed to any person other than another Proprietor and is not dispose of otherwise than by returning it to the Proprietor or the body corporate.</p> <p>12.4 A Proprietor of a lot must promptly notify the body corporate if a Security Key issued to it is lost or destroyed.</p> <p>13. GARBAGE</p> <p>13.1 A Proprietor of a lot must not deposit or throw garbage onto the common property except into a receptacle or area specifically provided for that purpose.</p> <p>13.2 A Proprietor of a lot must dispose of garbage in the manner specified by the body corporate from time to time but otherwise:</p> <p>(a) glass items must be completely drained, cleaned and deposited in unbroken condition in the area designated for such items by the body corporate;</p> <p>(b) recyclable items, (without limitation, paper, cardboard and plastic) as from time to time nominated by the body corporate must be stored in the area designated for the items by the body corporate;</p> <p>(c) cardboard boxes and packaging must be broken down and neatly packed in the garbage area; and</p> <p>(d) all other garbage must be drained and securely wrapped in small parcels deposited in the garbage chute (where one is provided) situated on the common property.</p> <p>14. CONSENT OF BODY CORPORATE</p> <p>A consent given by the body corporate under these rules will, if practicable, be revocable and may be given subject to conditions including, without limitation, a condition evidenced by a minute of resolution that the Proprietor for the time being of the lot to which the consent or approval relates is responsible for compliance with the terms of the consent.</p> <p>15. COMPLAINTS AND APPLICATION</p> <p>Any complaint or application to the body corporate must be addressed in writing to the Managing Agent, or where there is no Managing Agent, the secretary of the body corporate.</p>			
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<p><b>16. VEHICLES ON COMMON PROPERTY</b></p> <p>16.1 A Proprietor of a lot must not park or leave a vehicle on the common property so as to obstruct any driveway or entrance to a lot, or in any place other than in parking areas specified by the body corporate from time to time, and must observe any parking directions given orally or published by the Managing Agent from time to time in respect of parking.</p> <p>16.2 A Proprietor of a lot must not park or permit to be parked any vehicle, trailer or motor cycle other than within parking spaces designated by the body corporate and the body corporate, reserves the right to remove offending vehicles, trailers or motor cycles.</p> <p>16.3 A Proprietor of a lot must not permit oil leakages from any motor vehicle, trailer or motor cycle or permit repairs to motor vehicles on to the common property and must reimburse the body corporate for the cost of cleaning or removing any oil stains to the garage or other part of the common property after due notice has been served.</p> <p>16.4 A Proprietor of a lot must not park within those spaces allocated for visitors parking.</p> <p>16.5 A Proprietor of a lot must not permit a visitor of its lot to use those spaces allocated for visitors parking for more than 48 hours without special permission from the body corporate or the Managing Agent.</p> <p>16.6 A Proprietor of a lot must not permit anyone to park in a space allocated for visitors parking where the purpose of the visit is to attend a property other than the Building.</p> <p><b>17. STORAGE OF BICYCLES</b></p> <p>A Proprietor of a lot must not:</p> <p>(a) permit any bicycle to be stored other than in the areas (if any) of the common property that may be designated by the body corporate or its Managing Agent for such purpose and fitted with bicycle racks from time to time; or</p> <p>(b) permit any bicycle to be brought into a lot or the foyer, stairwells, hallways, garden areas, walkways, balconies or other parts of the common property as may be designated by the body corporate or its Managing Agent from time to time.</p> <p><b>18. INSURANCE PREMIUMS</b></p> <p>A Proprietor of a lot must not without the prior written consent of the body corporate do or permit anything to be done which may invalidate, suspend or increase the premium for any insurance policy effected by the body corporate.</p> <p><b>19. FIRE CONTROL</b></p> <p>19.1 A Proprietor of a lot must not use or interfere with any fire safety equipment except in the case of an emergency and must not obstruct any fire stairs or fire escape.</p> <p>19.2 A Proprietor of a lot must ensure compliance with all statutory and other requirements relating to fire and fire safety in respect of its lot.</p> <p>19.3 A Proprietor of a lot must ensure that all smoke detectors installed in the lot are properly maintained and tested monthly and that back up batteries relating to the smoke detectors are replaced whenever necessary.</p> <p><b>20. SIGNS, BLINDS AND AWNINGS</b></p> <p>20.1 A Proprietor of a lot must not, without the prior written consent of the body corporate, erect or affix any sign or notice to any part of the common property unless approved by the body corporate.</p> <p>20.2 A Proprietor of a lot must not install, or permit the installation of, any external blind or awnings to the lot without the consent of the body corporate.</p>			
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<p><b>21. APPEARANCE OF A LOT</b></p> <p>Without limiting any other of these rules, a Proprietor of a lot must not:</p> <p>(a) without prior written consent of the body corporate maintain inside the lot anything visible from outside the lot that when viewed from outside the lot is not in keeping with the rest of the building;</p> <p>(b) install bars, screens or grilles or other safety devices to the exterior of any windows or doors of a lot without the prior written consent of the body corporate;</p> <p>(c) operate or permit to be operated on the lot or within it any device or electronic equipment which interferes with any domestic appliance lawfully in use on the common property, another lot or another part of the Building;</p> <p>(d) without the prior written consent of the body corporate attach to or hang from the exterior of the lot any aerial or any security device or wires;</p> <p>(e) install or operate any intruder alarm which emits an audible signal;</p> <p>(f) place, display or hang any chattel or item (including any item of clothing or any wind chimes) on or from a balcony or terrace forming part of the common property and the lot without the consent of the body corporate except for pot plants and barbeques, chairs and tables;</p> <p>(g) allow any glazed portions of the lot or the common property that surrounds the lot to be tinted or otherwise treated with the effect that the visual characteristics of the glazing will change;</p> <p>(h) install any external wireless, television aerial, skydish receiver, satellite dish or receiver or any other apparatus that can be viewed from the exterior of the Building;</p> <p>(i) install any air conditioning unit in a lot other than in a place nominated by the body corporate; or</p> <p>(j) install any pipes, wiring, cables or the like to the external face of the Building.</p> <p><b>22. PAINTING, FINISHING, ETC</b></p> <p>A Proprietor of a lot must not paint, finish or otherwise alter the external façade of the Building or any improvement forming part of the common property. The 4.5 star hotel on lot 1 which shall be permitted to fix corporate signage to the external façade.</p> <p><b>23. CLOTHES DRYING AND APPEARANCE OF LOT</b></p> <p>A Proprietor of a lot must not place any washing, towel or other article so as to be visible from the common property or outside the Building.</p> <p><b>24. COMPLIANCE WITH RULES BY INVITEES</b></p> <p><b>24.1</b> A Proprietor of a lot must take all reasonable steps to ensure that its invitees comply with these rules and in default take all reasonable steps to ensure that its invitees leave the Building.</p> <p><b>24.2</b> A Proprietor of a lot which is the subject of a lease or licence agreement must take all reasonable steps, including any action available under the lease or licence agreement, to ensure that any lessee or licensee of the lot and any invitees of that lessee or licensee comply with these rules.</p> <p><b>25. COMPLIANCE WITH LAWS</b></p> <p><b>25.1</b> A Proprietor of a lot must at the Proprietor's own expense promptly comply with all laws relating to the lot including, without limitation, any requirements, notices and orders of any Governmental Agency.</p> <p><b>25.2</b> A Proprietor of a lot must not use the lot for any purpose that may be illegal or injurious to the reputation of the Building, the lots and the common property, or which may cause a nuisance or hazard to any other Proprietor of a lot or its invitees.</p>			
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<p><b>26. INTERFERENCE WITH EXCLUSIVE AND SPECIAL RIGHTS</b></p> <p>26.1 A Proprietor of a lot must not use any parts of the common property in respect of which exclusive use and enjoyment rights may be given or granted by the body corporate to a third party.</p> <p>26.2 A Proprietor of a lot must not interfere with or obstruct the Building Manager from performing its duties under any building management agreement entered into from time to time.</p> <p><b>27. BUILDING WORKS</b></p> <p>27.1 A Proprietor of a lot must not undertake any building works within or about or relating to a lot except in accordance with the following requirements:</p> <p>(a) such building works may only be undertaken after all requisite permits, approvals and consent under all relevant laws have been obtained and copies given to the Managing Agent, and then strictly in accordance with those permits approvals and consents and any conditions thereof; and</p> <p>(b) the Proprietor of a lot must at all times ensure that such works are undertaken in a reasonable manner so as to minimize any nuisance, annoyance, disturbance and inconvenience from building operations to other Proprietors;</p> <p>27.2 The Proprietor of a lot must not proceed with any such works until the Proprietor:</p> <p>(a) submits to the body corporate plans and specification of any works proposed by the Proprietor which affect the external appearance of the Building or any of the common property or which affect the Building structure or services or the fire or acoustic ratings of any component of the Building;</p> <p>(b) supplies to the body corporate such further particulars of those proposed works as the body corporate may request, and shall be reasonable to enable the body corporate to be reasonably satisfied that those proposed works accord with the reasonable aesthetic and orderly development of the Building, do not endanger the Building and are compatible with the overall services to the Building and the individual floors;</p> <p>(c) receives written approval for those works from the body corporate, such approval not to be reasonably or capriciously withheld but which may be given subject to the condition that the reasonable costs of the body corporate (which cost may include the costs of a building practitioner engaged by the body corporate to consider such plans and specifications) by the Proprietor and such approval shall not be effective until such costs have been paid; and</p> <p>(d) pays such reasonable costs to the body corporate.</p> <p>27.3 The Proprietor of a lot must ensure that the Proprietor and the Proprietor's servants agents and contractors undertaking such works comply with the proper and reasonable directions of the body corporate concerning the method of building operations, means of access, use of the common property, on-site management and building protection and hours of work (and the main Building entrance and lobby must not be used for the purposes of taking building materials or building workmen to and from the relevant lot unless the body corporate gives written consent to do so) and that such servants agents and contractors are supervised in the carrying out of such works so as to minimize any damage to or dirtying of the common property and the services therein.</p> <p>27.4 Without limiting the generality of rule 27.3 the Proprietor of a lot must ensure that the Proprietor and the Proprietor's servants agents and contractors undertaking such works observe the following restrictions in respect of the works:</p> <p>(a) building materials must not be stacked or stored in the front, side or rear of the Building;</p> <p>(b) scaffolding must not be erected on the common property or the exterior of the Building;</p> <p>(c) construction work must comply with all laws of the relevant Government Agencies;</p> <p>(d) the exterior and the common property of the Building must at all times be maintained in a clean tidy and safe state; and</p> <p>(e) construction vehicles and construction workers' vehicles must not be brought into, or parked in, the common property.</p>			
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Body Corporate No. 1		Plan No. PS 432254H	
Rules of the limited Body Corporate (Body Corporate No.1)			
<p>27.5 Before any of the Proprietor's works commence the Proprietor must:</p> <p>(a) cause to be effected and maintained during the period of the building works, a contractor's all-risk insurance policy to the satisfaction of the body corporate; and</p> <p>(b) deliver a copy of the policy and certificate of currency in respect of the policy to the body corporate.</p> <p>27.6 Access shall not be available to other lots on the Plan or the common property on the Plan for the installation and maintenance of services and associated building works without the consent or licence of the Proprietor of the relevant lot or of the body corporate in the case of the common property.</p> <p>27.7 The Proprietor of the lot shall immediately make good all damage to, and dirtying of, the Building, the common property, the services thereof or any fixtures fittings and finishes which are caused by such works and if the proprietor fails to immediately do so the body corporate may in its absolute discretion (or if the Proprietor fails to do so within a reasonable period of time) must make good the damage and dirtying and in that event the Proprietor shall indemnify and keep indemnified the body corporate against any costs or liabilities incurred by the body corporate in so making good the damage or dirtying.</p> <p>28. CONDUCT OF MEETING</p> <p>The conduct of meetings of the body corporate shall otherwise be regulated in accordance with the Subdivision (Body Corporate) Regulations 1989.</p> <p>29. SELLING AND LEASING</p> <p>A Proprietor of a lot must not allow the erection of any for sale or for lease boards on the common property without the written consent of the body corporate.</p> <p>30. USE OF APPURTENANCES</p> <p>The water closets, conveniences and other water apparatus including waste pipes and drains shall not be used for any purposed other than those for which they were constructed, and rubbish or other unsuitable substances shall not be deposited therein. Any costs or expenses resulting from any damage or blockage shall be borne by the lot Proprietor causing the damage or blockage.</p> <p>31. INFECTIOUS DISEASES</p> <p>In the event of any infectious disease which may require notification by virtue of any statute, regulation or ordinance affecting any person in any lot, the Proprietor of such lot shall give, or cause to be given, written notice thereof and any other information which may be required relative thereto to the Managing Agent and shall pay to the body corporate the expense of disinfecting the Building where necessary and replacing any articles or things the destruction of which may be rendered necessary by such disease.</p> <p>32. ACCESS TO LOTS</p> <p>Except in the case of an emergency (in which case no notice shall be required) upon one (1) days notice in writing the body corporate or the Managing Agent and their servants, agents and contractors shall be permitted to inspect the interior of any lot and test the electrical, gas or water installation or equipment therein and to trace and repair any leakage or defect in the said installation or equipment (at the expense of the lot Proprietor in cases where such leakage or defect is due to any act or default of the lot Proprietor or its invitees). The body corporate and the Managing Agent in exercising this power, shall ensure that their servants, agents and employees cause as little inconvenience to the lot Proprietor as is reasonable in the circumstances.</p> <p>33. PROPRIETORS MOVING IN OR VACATING</p> <p>33.1 Proprietors moving furniture in or out must not:</p>			
 <b>FORSTER LAND SURVEYING</b> ABN 74 553 824 822		P.O. BOX 5053 34 KEPLER STREET WARRNAMBOOL 3280 TEL. (03) 5562 3752 FAX (03) 5561 1659 forsterlandsurvey@bigpond.com	
LICENSED SURVEYOR (PRINT) GEOFFREY IAN FORSTER SIGNATURE ..... DATE 16/07/2007 REF: 1406/1 VERSION 02		<b>SHEET 20</b> DATE 19/10/07 COUNCIL DELEGATE SIGNATURE Original sheet size A3	

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<b>BODY CORPORATE SCHEDULE</b>		Stage No.	Plan Number <b>PS 432254H</b>
Body Corporate No. 1		Plan No. PS 432254H	
Rules of the limited Body Corporate (Body Corporate No.1)			
<p>(a) do so without notifying the Resident Manager at least 48 hours prior to the proposed move and without receiving approval from the Resident Manager for the day and time of the proposed move;</p> <p>(b) do so on a Sunday;</p> <p>(c) permit any carriers or tradespeople to commence operations prior to their making contact upon arrival with the Resident Manager;</p> <p>(d) permit any furniture or items to access or exit the Building other than via the basement;</p> <p>(e) permit any vehicles to restrict access to the car park;</p> <p>(f) conduct operations so as to unduly restrict access of other Proprietors to the lifts or lobbies or restrict access to fire escapes;</p> <p>(g) place any furniture or items in a lift other than that specified by the Resident Manager and, in any event, not until protective covers have been placed in the lift by the Resident Manager;</p> <p>(h) permit any furniture or other items to come into contact in any way with the lifts doors, including static contact of leaning or stacking against the door; or</p> <p>(i) damage the common property and must comply with rule 6 in this respect.</p>			
34. STORAGE CAGES			
A Proprietor of a lot must not install a storage cage without first obtaining the written consent of the body corporate, which consent may be refused or granted on certain conditions by the body corporate at its absolute discretion.			
35. NO TRADE OR BUSINESS			
The Proprietor of a lot must not use that lot or any part of the common property for any trade or business nor permit others to do so unless:			
<p>(a) the planning scheme governing the use of that lot permits the trade or business to be carried on from that lot;</p> <p>(b) any requirements in respect of the trade or business stipulated by any relevant authority from time to time are complied with; and</p> <p>(c) the trade or business can be carried on, and is carried on, without causing undue nuisance to the Proprietors of other lots.</p>			
36. STORAGE OR FLAMMABLE LIQUIDS			
A Proprietor of a lot must not:			
<p>(a) except with the written consent of the body corporate, use or store on the lot or the common property any flammable chemical, liquid, gas or other flammable material other than chemicals, liquids, gases or other material used or intended to be used for domestic purposes or in the fuel tank of a motor vehicle; or</p> <p>(b) do or permit anything which may invalidate or suspend any insurance policy affected by the body corporate or cause any premium to be increased without the prior written consent of the body corporate.</p>			
37. PETS AND ANIMALS			
37.1 A Proprietor of a lot may keep an animal in its lot and may allow that animal access to the common property.			
37.2 If any animal causes a nuisance the body corporate may give notice to remove the animal from a lot or the common property (or both). The Proprietor must remove the animal from a lot or the common property immediately upon receipt of the notice from the Managing Agent.			
37.3 A Proprietor of a lot must ensure that any animal in its control does not urinate or defecate on the common property, including internal court yards.			
37.4 A Proprietor of a lot must ensure that any animal in its control is kept on a lead, carried or in a cage while on the common property.			
37.5 A Proprietor of a lot must ensure that animals enter and leave the Building through the garage or exit at stairwell, and not through the main entrance lobby.			
 <p><b>FORSTER LAND SURVEYING</b> ABN 74 553 624 822</p>		<p>P.O. BOX 5053 34 KEPLER STREET WARRNAMBOOL 3280 TEL (03) 5562 3752 FAX (03) 5561 1659 forsterlandsurvey@bigpond.com</p>	
<p>LICENSED SURVEYOR (PRINT) GEOFFREY IAN FORSTER</p> <p>SIGNATURE ..... DATE 16/07/2007</p> <p>REF: 1406/1 VERSION 02</p>		<p><b>SHEET 21</b></p> <p>DATE 19/10/07</p> <p>COUNCIL DELEGATE SIGNATURE</p> <p>Original sheet size A3</p>	

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## Imaged Document Cover Sheet

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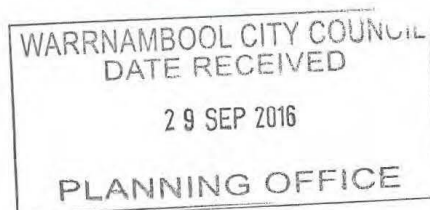
Document Type	<b>instrument</b>
Document Identification	<b>V771118C</b>
Number of Pages (excluding this cover sheet)	<b>7</b>
Document Assembled	<b>10/09/2016 16:26</b>

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**BY LETTER** \$631..  
Application by Responsible  
Authority, Relevant Authority,  
Referral Authority or Council  
for the making of a recording of an  
agreement  
Section 181(1) Planning and Environment Act 1987



Lodged by:  
Name: TATTS SOLICITORS  
Phone: (03) 5561 4111  
Address: 121 KEPLER STREET, WARRNAMBOOL  
Ref: AW/DA  
Customer Code: 1638Q

**IMAGED**

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

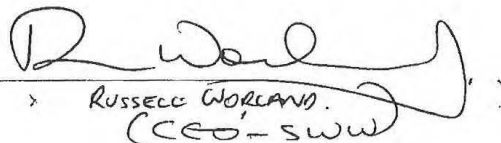
Land:  
The land described in Certificates of Title Volume 10392 Folios 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, and 611.

Authority or council  
South West Water Authority

Section and Act under which agreement made.  
Section 21X Subdivision Act

A copy of the agreement is attached to this application

Dated: 28/10/98

Signed:   
RUSSELL WORLAND  
(CEO - SWW)



THE BACK OF THIS FORM MUST NOT BE USED

At 26.3.99

Victoria **ON THE MOVE**

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REFERRAL AUTHORITY SOUTH WEST WATER AUTHORITY

THE OWNER BARBRO INVESTMENTS PTY. LTD.  
(ACN 068 238 979)

LAND AFFECTED PERTOBE ROAD, WARRNAMBOOL

RESPONSIBLE AUTHORITY WARRNAMBOOL CITY COUNCIL

DATED 6 November 1998

**ADVERTISED****AGREEMENT PURSUANT TO SECTION 21A  
SUBDIVISION ACT**

WARRNAMBOOL CITY COUNCIL DATE RECEIVED 29 SEP 2016 PLANNING OFFICE	<b>V771118C</b> 301198 2048 173 \$63 
---	--

REGISTRATION PARTICULARS

A Memorandum of this agreement was lodged in the Office of Titles pursuant to  
Section 181 of the Planning & Environment Act 1987 on \_\_\_\_/\_\_\_\_/19\_\_\_\_

DEALING NO. ....

s 198095063194.doc

  
DV771118C-2-1

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SOUTH WEST WATER AUTHORITY

PLANNING &amp; ENVIRONMENT ACT

- and -

SUBDIVISION ACT

BARBRO INVESTMENTS PTY. LTD. (ACN 068 238 979)

AGREEMENT PURSUANT TO SECTION 21A SUBDIVISION ACT



DV771118C-3-8

AFFECTED LAND:

Pertobe Road, Warrnambool

Parts of Crown Allotments 1, 4, 5, 6, 7 and 8, Township of Warrnambool, Parish of Wangoom being the land described in Certificates of Title Volume 10392 Folium 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, and 611

THIS AGREEMENT is made on 6 NOVEMBER 1998

BETWEEN:

The Responsible Authority:

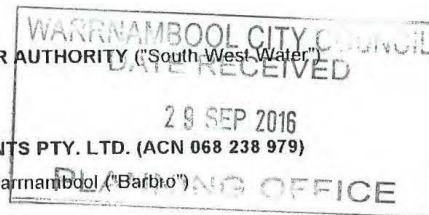
SOUTH WEST WATER AUTHORITY ("South West Water")

and

The Owner:

BARBRO INVESTMENTS PTY. LTD. (ACN 068 238 979)

of 146 Timor Street, Warrnambool ("Barbro")



## 1. WHEREAS

- 1.1. Barbro owns the land being parts of Crown Allotments 1, 4, 5, 6, 7 and 8, Township of Warrnambool, Parish of Wangoom being the land described in Certificates of Title Volume 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, and 611, situate at Pertobe Road, Warrnambool ("the affected land").
- 1.2. The affected land is affected by the provisions of the Warrnambool Planning Scheme ("the Scheme").
- 1.3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme.
- 1.4. South West Water is a Referral Authority under the Subdivision Act 1988 for the purpose of the Scheme.
- 1.5. The Council on 27<sup>th</sup> March 1998 issued Planning Permit Number 4 / 98 ("the Subdivision Permit"), to subdivide the affected land in accordance with Plan No. PS415327D, ("the subdivision plan").
- 1.6. One of the requirements of the Authority in the development permit included a condition ("the reticulation condition") concerning the construction of internal water supply and sewerage reticulation works necessary to serve each of the lots created by the plan of subdivision.  
These works are to be constructed in accordance with the plans and specifications approved by; and under the supervision of South West Water.
  - 1.6.1. The Owner and South West Water have agreed that South West Water will consent to the Council issuing a Statement of Compliance in respect of the subdivision plan on proof of registration of an agreement between the Owner and South West Water under which deferred terms are agreed between South West Water and the Owner for satisfaction of the reticulation condition.
- 1.7. The parties enter this agreement in satisfaction of their agreement.



BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

**2. OPERATION**

- 2.1. This agreement is made pursuant to Section 21A of the Subdivision Act.
- 2.2. This agreement shall come into force on its registration pursuant to Section 181 of the Act.
- 2.3. The covenants of this agreement shall run with the land.
- 2.4. The provisions of clause 5 of this agreement shall continue until they have been performed.

**3. INTERPRETATION**

**3.1. LOT**

In this agreement "lot" means any and each lot shown on the subdivision plan.

**3.2. LOT B & C**

"Lot B", "Lot C" and "Lot F" mean lots B, C and F shown on the subdivision plan.

**3.3. OWNER**

"Owner" shall be deemed to include Barbro its successors assigns and transferees and the obligations imposed on and assumed by Barbro shall be binding on the successors transferees purchasers mortgagees assigns of any person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement

**3.4. COUNCIL**

"The Council" shall mean the Warrnambool City Council include the Council's successors and its successors as responsible authority for town planning control in the area in which the affected land is situate.

**3.5. SOUTH WEST WATER**

"South West Water" shall include South West Water and its successors as authority responsible for water and wastewater services in the area in which the affected land is situate.

**4. INTERPRETATION**

In this agreement, unless the context otherwise requires:

- 4.1. Words denoting the singular number shall include the plural and vice versa.
- 4.2. Words denoting any gender shall include all genders.
- 4.3. Where a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase shall have corresponding meanings.
- 4.4. Words denoting natural persons shall include corporations and vice versa.
- 4.5. References to clauses and schedules are to clauses of and schedules to this agreement.
- 4.6. Headings are for convenience only and do not affect interpretation.
- 4.7. References to any party to this agreement or any other agreement or instrument shall include the party's successors and permitted assigns.
- 4.8. Reference to any agreement or any other agreement shall be also to such agreement or instrument as amended, novated, supplemented, varied or replaced from time to time.

4.9. References to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any legislative provision substituted for, and all regulations and statutory instruments issued under, such legislation or provision.

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

4.11. As the case may be, a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, jointly and severally.

## 5. INTERNAL SUPPLY AND RETICULATION

5.1. The owner agrees to commence construction of the internal water supply and sewerage reticulation on the earlier of the following:

5.1.1. within ten days of the certification of a plan that re-subdivides either of lots B & C, or

5.1.2. such other time as is agreed with South West Water Authority, on application made by the owner within ten days after the date of certification of the subdivision plan, or

5.1.3. within two years from the date of this agreement.

5.2. The owner further agrees to complete construction of those services within two months from the date construction commences.

5.3. A deferment of construction of the internal water supply and sewerage reticulation for a lot will not be made which defers that construction longer than one month after the lot is sold by the Owner as a subdivider. In respect of each lot the reticulation condition must be satisfied before the issue of a Certificate of Occupancy in respect of any development on the lot.

5.4. If at the time of sale of a lot by the Owner as subdivider the reticulation condition has not been satisfied in respect of that lot the Owner shall lodge with South West Water at the time of sale of the lot a bond in such sum as is required by South West Water to ensure that the reticulation condition is satisfied. South West Water may draw upon the bond sum toward payment or part payment of any costs payable to South West Water for remedial works effected by the Authority under the default clause of this agreement.

5.5. The owner acknowledges that gravity sewer services are not available to lot F without elevating the floor level of those parts of buildings which are to be sewer to a level of 3.0M. A.H.D.

## 6. COST OF AGREEMENT

The Owner shall pay costs and expenses of and incidental to this agreement and of anything consequent on it or in furtherance of it.

## 7. NOTICES

Any notice required under this agreement may be served by delivering it to the Owner at its last known address within the rating records of the Council. Any notice posted shall be deemed to have been served at the expiration of twenty-four hours from the time of posting.

## 8. SUCCESSORS BOUND

Without limiting the operation or effect which this agreement has apart from this sub-clause, the Owner shall ensure that its successor give effect to and do all acts and sign all documents which are required of them to give effect to this agreement.

## 9. RELEASE

On completion of the reticulation works with respect of a lot:

9.1. The reticulation condition in respect of that lot shall be deemed to have been performed;



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- 9.2. Save to the extent that any right has risen against the Owner of the lot the provisions of this agreement in respect of the lot shall have been performed, and it shall be released in respect of that lot.

#### 10. FURTHER DOCUMENTATION AND ACTION

Each of the parties shall sign and execute all such further documents and deeds and do all acts and things as the other party reasonably shall require for giving effect to this agreement.

#### 11. DISPUTE

Should any dispute or difference arise between the parties with respect to the interpretation of this agreement, its application, such dispute or difference shall be determined by a person appointed by the parties by agreement, or failing agreement, by a person qualified in the area of this dispute or difference and appointed by the Secretary as defined in the Act.

#### 12. REGISTRATION

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

#### 13. DISCLOSURE

The Owner shall not sell mortgage or part with possession of the land or any part of it without first disclosing to its successors the existence and the nature of this agreement.

#### 14. DEFAULT

If the Owner fails to comply with this agreement South West Water may serve on the Owner or on the owner of that part of the land in respect of which there has been failure of compliance a notice in writing specifying works, matters and things ("the Remedial Works") in respect of which the relevant owner is in default. If such default continues for thirty days after the serve of such notice South West Water by its employees or contractors may enter upon the land and cause the Remedial Works to be done.

A notice served on the Owner pursuant to this clause may set out the costs (as estimated by South West Water) of carrying out the Remedial Works. If the Owner does not comply with the notice within thirty days South West Water may serve on the Owner a demand in writing for the amount of the estimated costs. The amount then shall become a debt due and payable by the relevant owner to South West Water.

As soon as practicable after the completion of the Remedial Works South West Water shall certify the actual costs of the Remedial Works. The difference between a sum paid to South West Water as the estimated costs, and the actual costs, shall be paid by the relevant owner to South West Water or if there is excess, repaid by South West Water to the relevant owner.

#### 15. SOUTH WEST WATER AS ATTORNEY FOR OWNER

The Owner hereby appoints South West Water as its attorney to do things the Owner is capable of doing for the purposes of giving effect to this agreement or necessary to give effect to any of the duties or obligations imposed on the Owner pursuant to this agreement and hereby authorises South West Water to do and will ratify South West Water lawfully shall do or cause to be done under this power of attorney.

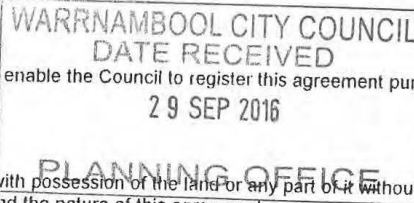
#### 16. COSTS OF ENFORCEMENT

The Owner forthwith on demand shall pay to South West Water the cost and expenses, including building costs, of an incidental to South West Water exercising its powers under this agreement.

#### 17. LICENCE TO SOUTH WEST WATER TO ENTER

The Owner licenses South West Water through its employees and contractors to enter upon any part of the land for the purposes of giving effect to this agreement.

The operation of the enforcement clauses 15 to 17 is suspended until and unless South West Water has served a notice under clause 14 ("DEFAULT").



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EXECUTED as a deed.

THE COMMON SEAL of SOUTH WEST  
WATER AUTHORITY was hereunto affixed in  
the presence of:

Chief Executive Officer  
Its duly authorised delegate

In the presence of:

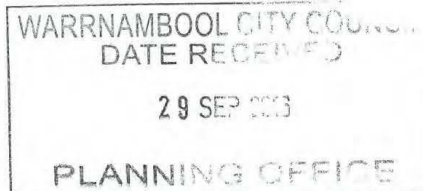
Witness

THE COMMON SEAL of BARBRO  
INVESTMENTS PTY. LTD.  
(ACN 068 238 979) was hereunto affixed in  
the presence of:

Director/Secretary



ADVERTISE



DV771118C-7-7



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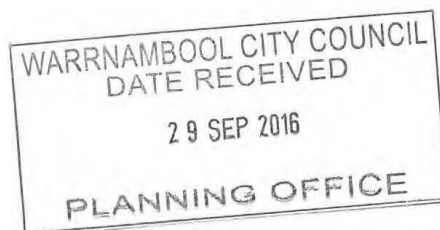
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Document Identification	<b>AB904342B</b>
Number of Pages (excluding this cover sheet)	<b>12</b>
Document Assembled	<b>10/09/2016 16:25</b>

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AB904342B



Application by  
Responsible Authority,  
Relevant Authority,  
Referral Authority or Council  
for the making of a recording of an  
agreement  
Section 181(1) Planning & Environment Act 1987

## Lodged by:

Name: David A Ryan  
Phone: (03) 55611592  
Address: 152 Timor Street Warrnambool 3280  
Ref: DAR  
Customer Code: 792K

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

AMENDED AS PER LETTER 6/8/03 *h.f.*  
Land: ~~Volume 10597 Folio 631, Volume 8041 Folio 756, Volume 6281 Folio 091,~~  
~~Volume 8783 Folio 825 and Volume 10392 Folio 519 being the land in PS~~  
~~5039132Y and PS 415327D.~~ *591*  
LAND: Volume 10709 Folio 311 and Volume 10392 Folio 591  
Authority of council: Warrnambool City Council, 25 Liebig Street, Warrnambool, 3280

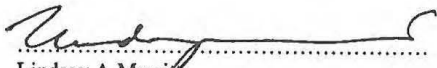
*Amended with Consent of  
Lindsay Merritt, for  
Authority*

Section and Act under which agreement made: Section 173 of the Planning &  
Environment Act 1987

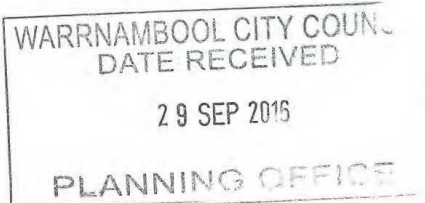
A copy of the agreement is attached to this application

Date: 4/02/2003

Signed:

  
Lindsay A Merritt  
Chief Executive  
Warrnambool City Council

ADVERTISED



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*06/03/03*

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08/03 03 THU 10:46 FAX 0355611643

DAVID RYAN LAWYER

001

**David A. Ryan** B.Ec. LL.B.  
**Lawyer**  
ABN 44 856 363 953

152 Timor Street  
P.O. Box 572  
Warrnambool 3280  
Dx 28025 Warrnambool  
Tel: 03 5561 1592  
Fax: 03 5561 1643  
Mobile: 0418 383 136  
After Hours: 03 5562 0974  
Email: davidryanlawyer@datafast.net.au

**FACSIMILE TRANSMISSION**

TOTAL NO. OF PAGES 1  
TO: Ashley Fenton  
FIRM: Land Titles Office  
DATE: 6 March 2003  
YOUR REFERENCE:  
FAX NUMBER: 86362191  
Parkdale Quest Pty Ltd : Applicant  
MATTER: Dealing Numbers:  
1. Section 173 AB904342B  
2. PS503913Y  
FROM: David A Ryan  
OUR REFERENCE:

ADVERTISED



I refer to today's phone conversation and confirm your request for me to authorise the order of registration for the Plan of Subdivision and the Section 173, as well as amend the title particulars for the Section 173. Having checked my file it does appear it was contemplated the Section 173 precedes the Subdivision.

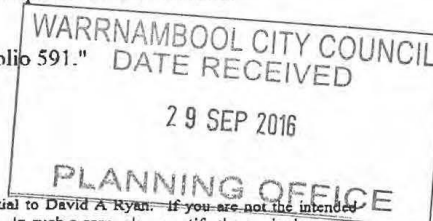
Thus I authorise the following:

1. The order of registration of the Section 173 dealing number AB904342B and the Plan of Subdivision PS 503913Y be such that the Section 173 precedes registration of PS 503913Y.
2. Please amend the Title particulars where appropriate in each dealing but in particular amend the Section 181 Application so that the land description reads as follows:

"Land: Volume 10709 Folio 311 and Volume 10392 Folio 591."

Thanks.

*David A. Ryan*



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**COPY****RESPONSIBLE AUTHORITY**      **WARRNAMBOOL CITY COUNCIL**

and

**OWNER**      **PARKDALE QUEST PTY. LTD.****LAND AFFECTED**      **2 PERTOBE ROAD, WARRNAMBOOL**

and

**OWNER**      **BARBRO INVESTMENTS PTY. LTD.****LAND AFFECTED**      **12-24 PERTOBE ROAD, WARRNAMBOOL****DATED**      31 January      **2003**

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

---

**ADVERTISED****AB904342B**

26/02/2003 \$59 173



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THIS AGREEMENT is made on 31 day of January 2003

## BETWEEN:

WARRNAMBOOL CITY COUNCIL ("the Council") of the first part, and

PARKDALE QUEST PTY. LTD. (ACN 006 324 858) ("Parkdale") of 177 Koroit Street, Warrnambool 3280 of the second part, and

BARBRO INVESTMENTS PTY. LTD. (ACN 068 238 979) ("Barbro") of 132 Percy Street, Portland 3305 of the third part

## WHEREAS

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- A. Parkdale Quest is the owner of land situate at and known as 2 Pertobe Road, Warrnambool being the land contained in Certificates of Title Volume 10597 Folio 631, Volume 8041 Folio 756 Volume 6281 Folio 091 Volume 8783 Folio 825 (the "Parkdale land") and is the land in Plan of Consolidation PC 363925G.  
NOW V. 10709 F. 311
- B. Barbro Investments is the owner of land situate at and known as 12-24 Pertobe Road, Warrnambool being the land contained in Certificate of Title Volume 10392 Folio 519 591 (the "Barbro land").
- C. Both the Parkdale land and the Barbro land are affected by the provisions of the Warrnambool Planning Scheme ("the Scheme").
- D. The Council is the responsible authority under the Planning and Environment Act, 1987 ("the Act") for the purposes of the Scheme.
- E. Parkdale has by application for permit number 2002-279 applied to the Council for a Planning Permit to consolidate and a separate application to then subdivide the Parkdale land into lots ("the Parkdale Subdivision") in accordance with the plan attached to each permit application and that permit 2002-279 has been granted and approved subject to the conditions stated ("the Parkdale permit").
- F. Barbro has by application for permit number 3528-97 applied to the Council for a Planning Permit to the subdivide the Barbro land into lots ("the Barbro Subdivision") in accordance with the plan attached to the permit application and that permit has been granted and approved subject to the conditions stated ("the Barbro permit").
- G. Barbro has by application number 2002-59 applied to the Council for a Planning Permit to obtain entry to the Barbro land from Worm Bay Road in accordance with the plan attached to the permit application and the permit has been granted and approved subject to the conditions stated ("the Worm Road Access permit").
- H. In order to facilitate the orderly flow of traffic in the area of the subdivisions it is necessary, inter alia, that traffic into and out of the subdivisions from Worm Bay Road be regulated.
- I. The Council is prepared to grant the respective permits upon the parties entering into this agreement.

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26/02/2003 \$59 173

**BY THIS AGREEMENT IT IS AGREED AND COVENANTED:****1. OPERATION**

- 1.1 This agreement is made pursuant to Section 173 of the Act,
- 1.2 This agreement shall come into force upon its execution by the parties.
- 1.3 The covenants of this agreement shall run with both the Parkdale land and the Barbro land.

**2. DEFINITIONS****2.1 THE ACT**

In this agreement "the Act" means the *Planning and Environment Act 1987*

**2.2 THE AFFECTED LAND**

In this agreement "the affected land" means the land the subject of the subdivisions as defined herein.

**2.3 THE SUBDIVISIONS**

In this agreement "the subdivisions" means the subdivision relating to the Parkdale land as detailed in Plan of Subdivision No. 503913Y and the subdivision relating to the Barbro land as detailed in Plan of Subdivision No. 415327D.

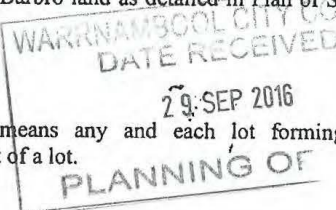
**2.4 LOT**

In this agreement "lot" means any and each lot forming part of the Subdivisions and every part of a lot.

**2.5 OWNER**

In this agreement the word "Owner" unless the contrary intention appears shall be deemed to include:

- (a) Parkdale Quest Pty. Ltd. and its successors assigns and transferees, and the obligations imposed on and/or assumed by Parkdale Quest Pty. Ltd. shall be binding on the successors transferees purchasers mortgagees assigns of Parkdale Quest Pty. Ltd. and any person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement;
- (b) Barbro Investments Pty. Ltd. and its successors assigns and transferees, and the obligations imposed on and/or assumed by Barbro Investments Pty. Ltd. shall be binding on the successors transferees purchasers mortgagees assigns of Barbro Investments Pty. Ltd. and any person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement;
- (c) If the Owner is constituted by more than one person any obligation imposed by this agreement on the Owner shall be imposed on those persons jointly and severally, and



- (d) If the Owner holds the land in a trust capacity, "Owner" shall include the beneficiaries of the trust in relation to which it holds such land. Where such trust relationship exists the Owner in executing this agreement does so intending to assume not only personal liability, but also to bind the trust for which it acts as trustee.

## 2.6 COUNCIL

In this agreement the word "Council" shall include the Council's successors and its successors as responsible authority for town planning control in the area in which the affected land is situate.

## 2.7 THE EASEMENT

In this agreement the words "the Easement" means the easement granted by Parkdale in favour of Barbro referred to in clause 4 hereof.

## 2.8 COMMERCIAL VEHICLE

In this agreement the words "commercial vehicle" shall have the same meaning as defined in Section 3 of the Road Safety Act 1986 or any statutory modification thereof.

## 3. INTERPRETATION

In this agreement, unless the context otherwise requires:

- 3.1 Words denoting the singular number shall include the plural and vice versa.
- 3.2 Words denoting any gender shall include all genders.
- 3.3 Where a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase shall be corresponding meanings.
- 3.4 Words denoting natural persons shall include corporations and vice versa.
- 3.5 References to clauses and schedules are to clauses of and schedules to this agreement.
- 3.6 Headings are for convenience only and do not affect interpretation.
- 3.7 References to any party to this agreement or any other agreement or instrument shall include the party's successors and permitted assigns.
- 3.8 Reference to any agreement or instrument shall be also to such agreement or instrument as amended, novated, supplemented, varied or replaced from time to time.
- 3.9 References to any legislation or to any provision of any legislation shall include any modification or re-enactment of that legislation and any legislative provision substituted for, and all regulations and statutory instruments issued under such legislation or provision.



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

3.11 As the case may be, a reference to a right or obligation of any two or more persons confers that right, or imposes that obligation, jointly and severally.

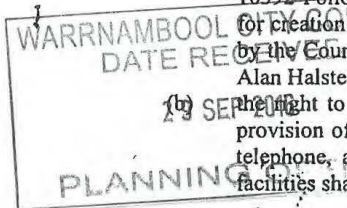
#### 4. EASEMENT



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4.1 The parties have this day executed an instrument by which Parkdale (the grantor) has granted to Barbro (the grantee):

- (a) a full and free right and liberty for it and its successors and assigns and their tenants, servants, agents, workman and visitors to go and pass at all times hereafter and with or without vehicles (excluding commercial vehicles as defined within the meaning of the Road Safety Act 1986) out of but not into the land described in Certificate of Title Volume 10392 Folio 591 over and along the easement marked E1 on the Plan for creation of Easement ("the Easement Land") sealed or to be sealed by the Council on Plan Reference 844 prepared by Licensed Surveyor Alan Halstead Simpson.



- (b) the right to use the easement land for the purpose of the passage or provision of reticulated water and sewerage, drainage, gas, electricity, telephone, and data and television transmission cables, all of which facilities shall be placed underground (the underground infrastructure).

4.2 The management of traffic on the Barbro land shall be in accordance with the terms of any relevant planning permit granted to it by the Council and without limiting the conditions thereof:

- (i) The main access and egress for all commercial vehicles and passenger buses to and from the land shown on Plan of Subdivision 415327D, being the land situated at and known as 12-24 Pertobe Road, Warrnambool, ("the Barbro land"), shall be from Pertobe Road into and out of the central area called Barbro Terrace.
- (ii) Provision shall be made for bus passengers to alight and be picked up within the Barbro Terrace area as shown on attached Plan No 6, and this shall be the normal place for passengers to alight and be picked up.
- (iii) Provision for the parking of buses shall be made within the Barbro Terrace area as shown on attached Plan No 7, and this shall be the normal place for buses to be parked.
- (iv) No commercial vehicles shall enter or exit the Barbro land from neither Worm Bay Road nor park in or on:
  - (a) Any part of the car park accessible from Worm Bay Road;
  - (b) The access road ("the access road") connecting the car park with Worm Bay Road;
  - (c) the extension of the access road into the Barbro land:

Provided that, occasionally, bus or taxis passengers may, alight or be picked up at the entrance of the Hotel adjacent to the access road and its extension into the Barbro land.
- (iv) No vehicles of any type shall access the Barbro land from Stanley Street, nor via any Easement in favour of the Barbro land encumbering the land in Certificate of Title Volume 8783 Folio 825 ("the new Easement") or encumbering any parcel of land into which the land in that title is consolidated.
- (vi) Traffic passing from the Barbro land over the Easement shall be only one way, namely towards Stanley Street, and the grantee shall erect



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- and maintain appropriate signage, traffic control items and road markings on the Barbro land to direct traffic accordingly.
- (vii) No commercial vehicles shall:
    - (a) enter or exit the Barbro land from Stanley Street;
    - (b) Enter or exit the Barbro land over the new Easement, provided that, occasionally a bus having deposited passengers at the entrance to the Hotel adjacent to the access road and its extension into the Barbro land, may exit the Barbro land over the new Easement; Save and except a Taxi car may exit the Barbro land over the new Easement.
  - (viii) Appropriate signs, traffic control items and road markings shall be put in place and be maintained by the grantee in order to direct and control traffic in accordance with the requirements of this Agreement.
  - (ix) Appropriate signs, and markings shall be put in place and be maintained by the grantee in order to indicate to the public at large that there is no public right of way from the Barbro land over the new Easement.

- 4.3 Subject to Barbro being given reasonable notice, Parkdale shall have the right on the new Easement area to temporarily close all or any portion of the new Easement to such extent, but not more than twice per year and for periods of between six (6) and twelve (12) hours, as in the opinion of Parkdale or it's solicitors may be sufficient legally to prevent a dedication thereof to or the accrual of any rights of any person, or of the public, in the new Easement. If the closure is to be locked Barbro shall be given a key to the lock to allow access for emergency vehicles.

#### 5. PERMITS NOT TO BE ALTERED WITHOUT CONSENT

Neither Parkdale nor Barbro shall seek to have amended the terms and conditions attached to:

- (a) the Parkdale Permit;
- (b) the Barbro Permit; or
- (c) the Worm Bay Road Access Permit

without first seeking the written consent of the other party, which consent shall not be unreasonably withheld.

#### 6. REGISTRATION

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

#### 7. DISCLOSURE

The Owner of any lot or lots of either subdivision referred to in clause 2.3 hereof shall not sell mortgage or part with possession of the lot or lots or any interest in them without first disclosing to its successors or proposed successors, transferee or proposed transferee, mortgagee or proposed mortgagee the existence and the nature of this agreement.

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**9. SUCCESSORS TRANSFEREES AND MORTGAGEES BOUND**

Without limiting the operation or effect which this agreement has apart from this sub-clause, the Owner shall ensure that its successors, assigns, transferees and mortgagees:-

- 9.1 Give effect to and do all acts and sign all documents which are required of them to give effect to this agreement; and
- 9.2 Execute under seal a deed agreeing to be bound by the terms of this agreement.

**10. COSTS OF AGREEMENT**

Parkdale and Barbro shall bear the costs and expenses of the Council in respect of this agreement and all Titles Office fees for the registration of this agreement equally but otherwise each party shall be responsible for payment of their own costs incidental to the preparation, execution and finalisation of this agreement.

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**11. DEFAULT**

11.1 If either Parkdale and or Barbro, their respective successors, assigns or transferees fail to comply with this agreement the non defaulting party its successors, assigns or transferees may serve on the defaulting party or the owner of that part of the affected land in respect of which there has been a failure to comply with the terms of this agreement a notice in writing specifying the default and/or non-compliance and the matters and things required of the defaulting party to remedy or rectify the default ("the rectification notice"). Subject to Clause 11.2 hereof, if such action as required to remedy or rectify the default and/or non-compliance is not taken and the default and/or non-compliance continues for thirty days after the service of such notice, the party serving the notice may by its employees or contractors enter upon the affected land and cause such works as are necessary to remedy or rectify the default and/or non-compliance to be done, and the cost of such works shall be a debt due and payable by the relevant owner to the party serving the rectification notice.

11.2 The parties shall do all things reasonable and proper to attempt to ensure that all people visiting either Barbro land or Parkdale land will use the land and or the easement in accordance with the terms of this Agreement, but neither party shall be liable for the actions of third parties if the terms and conditions of this agreement are breached by a third party.

**12. NOTICES**

Any notice required under this agreement may be served by delivering it to the Owner at its last known address within the rating records of the Council. Any notice posted shall be deemed to have been served at the expiration of twenty-four hours from the time of posting.

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**13. FURTHER DOCUMENTATION AND ACTION**

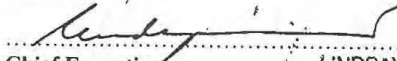
Each of the parties shall sign and execute all such further documents and deeds and do all acts and things as the other party reasonably shall require for giving effect to this agreement.

**14. ENFORCEMENT AND/OR DISPUTE**

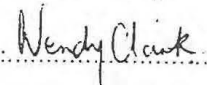
Should any dispute or difference arise between any of the parties with respect to the interpretation of this agreement or its application, or concerning the payment of any sum charged by any party in relation to any matter concerning this agreement and/or its implementation or rectification of any default or non-compliance as referred to in clause 11 hereof, such dispute or difference shall be determined by a person appointed by the parties in dispute by either by agreement, or failing agreement, by a person qualified in the area of the dispute or difference and appointed by the President for the time being of the Institute of Arbitrators.

**EXECUTED AS A DEED:**

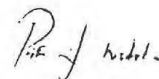
**THE COMMON SEAL OF WARRNAMBOOL CITY COUNCIL** was hereunto affixed in the presence of:

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

In the presence of:

Witness:   
Wendy Clark

Executed by **Parkdale Quest Pty Ltd**  
ACN 066 324 858 by being signed by  
an authorised person

Sole Director and Sole Secretary: 

Full Name: **Peter Ginzert**

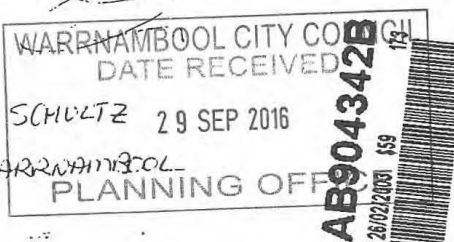
Address: **195 Fairy St Warrnambool**

Executed by **Barbro Investments Pty Ltd**  
ACN 066 238 979 by being signed by  
an authorised person

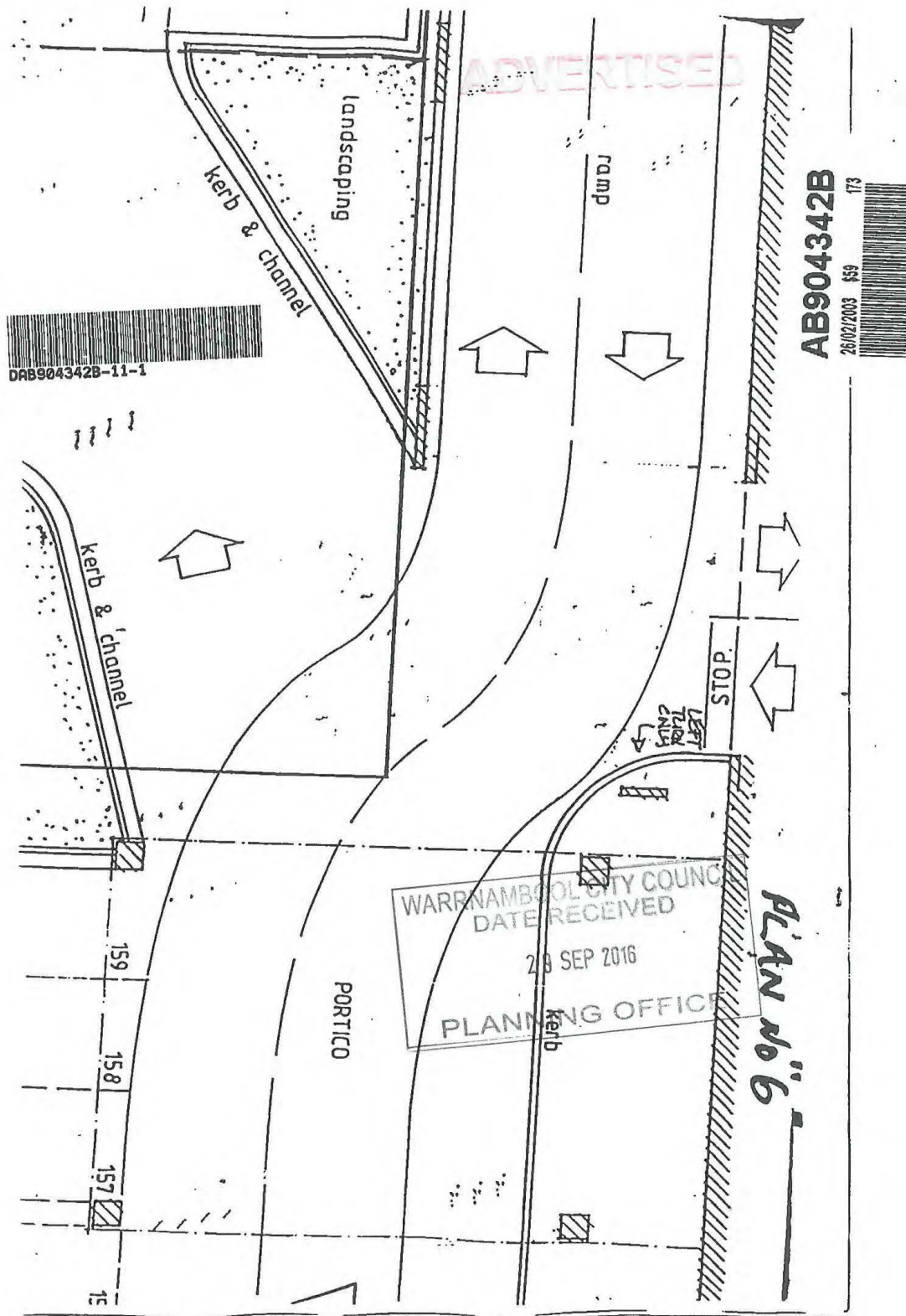
Sole Director and Sole Secretary:

Full Name: **GRAEME JOHN SCHULTZ**

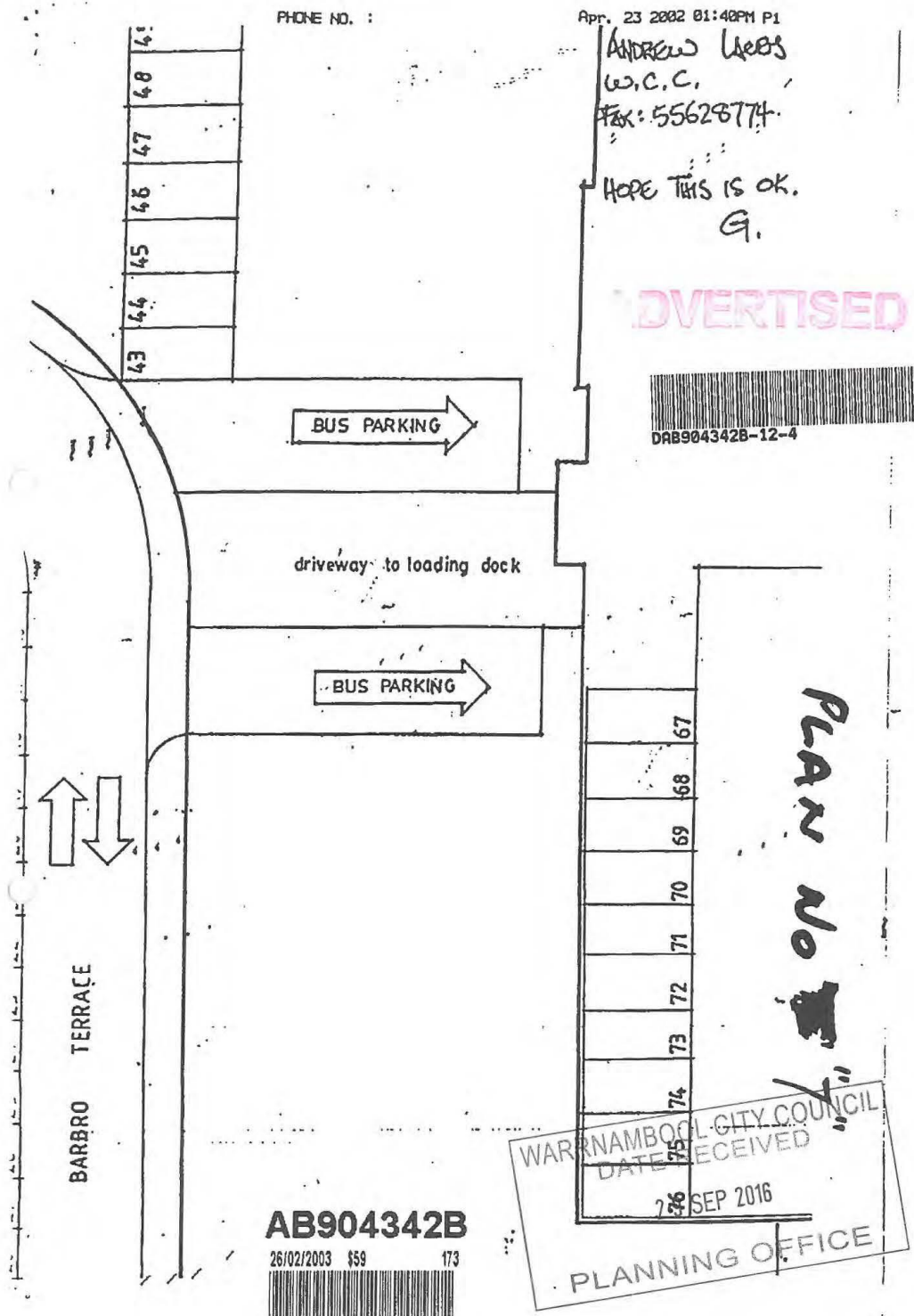
Address: **16 PERTURBE RD, WARRNAMBOOL**



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## APPENDIX E

### PHOTOGRAPHS

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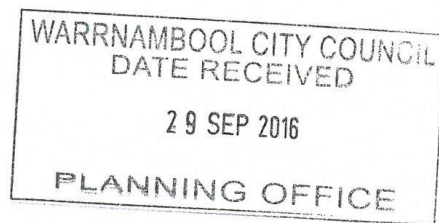




Photo 1: Subject site from Worm Bay Road (note: existing function centre is located to the right of the six storey storey hotel).



Photo 2: Existing entry to function centre (to be demolished)



Photo 3: Side entry gate (south of existing function centre).



Photo 4: Rear of existing function centre (view looking east from side entry gate). Note existing bore and pump house to right of photo.



Photo 5: View north of existing car parking in front of function centre.



Photo 6: View south-east of existing car parking in front of function centre.

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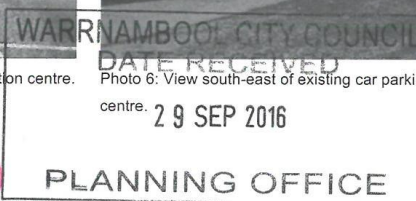




Photo 7: View north from Worm Bay Road of subject site and existing function centre.



Photo 8: View north from coastal reserve along walkway linking Worm Bay Road to Barbro Terrace.



Photo 9: View north along existing walkway



Photo 10: View west across subject site from walkway (rear of existing function centre).



Photo 11: Rear of existing function centre and hotel.



Photo 12: View south across subject site towards coastal reserve.

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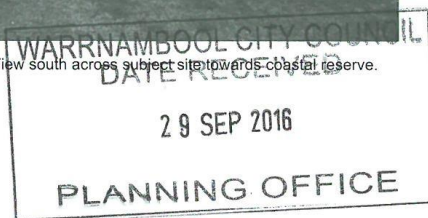




Photo 13: View south along walkway (subject site located on right of photo).



Photo 14: View west towards existing day spa and hotel from Barbro Terrace.



Photo 15: View south-west from Barbro Terrace towards subject site.



Photo 16: Existing residential development in Barbro Terrace.



Photo 17: Existing residential development in Barbro Terrace.



Photo 18: Existing residential development in Barbro Terrace.

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Photo 19: View south along Barbro Terrace towards subject site.

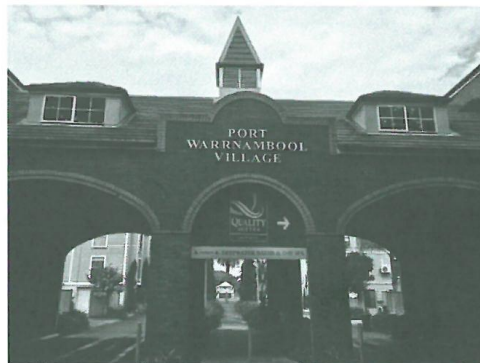


Photo 20: Port Warrnambool entrance off Pertobe Road.



Photo 21: View west along Pertobe Road.



Photo 22: Lady Bay Resort (corner of Pertobe Road and Viaduct Road).

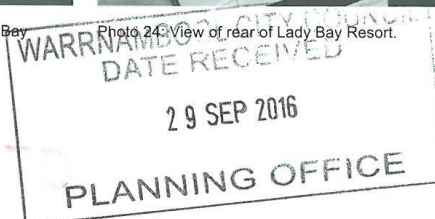


Photo 23: View east along Worm Bay Road towards Lady Bay Resort (note: Deep Blue Hotel in the foreground).



Photo 24: View of rear of Lady Bay Resort.

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ratio:

Report  
Prepared for  
Townbrook Motels

21 August 2016

Traffic Engineering  
Hot Springs Development  
Worm Bay Road, Warrnambool

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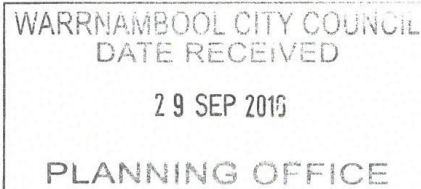
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traffic:report

ratio:consultants  
9 Clifton Street  
Richmond VIC 3121  
ABN 93 983 380 225

Prepared for:  
Townbrook Motels  
Our reference 13624rep01



**ADVERTISED**

**ratio:consultants pty ltd**

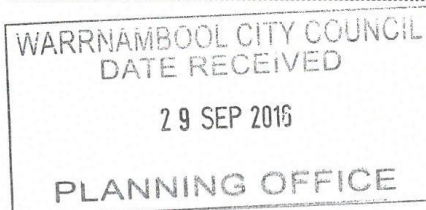
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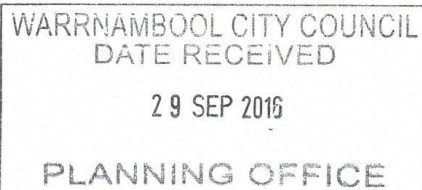
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## 1 Introduction:

Ratio Consultants was commissioned by Townbrook Motels to assess the traffic and parking implications of the proposed hot springs development at Worm Bay Road, Warrnambool.

The site is currently occupied by the Quality Suites Deep Blue Hotel and Spa. The hotel currently includes a conference centre, with a capacity of up to 320 people. The proposal will involve the demolition of the existing conference centre and the construction of a hot spring and day spa, accommodating a maximum of 240 patrons. No changes are proposed to the existing car parking arrangements of the hotel.

This report has been prepared to address the traffic and parking needs of the proposed development, and is based on surveys and observations at the site and on previous studies of similar developments elsewhere in Melbourne.



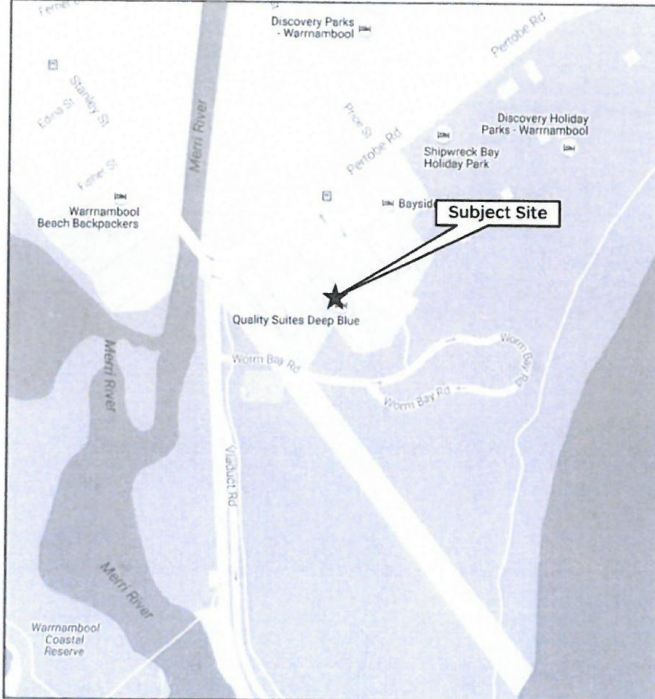
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**2 Existing Conditions:****2.1 Location and Environment**

The site of the proposed development is located between Worm Bay Road and Pertobe Road, in Warrnambool. Figure 2.1 illustrates the location of the site relative to the surrounding road network.

**Figure 2.1**  
Site Location



Source: <http://www.melway.com.au/>

The site is currently occupied by Quality Suites Deep Blue Hotel & Spa, which comprises 80 guestrooms, a restaurant, conference centre and a day spa. Vehicular access to the site is currently provided via an entrance accessed via Worm Bay Road at the southern end of the site and an entrance accessed via Pertobe Road at the northern end of the site.

The site is located in a Mixed Use Zone – Schedule 1 (MUZ1), with the surrounding land uses being a mixture of park land, hotel use, community use and residential dwellings.

In addition, the following key land uses are located within close proximity to the site:

- Lady Bay Resort, located approximately 50 metres west of the site;
- Bayside Lodge, located approximately 150 metres east of the site;
- Shipwreck Bay Holiday Park, located approximately 300 metres east of the site;
- Warrnambool Lawn Tennis Club, located approximately 300 metres east of the site; and

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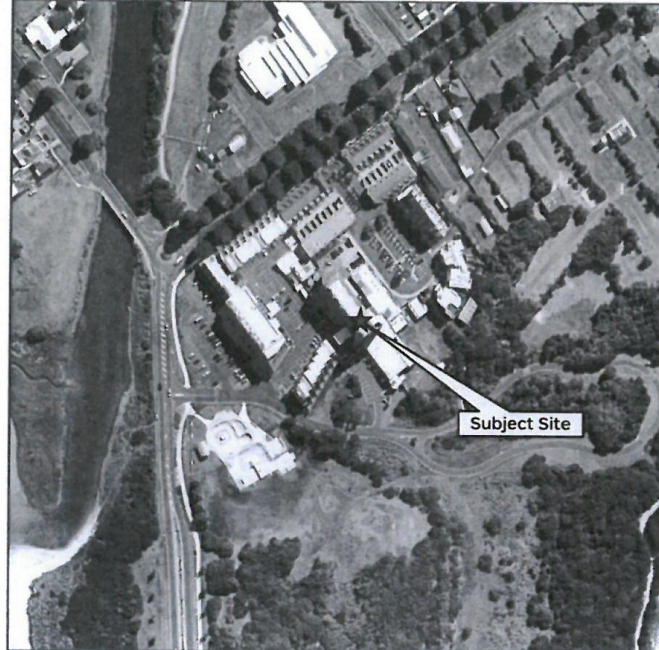
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**r:**

— Discovery Holiday Parks - Warrnambool, located approximately 350 metres east of the site.

Figure 2.2 provides an aerial photograph of the site and its surrounds.

**Figure 2.2**  
Aerial View of the Site and Surrounds



Source: [www.nearmap.com](http://www.nearmap.com)

## 2.2 Road Network

**Pertobe Road** is a Major Road that essentially runs in a north-east to south-west alignment between Merri Street and Stanley Street, in Warrnambool. Within the vicinity of the site, Pertobe Road accommodates one lane of traffic in each direction, with informal angle parking provided on both sides of the road. Pertobe Road is provided with speed humps at regular intervals along its length and has a posted speed limit of 50km/hr. A constructed footpath is provided on the southern side of the road within the vicinity of the site.

**Worm Bay Road** is a Local Road that essentially runs in an east-west alignment between Viaduct Road and the nearby beachfront. Worm Bay Road is provided with one lane in each direction between Viaduct Road and the site access point. Approximately 20 metres east of the site access point Worm Bay Road splits into a one-way road in a loop formation that provides access to the beachfront. The road has a default speed limit applicable to built up areas of 50km/hr, and speed humps are provided at regular intervals along its length.

**Viaduct Road** is a Local Road that essentially runs in a north-south alignment between Petrobe Road and its termination to the south. Within the vicinity of the site Viaduct Road has a carriageway width of approximately 9.5 metres separated by a line marked median, and

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accommodates one lane of traffic in each direction. Approximately 30 metres south of Worm Bay Road, the road widens and is provided with a vegetated median. The road has a default speed limit of 50km/hr and a constructed footpath is provided on the eastern side of the road.

The Worm Bay Road / Viaduct Road intersection is priority controlled, with 'Stop' signage provided for vehicles exiting Worm Bay Road.

The Pertrobe Street / Viaduct Road intersection is controlled by a roundabout, with line markings and signage provided for vehicles entering the intersection.

### 2.3 Parking Conditions

In order to determine the general parking conditions in the vicinity of the site, aerial photographs provided by 'Nearmap', were utilised to undertake spot surveys within close proximity of the site.

The survey area included the following:

- The off-street car park along the western side of Lady Bay Resort (publicly available unrestricted parking).
- The off-street car park to the south of Quality Suites Deep Blue (unrestricted parking available to users of Quality Suites Deep Blue).
- The parking on the western side of Barbro Terrave (unrestricted parking available to users of Quality Suites Deep Blue).

There was observed to be 113 publicly available parking spaces within the survey area.

Due to the location of the site adjacent to the Mordialloc foreshore, the survey dates have mainly focused on summer months when the parking demand is expected to be at its maximum.

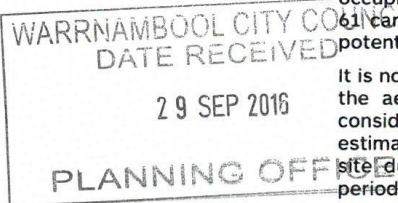
A summary of the spot surveys using the aerial photography is provided within Table 2.1.

**Table 2.1**  
Aerial Photograph Parking Survey

Date	Time	Number of Occupied Spaces	Number of Available Spaces
30 December 2015 (Wednesday)	3:44pm	49	64
22 February 2015 (Sunday)	2:56pm	52	61
1 April 2014 (Tuesday)	10:50am	41	72

The survey results indicate a maximum of 52 spaces were recorded occupied within the survey area. Accordingly, there were a minimum of 61 car parking spaces available within the survey area which could potentially be utilised by future visitors of the development.

It is noted that the survey is limited to daytime hours and the time of the aerial photography is unavailable. Notwithstanding this, it is considered that the above survey results provide a reasonable estimate of the expected typical parking demand in the vicinity of the site during summer periods with the exception of absolute peak periods.



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**r:**

## 2.4 Sustainable Transport

### Public Transport

The site has limited access to the public transport network with the following services provided within proximity to the site:

- Warrnambool Railway Station, located approximately 2.2km north of the subject site; and
- Warrnambool to Lake Pertobe Loop Bus Route 1, operates along Worm Bay Road, with the closest stop located along the sites Worm Bay Road frontage.

## 2.5 Crash Analysis

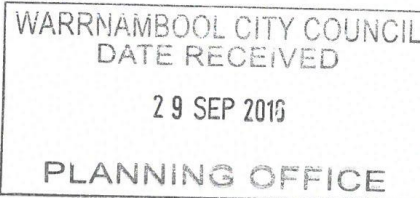
A review has been conducted of VicRoads 'Crashstats' database for the most recent five year period of available data from 1 January 2011 to 31 December 2015 for any reported casualty crashes within the following search area:

- Perrobe Road, between Viaduct Road and Preice Street;
- Viaduct Road, between Pertobe Road and Worm Bay Road;
- The full length of Worm Bay Road; and
- The respective intersections.

The crash search revealed there have been two casualty crashes within the search area. The crashes are summarised below:

- One crash occurred at the intersection of Pertrobe Road and Viaduct Road resulting in one 'other' type injury.
- One crash occurred on Pertrobe Road between Viaduct Road and Price Street, resulting in one 'serious' type injury.

Given the road classifications and associated traffic volumes, it is considered that the surrounding road network is operating in a relatively safe manner.



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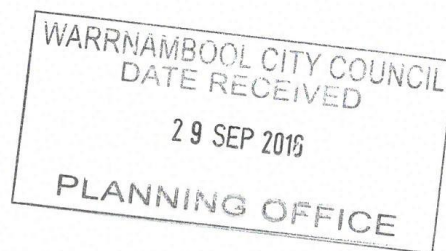


### 3 The Proposal:

The site is currently occupied by the Quality Suites Deep Blue Hotel and Spa, which comprises 80 guestrooms, a restaurant, conference centre and a day spa. The existing conference centre has a capacity of up to 320 patrons.

The proposal will involve the demolition of the existing conference centre and the construction of a hot spring and day spa. The hot spring and day space will also utilise the existing grassed area to the south-east of the hotel, and will accommodate a maximum of 240 patrons.

No changes are proposed to the existing car parking arrangements of the hotel.



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**4 Parking Assessment:****4.1 Clause 52.06 – Parking Assessment**

Parking requirements for developments are set out under Clause 52.06 of the Victoria Planning Scheme, which was last updated on 1 July 2014 through the incorporation of Amendment VC116. The purpose of the Clause, amongst other things, is:

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

It is considered that the proposed hot spring and day spa is classified under 'leisure and recreation', pursuant to the definitions set out under Clause 74 of the Planning Scheme.

The number of car parking spaces required for developments is listed under Table 1 of Clause 52.06-5. A 'leisure and recreation' facility is not listed under Table 1 of Clause 52.06-5. Accordingly, where a car parking requirement is not specified for the use in another provision of the Planning Scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the Responsible Authority.

It is considered that the most similar land use term is 'place of assembly', which is defined as 'land where people congregate for religious or cultural activities, entertainment, or meetings'. The parking requirement for a place of assembly under Table 1 of Clause 52.06-5 is 0.3 spaces to each patron permitted.

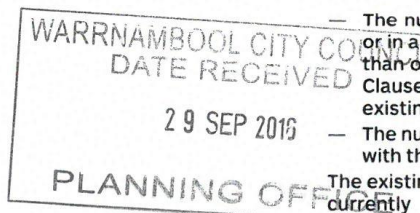
Application of this rate to the proposed hot spring and day spa, with a maximum of 240 patrons, is 72 spaces.

Clause 52.06-3A of the Planning Scheme states that a permit is not required if:

- The number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for a new use of land is less than or equal to the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay for the existing use of the land; and
- The number of car parking spaces currently provided in connection with the existing use is not reduced after the new use commences.

The existing conference centre does not have a Planning Permit, but is currently operating under 'existing use rights', which permits a maximum of 320 patrons. This equates to a statutory parking requirement of 90 spaces, based on a parking requirement of 0.3 spaces per patron for a place of assembly.

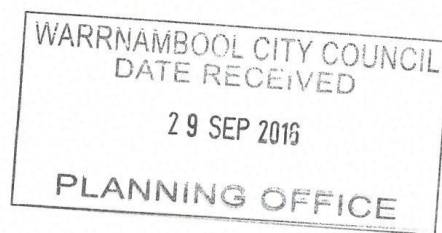
Accordingly, a planning permit is not required for a parking waiver for the proposed uses given; the number of parking spaces required for

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the proposal is less than the existing use, and the on-site parking provision will remain unchanged.

If the proposed hot spring and day spa were to generate a higher parking demand of up to 0.4 spaces per patron, the parking demand would equate to 96 parking spaces. This is six car parking spaces more than the existing parking demand of the conference centre. Based on parking surveys outlined within Section 2.3, there is currently ample parking capacity on-site and within nearby public parking areas to accommodate an increase in car parking.

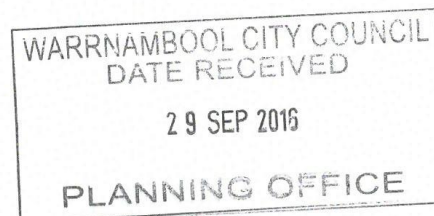
Overall, it is considered that the existing parking provision for the hotel and associated facilities is sufficient to accommodate the future parking demand generated by the hot spring and day spa.



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## 5 Access and Car Parking Layout:

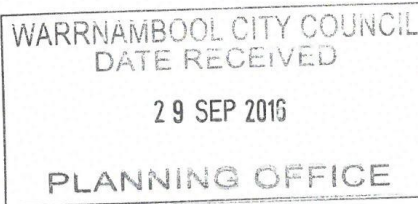
No changes are proposed to the existing car park layout and access arrangements as part of the proposed hot spring and day spa. Accordingly, it is considered that the existing car park layout will continue to operate in a safe and effective manner.



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## 6 Bicycle Parking:

Table 1 under Clause 52.34-3 of the Planning Scheme does not specify a bicycle parking requirement for a leisure and recreation facility. Accordingly, the site does not generate a bicycle parking requirement under Clause 52.34 of the Planning Scheme. Notwithstanding this, it is proposed to provide two bicycle hoops (four spaces) adjacent to the entrance to the site to accommodate any bicycle parking demands generated by the proposal.

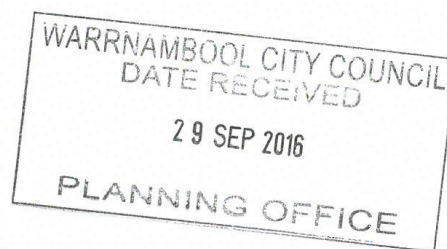


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## 7 Loading Arrangements

It is proposed that waste collection for the site will occur via the existing waste collection methods currently adopted by the hotel. Accordingly, it is considered that the existing loading facilities provided on-site will continue to operate in an acceptable and efficient manner.



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**8 Traffic Assessment:****8.1 Traffic Generation****Hot Spring and Day Spa**

As outlined within Section 4.1, the proposed hot spring and day spa is expected to generate a maximum parking demand of up to 72 spaces. For the purposes of this assessment it is conservatively estimated that the average stay per visitor to the hot spring and day spa is 60 minutes. Therefore, the hot spring and day spa is expected to generate up to 144 traffic movements per hour (one movement to and one movement from the site per parking space).

**Conference Centre**

The traffic volumes generated by the existing conference centre have been estimated on the basis of the following assumptions:

- The conference centre is fully attended (i.e. 320 patrons).
- The peak parking demand for the conference centre could be as much as 90 spaces (on the basis of the statutory parking rate as discussed in Section 4.1).
- One event per day, with the average event concluded within one day.

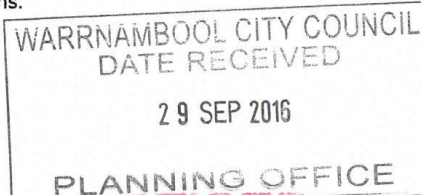
On the basis of the above assumptions, the conference centre would be expected to generate up to 180 trips per day, with trips evenly split between arrivals and departures.

The peak traffic associated with the conference centre would be associated with the arrivals prior to an event, and the departures following an event. It is assumed that in the order of 70% of arrivals and departures could occur during a single peak hour before and after an event respectively. On this basis, the conference centre is expected to generate up to 63 arrival or departure movements during a single peak hour.

**8.2 Traffic Distribution and Impact**

On the basis of the above, the proposed hot spring and day spa is expected to generate an increase of 81 vehicle movements per hour.

The additional traffic generated by the proposed development will flow directly onto Worm Bay Road and then Viaduct Road. The surrounding road network has the ability to accommodate the expected increase in traffic volume associated with the proposed development. Therefore, it is expected that the development will not create any traffic safety or operational concerns.

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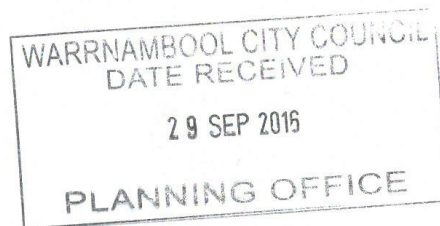
## 9 Conclusion:

It is proposed to construct a hot spring and day spa at the Quality Suites Deep Blue Hotel and Spa. The proposal will involve the demolition of the existing conference centre and the construction of a hot spring and day spa, accommodating a maximum of 240 patrons. No changes are proposed to the existing car parking arrangements of the hotel.

Based on the assessment undertaken above, the following conclusions have been reached:

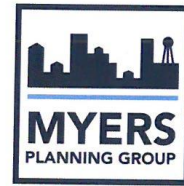
- The expected car parking demand of the hot spring and day spa will be less than the existing conference centre. Accordingly, no planning permit is required under Clause 52.06-3A of the Planning Scheme.
- The site does not generate a bicycle parking requirement. Notwithstanding this, two bicycle hoops are proposed as part of the proposal.
- The development will generate an additional 81 vehicle movements per hour. This level of traffic will not result in any discernible impacts on the operation of the wider road network.

On the basis of the assessment above, the proposed development is considered to be acceptable from a traffic engineering perspective and will not create adverse traffic or parking impacts in the area.



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20 January 2017

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

Warrnambool City Council	
25 JAN 2017	
Ref N*	1A28F2B8
Officer	Planning
Scanned Yes / No	Chk

Dear James

**RE: SUBMISSIONS TO PLANNING PERMIT APPLICATION - PP2016-0159, PROPOSED GEOTHERMAL SPRINGS AND DAY SPA, 19 PERTOBE ROAD, WARRNAMBOOL**

I refer to Council's letter dated 29 November 2016, to Mr Dominic Cerantonio, Director, Cera Stribley Architects providing copies of submissions received to the above planning permit application. I am responding on Mr Cerantonio's behalf.

Our review of the submissions identified traffic and car parking, potential for amenity impacts during construction, and design of the proposed development as key areas of concern. A response to these matters is provided below.

**Traffic and car parking**

Most submissions express concern regarding increased car parking demand and vehicle movements in Barbro Terrace. A number of submissions also express concern regarding impact on the surrounding road network (i.e. Pertobe Road).

In regards to car parking demand, the proposed hot springs development will replace the existing function centre (capacity for 320 patrons) and a planned five storey extension to the existing hotel (previously approved by Council). Effectively, the hot springs proposal will reduce car parking demand by 18+ car spaces based on current and approved expanded uses of the site.

We note Barbro Terrace is identified as a private road within Warrnambool City Council's Road Register and provides access to a number of holiday units and dwellings within the 'Port Warrnambool Village' development. Vehicle and pedestrian access is also provided via Barbro Terrace to a secondary (rear) access to the Deepwater Baths and Day Spa.

Existing access arrangements to the Deepwater Baths and Day Spa will remain unchanged as a result of this proposal. While internal access via the existing day spa to the proposed hot springs may be possible, there is no intention to provide access (either patrons or deliveries) to the proposed hot springs via Barbro Terrace. As shown on the plans submitted with the permit application, patron access to the hot springs will be via the main entrance (accessed off Worm Bay Road).

As requested within a number of submissions, measures can be taken to discourage hot springs patrons from accessing Barbro Terrace. Potential measures include:

- Updating directional signage located on Pertobe Road (above the entrance to Barbro Terrace) to direct vehicles / patrons to the entrance on Worm Bay Road.
- Installation of signage within Barbro Terrace indicating car spaces are for residential visitors and Deepwater Baths and Day Spa patrons only.

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- Ensure marketing material (website, brochures, etc.) clearly identifies car parking areas available for hot springs patrons.
- Provide patrons with information on car parking locations and directions when booking (either online or phone).

While not exhaustive, the above list demonstrates the variety of options available which collectively would assist in discouraging vehicle access via Barbro Terrace. The above matters could be included within a Site Management Plan which would provide details as to how car parking would be managed and specify measures to discourage vehicle use of Barbro Terrace. The requirement to prepare a Site Management Plan could be included as a condition on any permit granted.

In regards to vehicle movements on the surrounding road network, we note Pertobe Road is identified as a 'Link Road' within Warrnambool City Council's Road Register. Council's Municipal Road Management Plan identifies Link Roads "*carry the heaviest amount of traffic including commercial vehicles and provide the principal routes for traffic flows in and around the municipality.*" As identified within the Traffic Impact Assessment which accompanied the permit application, the level of traffic generated by the proposal is not expected to result in any discernable impacts on the operation of the road network.

#### **Construction management**

A number of submissions express concern regarding potential amenity impacts during construction (noise, traffic, hours of construction, etc.) It is common practice for a condition to be included on planning permits which require the management of potential amenity impacts through preparation of a Construction Management Plan. A Construction Management Plan would generally provide detail on the following:

- Hours of demolition and construction.
- Delivery and unloading points (i.e. restriction on use of Barbro Terrace for deliveries).
- Parking facilities for construction workers.
- Methods to contain dust and dirt.
- Measures for the management of all building and construction work.

The requirement to prepare a Construction Management Plan could be included as a condition on any permit granted.

#### **Design**

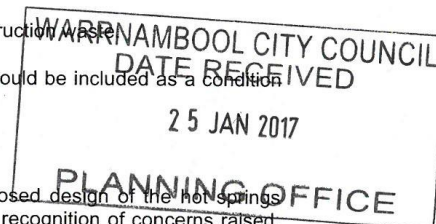
A number of submissions express concern regarding the proposed design of the hot springs development (for example, the proposed rock feature entry). In recognition of concerns raised, the plans have been amended to remove the proposed rock entry feature, first floor deck and infinity edge pool. Access to the hot springs is now proposed via a modest single storey entry and deck (with awning) in the south-west corner of the site.

The first floor has been relocated to the northern edge of the proposed development (abutting the existing hotel development) and now includes a bar and roof-top deck which utilises the roof structure of the existing conference centre building. A number of other changes are proposed to the layout of the proposed development to reflect operational requirements. These changes are detailed below.

#### **Proposed amendments**

Following the removal of the rock entry feature and relocation of the first floor, the plans were reviewed to ensure they met operational requirements of the proposed hot springs. Please find enclosed a set of amended plans which include the following amendments:

- Reduction in ground floor locker room and change room facilities.
- Relocation of café rear of proposed first floor access (previously adjacent to family pool) and inclusion of outdoor seating area (24 seats).
- Family pool and wading pool replaced with grass multi purpose space.

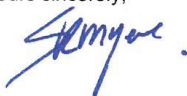


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- Rearrangement of pools / mud rooms as a result of removal of the rock entry feature.
- Deletion of proposed rock entry feature, first floor deck and infinity edge pool.
- Inclusion of a first floor bar and roof-top deck which utilises the roof structure of the existing conference centre building.

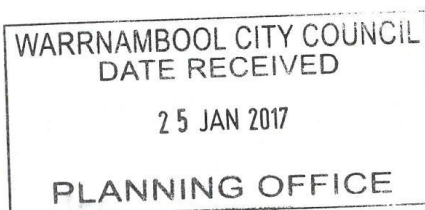
We trust the above information is of assistance to you. Please feel free to contact us if you have any queries or require further explanation regarding the above matters.

Yours sincerely,



**STEVE MYERS MPA**  
Principal Planner

Encl.



**ADVERTISED****James Phillips**

**From:** Steve Myers <steve@myersplanninggroup.com.au>  
**Sent:** Thursday, 9 February 2017 3:49 PM  
**To:** James Phillips  
**Subject:** Re: re Proposed springs & day spa 19 Pertobe Rd

Hi again James

I failed to note in my reply below that the operating hours of the facility (including rooftop bar) will differ depending on time of the year. It is likely the facility will close earlier during winter / non-daylight savings seasons than during summer / daylight savings seasons.

Regards  
Steve

**STEVE MYERS**  
**PRINCIPAL PLANNER**  
**MYERS PLANNING GROUP PTY LTD**

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On 9/02/17, 3:44 PM, "Steve Myers" <steve@myersplanninggroup.com.au> wrote:

Hi James

Thanks for your recent email seeking clarification about the proposed rooftop bar area. Please see below a response to your queries:

#### **Rooftop bar hours**

The operating hours of the rooftop bar will be generally consistent with the hours of the proposed springs and day spa facility (for example the rooftop bar will open from 10am until close of the facility).

#### **Rooftop patrons**

The rooftop bar will be for the exclusive use of patrons of the springs and day spa facility.

#### **Liquor license**

Investigations are underway to transfer the liquor licence associated with the existing conference facility to the proposed springs and day spa facility (including the rooftop bar area).

I trust this information is of assistance to you. Please feel free to contact me if you have any further queries.

Regards  
Steve

**STEVE MYERS**  
**PRINCIPAL PLANNER**  
**MYERS PLANNING GROUP PTY LTD**

(+61) 0402 079 429 \ STEVE@MYERSPLANNINGGROUP.COM.AU \ [WWW.MYERSPLANNINGGROUP.COM.AU](http://WWW.MYERSPLANNINGGROUP.COM.AU)

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**DEEP BLUE  
TOWN PLANNING**

**AMENDMENT  
SUBMISSION**

January 2017

Prepared for Deep Blue Quality Suites

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- 1.3 **Design**  
Design Response
- 1.4 **Architectural Statement**

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## Contact

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dom@cerastribley.com

Chris Stribley  
Managing Principal  
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DEEP BLUE  
Town Planning Submission  
September 2016

1.1 Location

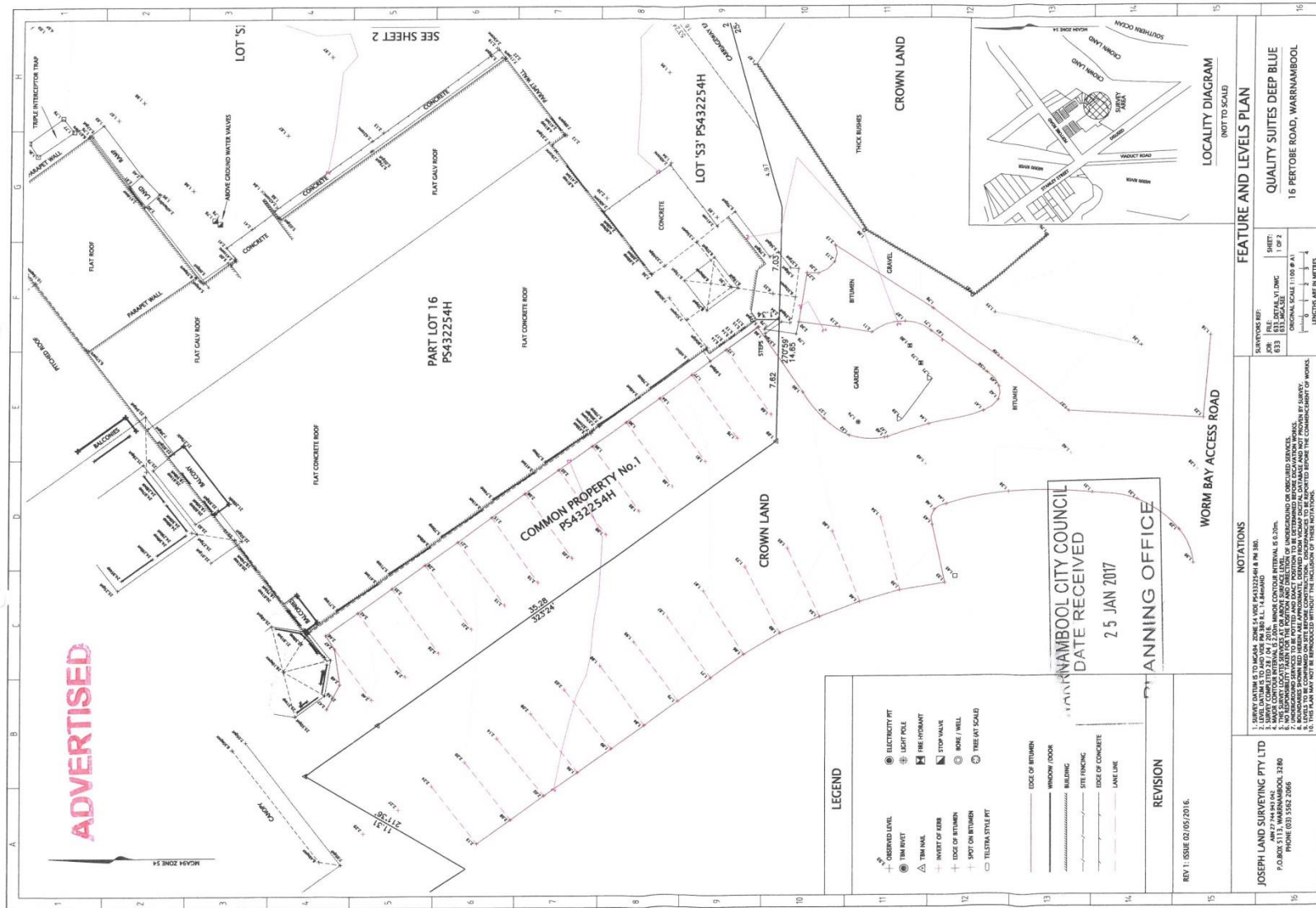
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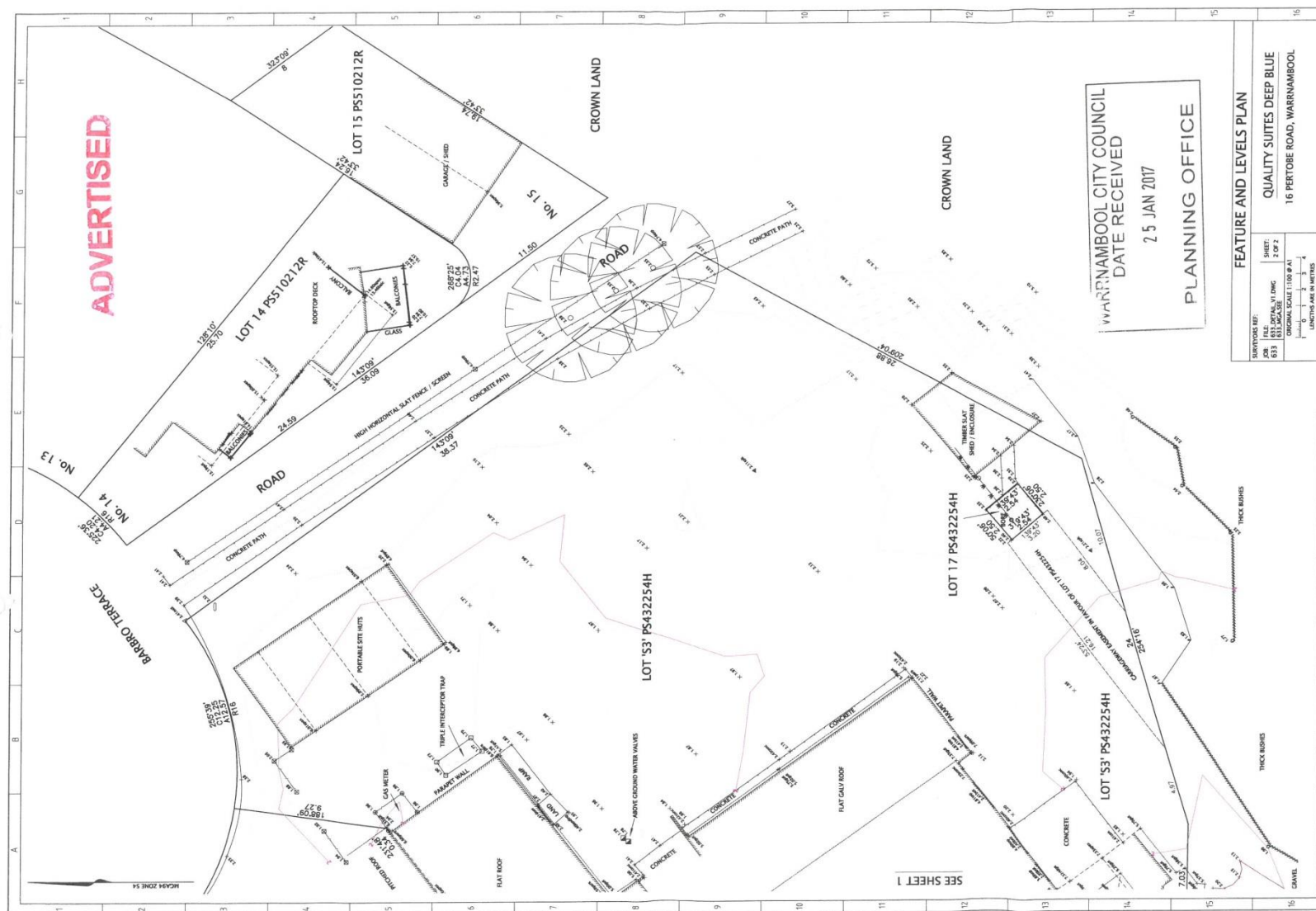
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Subject Site

Worm Bay Road, Warrnambool VIC 3280







### 1.1 Surrounding Context



## 1.2 Site Analysis

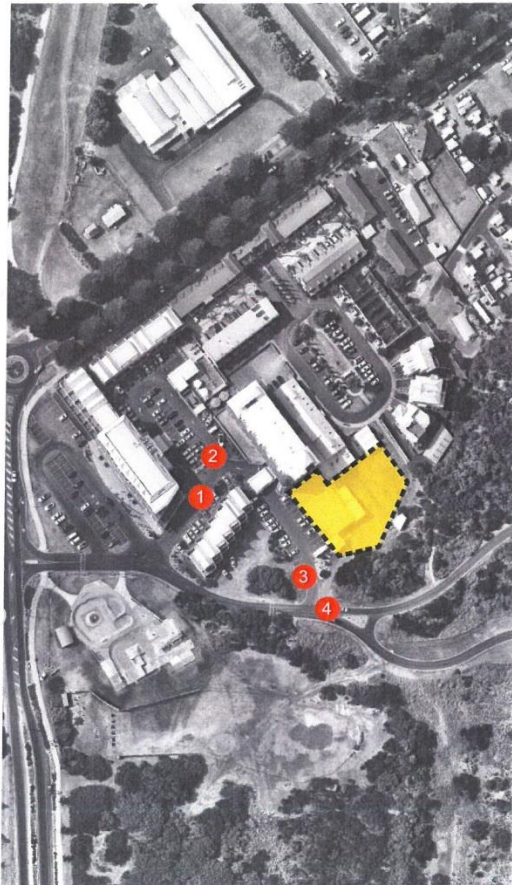


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## 1.1 Street Views



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2



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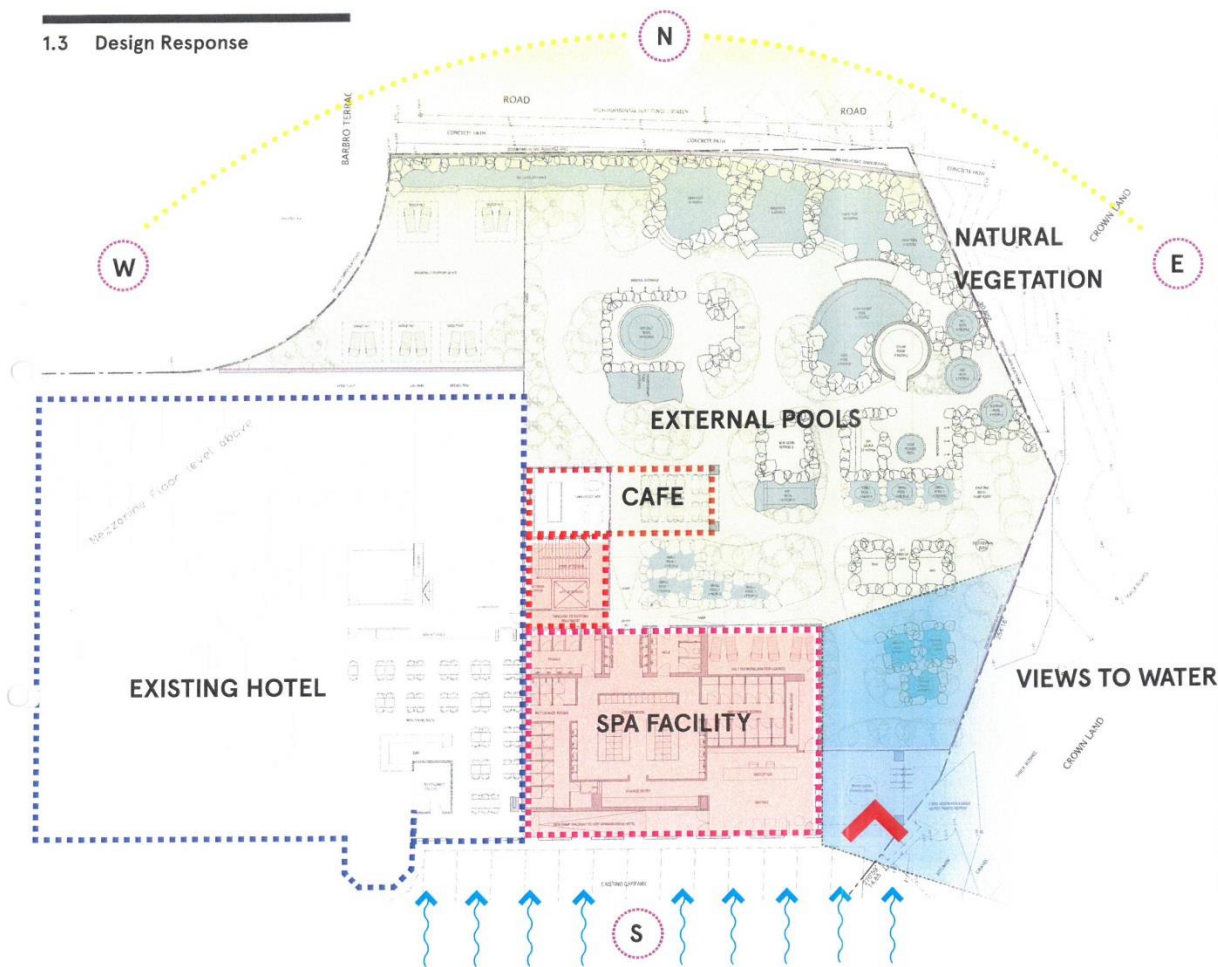
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## 1.3 Design Response

**ADVERTISED****Legend**

Outline of the hotel - no changes



Approximate outline of proposed spa contained in existing building structure



Outline of new single storey spa facility. Located at southern edge of site to protect against prevailing winds and allow maximum north light to external pools.



Fill denotes first floor extent of spa facilities

North Sun with direct access to all external pools.

Views to Ocean



Prevailing Wind Direction



External Hot Springs Area



Entry

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ARCHITECTS**CERA STRIBLEY PTY. LTD. ABN 29 350 585 700  
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**DEEP BLUE**  
Town Planning Submission  
September 2016

#### 1.4 Architectural Statement

##### Design Statement

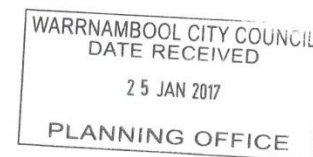
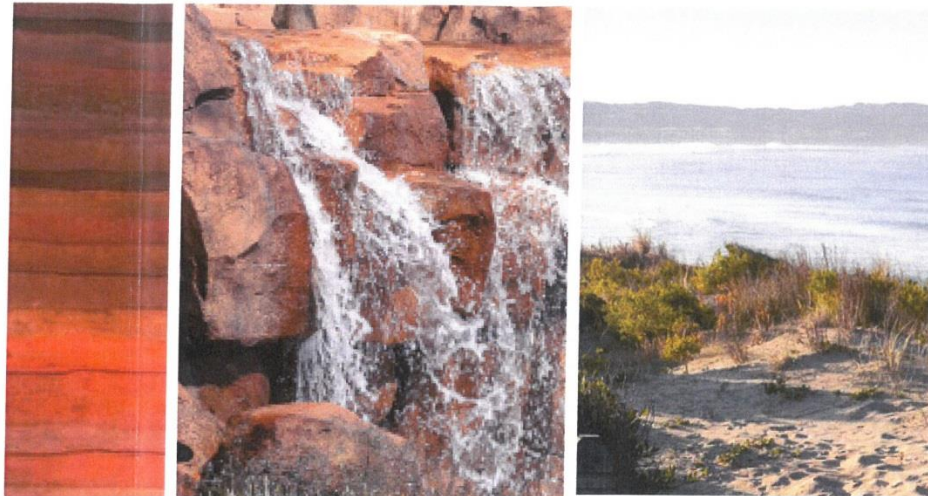
The design intent for Deep blue hot springs is driven from the desire to blend seamlessly with the surrounding landscape.

The proposed design of the springs is comprised around three distinct materials of rock, timber and sandstone. Each material is used differently to create a variety of unique experiences throughout the resort.

The proposed forms have been placed in order to reduce in scale throughout the users experience of the springs. From the grand timber clad entrance canopy down to the minimal sandstone landscaping located in the sun drenched northern edge of the site.

Artisan handcrafted concrete rock forms are used throughout the project to mimic natural pools and springs, both for its monumental character and its symbolic connection to Warrnambool, its beaches and surrounding landscape.

The hot springs has been conceived as a destination attraction for generations to come. The design and layout has been created with the intent to offer a multitude of separate experiences for a variety of guests, from international tourists looking for exclusivity and luxury down to local guests and families looking for a relaxing days activity.



**CERA STRIBLEY**  
**ARCHITECTS**

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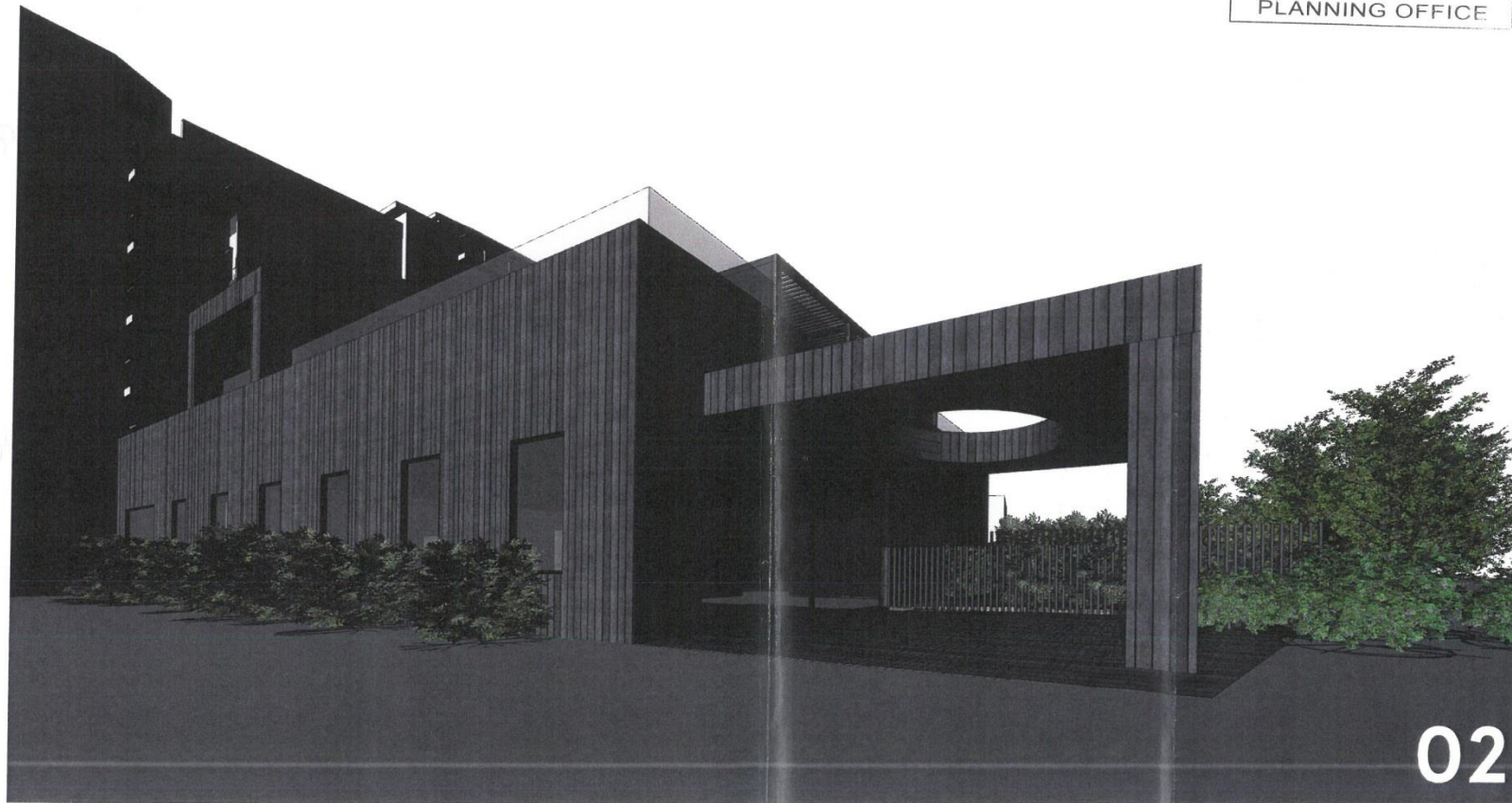
**DEEP BLUE**  
Town Planning Submission  
September 2016

ADVERTISED 10

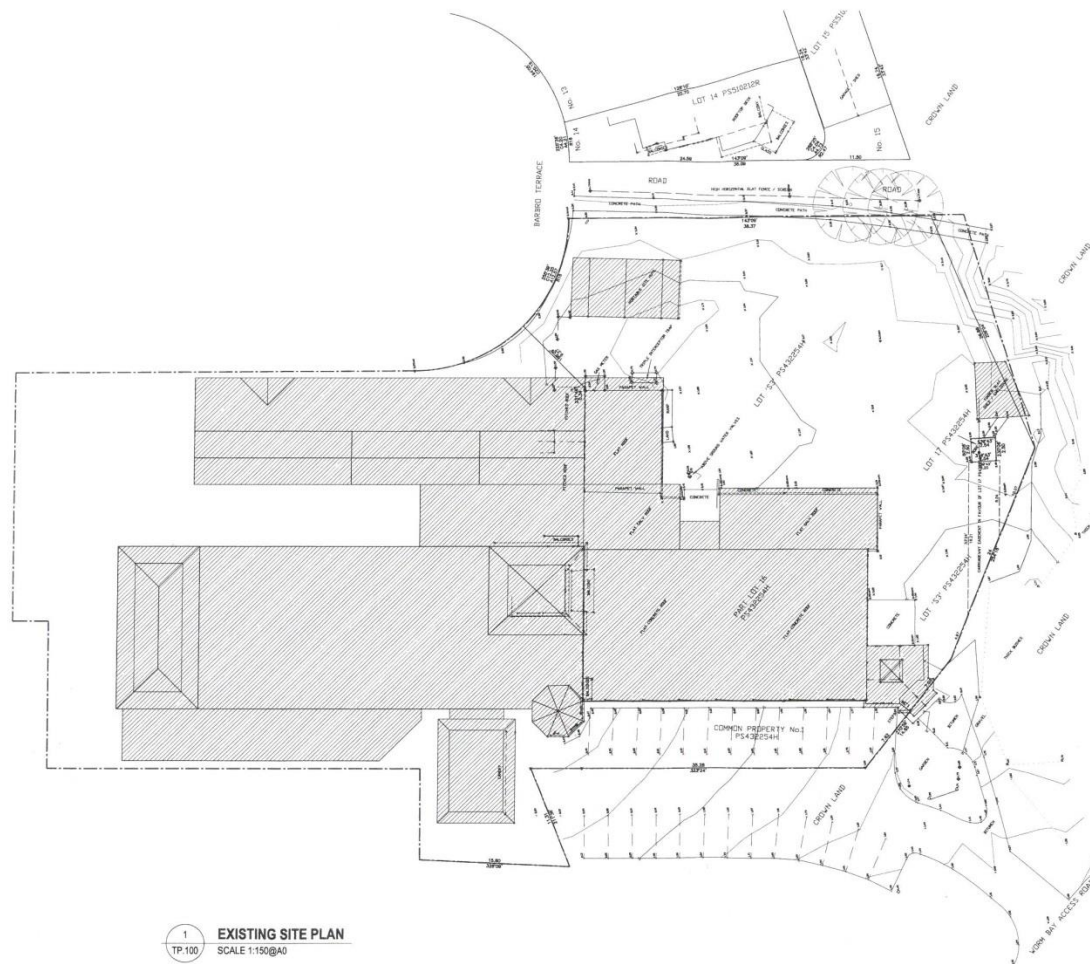
Design Drawings

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WARRNAMBOOL CITY COUNCIL  
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ADVERTISED



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25 JAN 2017  
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1  
TP-100  
EXISTING SITE PLAN  
SCALE 1:150@A0

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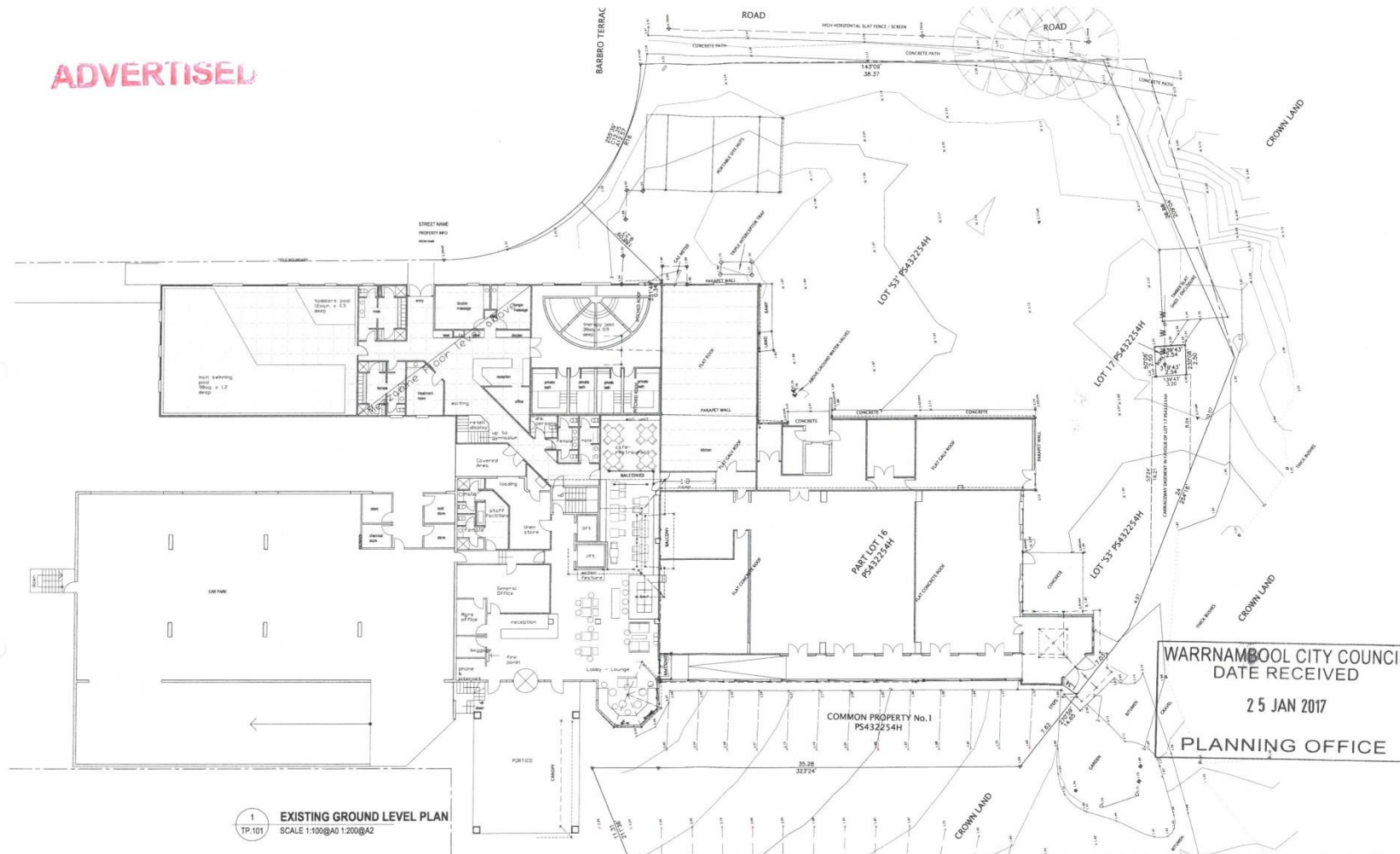
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JOB N°: 16064  
REVISION N°:  
DRAWING N°:  
TP.100

PROJECT:  
DEEP BLUE SPRINGS HOTEL  
WORM BAY RD, WARRNAMBOOL, VIC 3280  
ALTERATIONS + ADDITIONS  
DRAWING TITLE:  
EXISTING SITE PLAN



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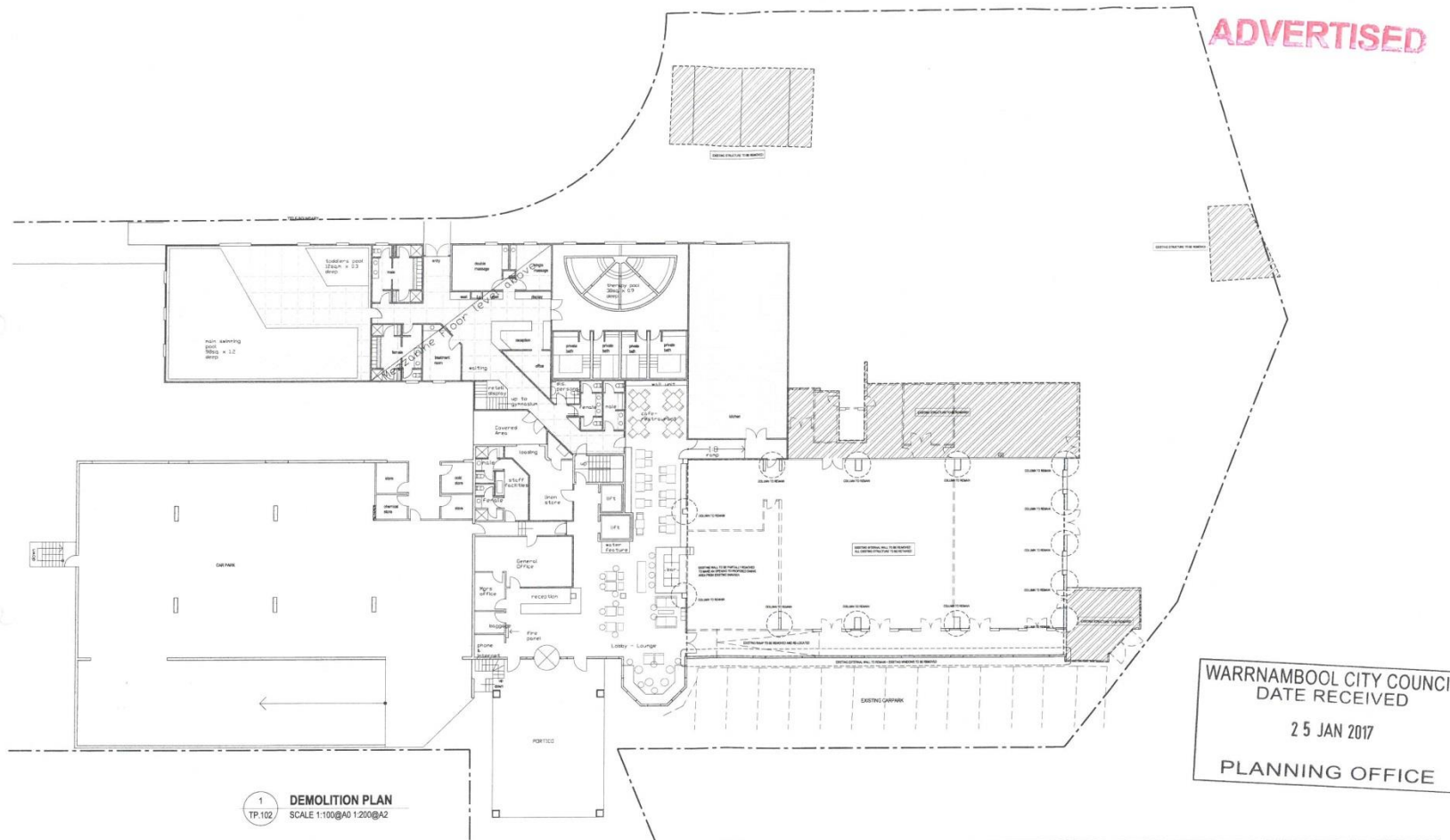
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PROJECT:  
DEEP BLUE SPRINGS HOTEL  
WORM BAY RD, WARRNAMBOOL VIC 3280  
ALTERATIONS: + ADDITIONS  
DRAWING TITLE:  
EXISTING GROUND LEVEL PLAN



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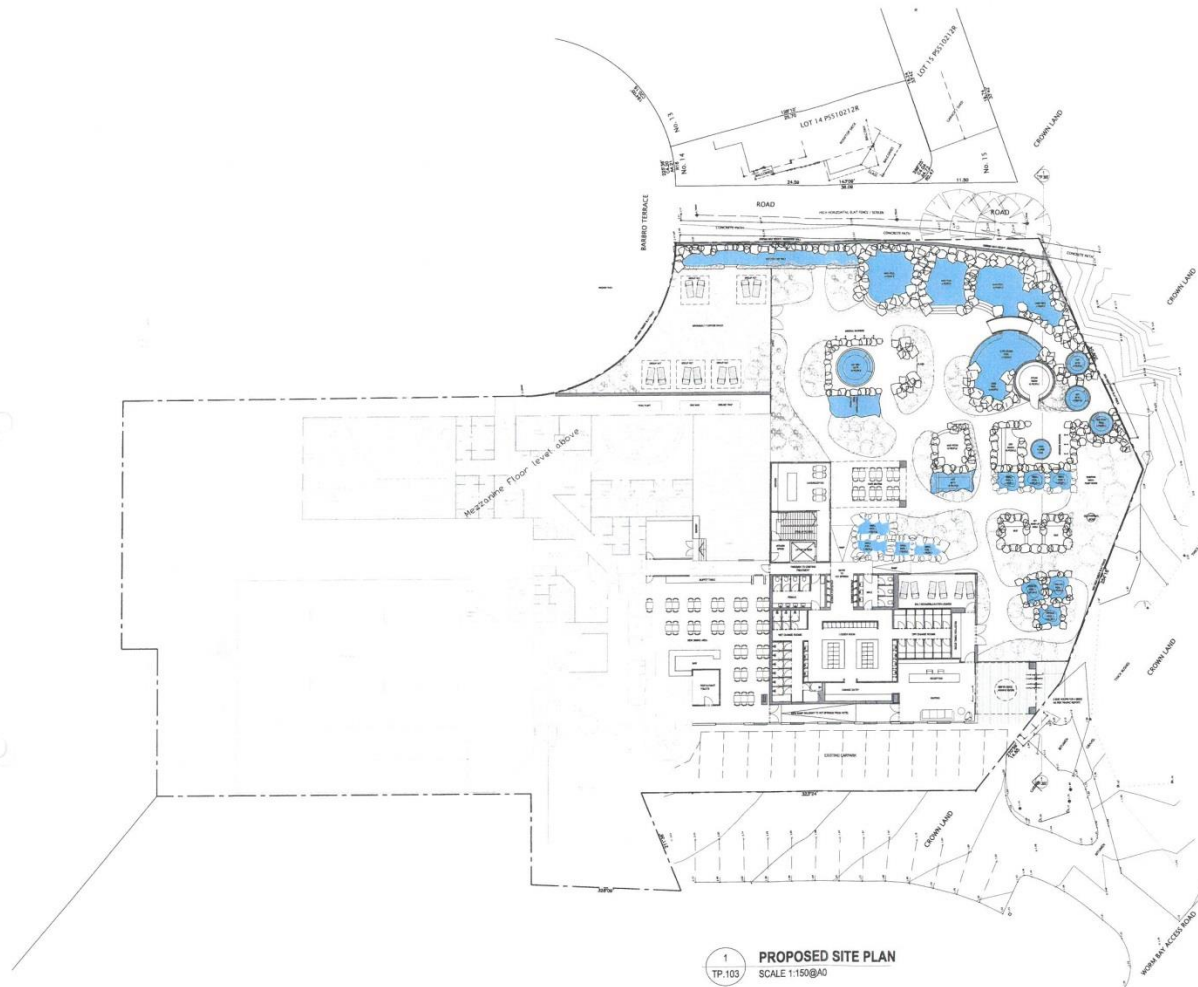
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JOB N°: 18064  
REVISION N°: 1  
DRAWING N°:  
TP.102

PROJECT:  
DEEP BLUE SPRINGS HOTEL  
WORM BAY RD, WARRNAMBOOL, VIC 3280  
ALTERATIONS + ADDITIONS  
DRAWING TITLE:  
DEMOLITION PLAN



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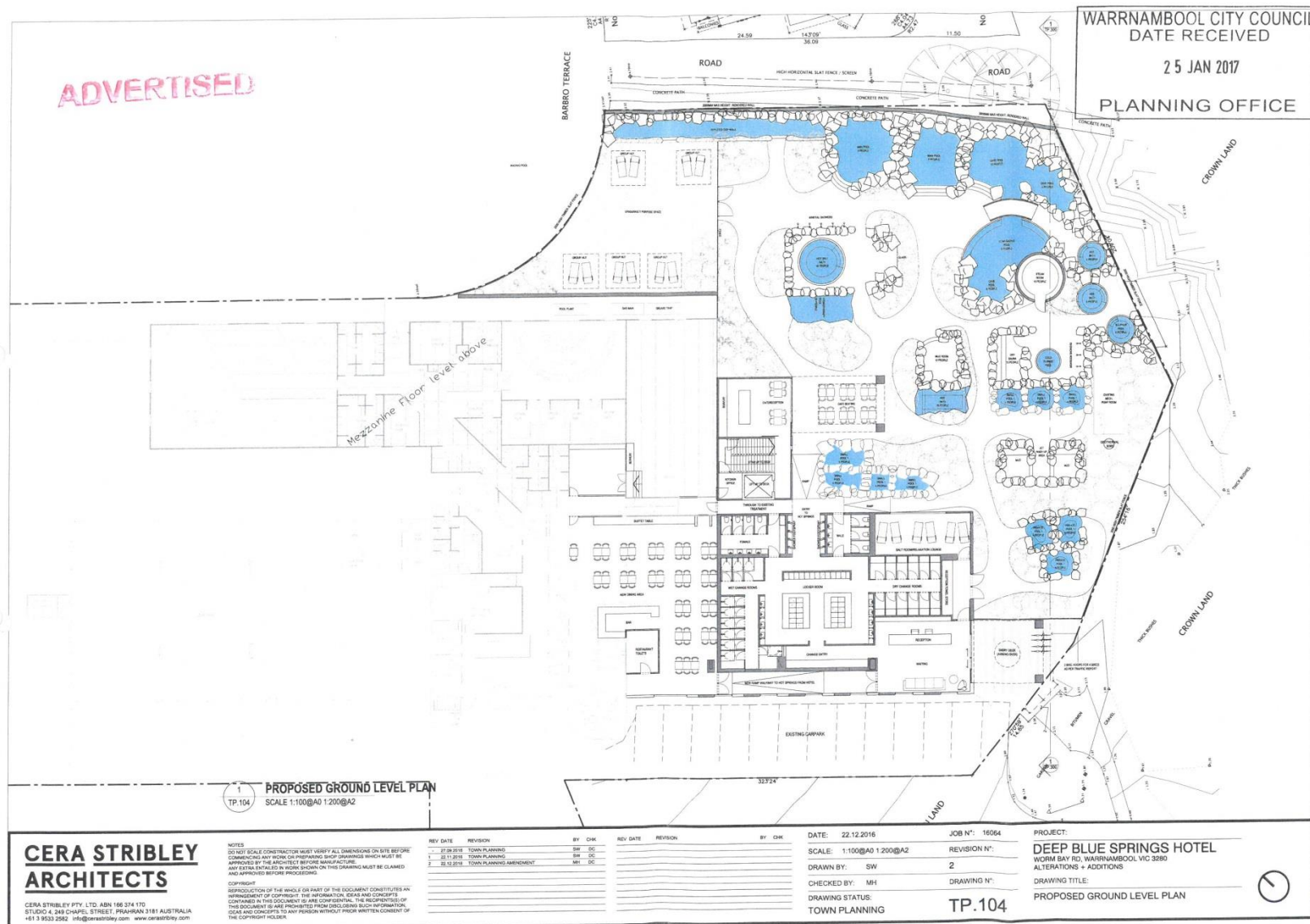
WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED  
25 JAN 2017  
PLANNING OFFICE**CERA STRIBLEY  
ARCHITECTS**CERA STRIBLEY PTY. LTD. ABN 166 374 170  
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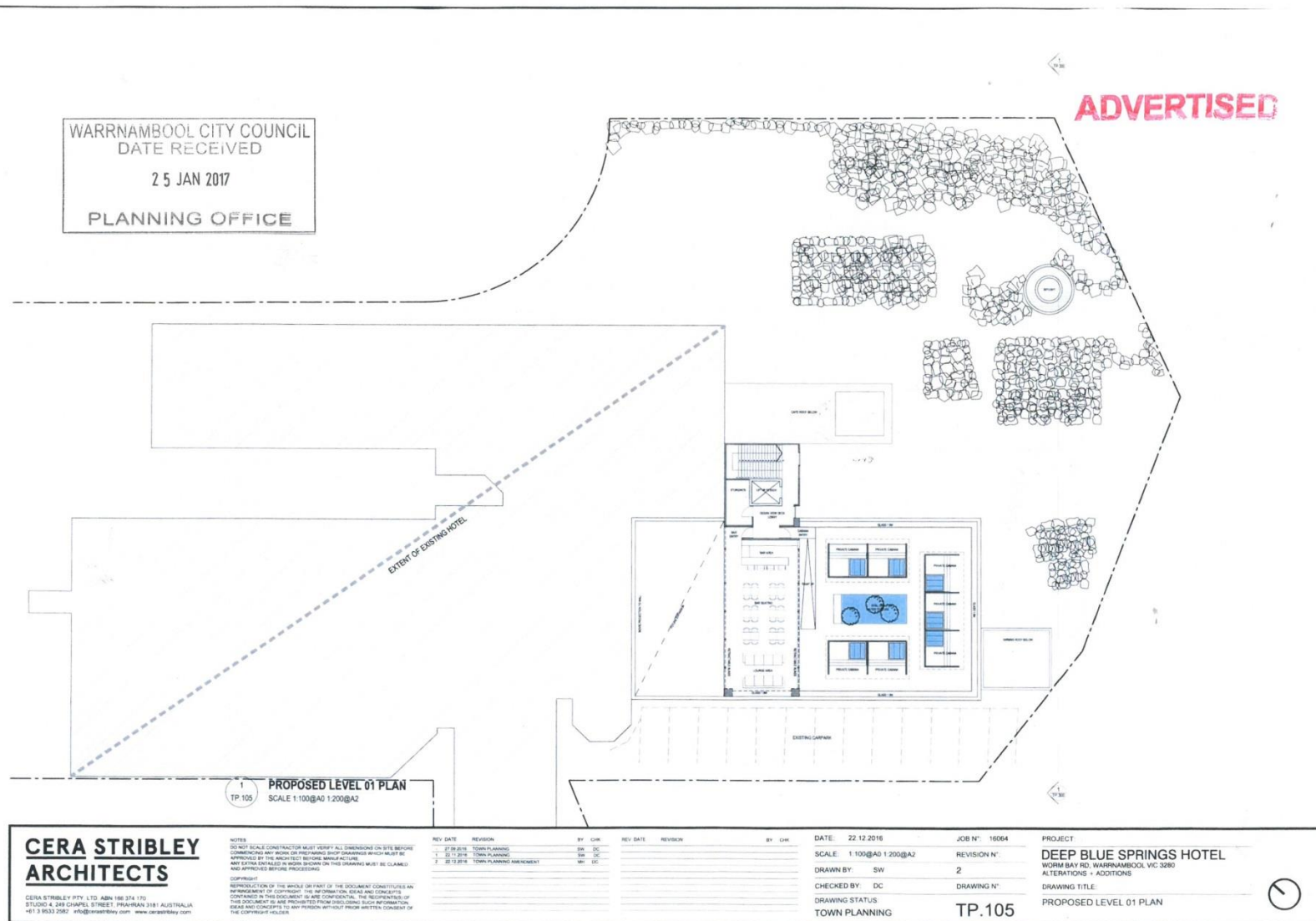
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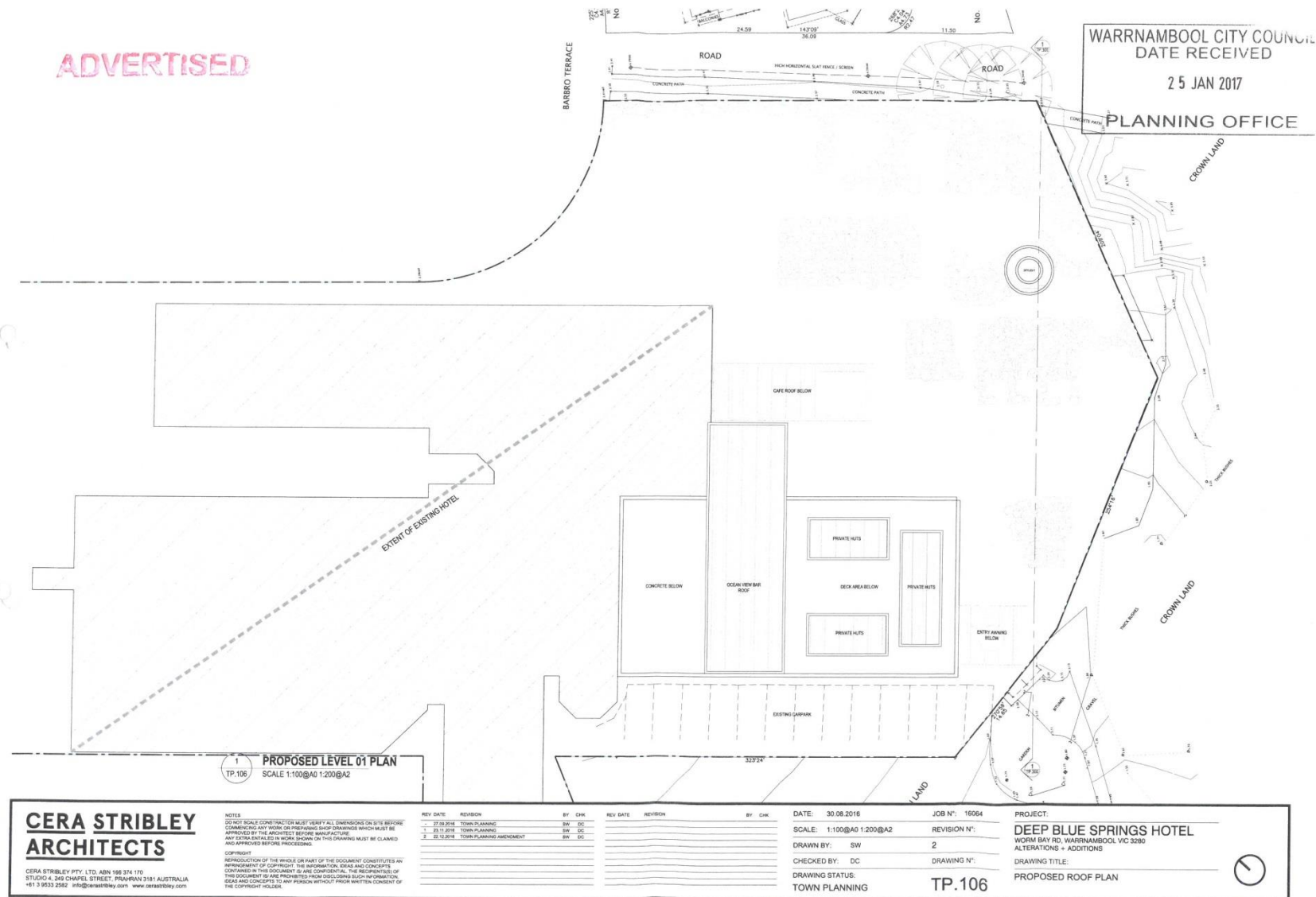
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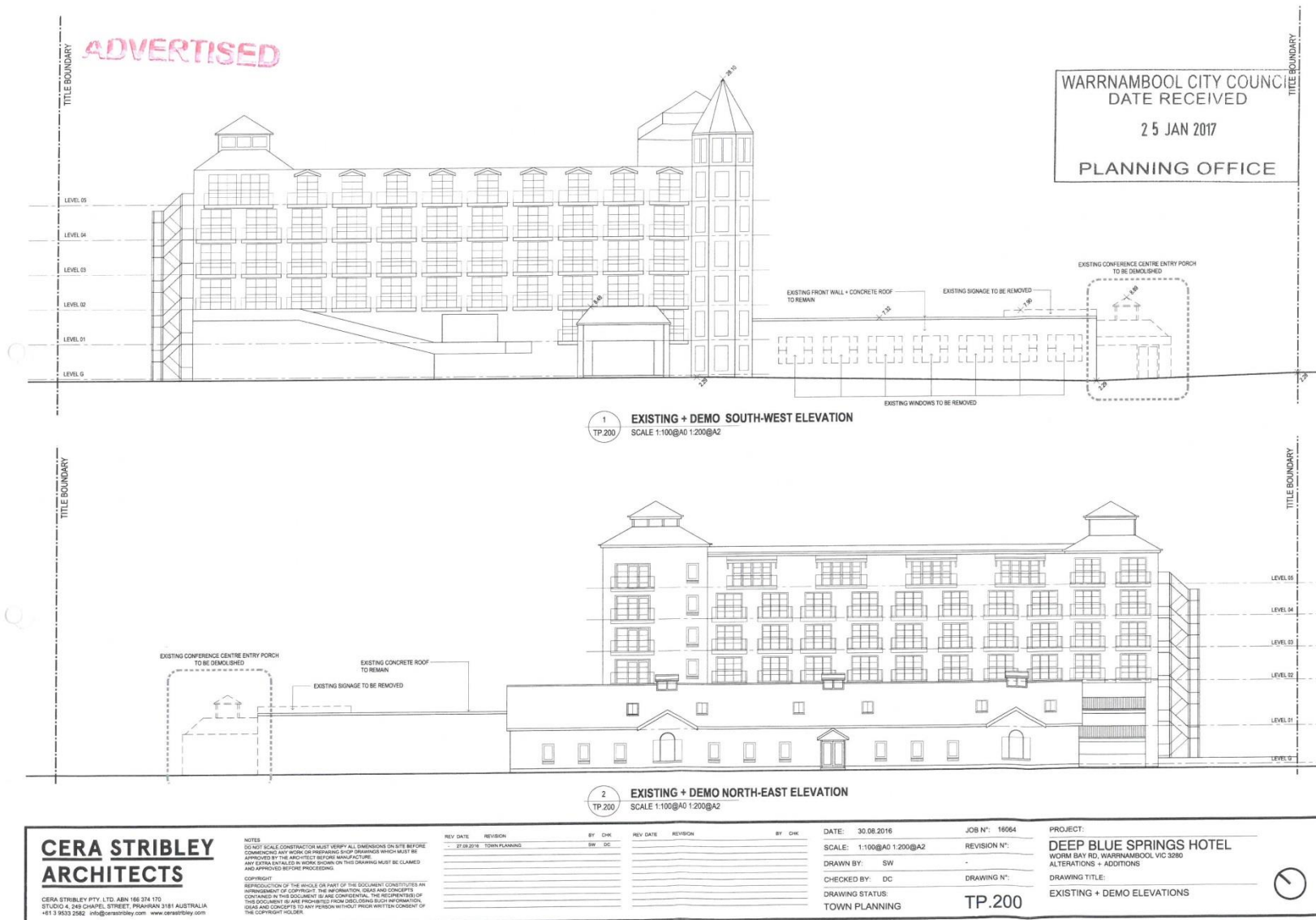
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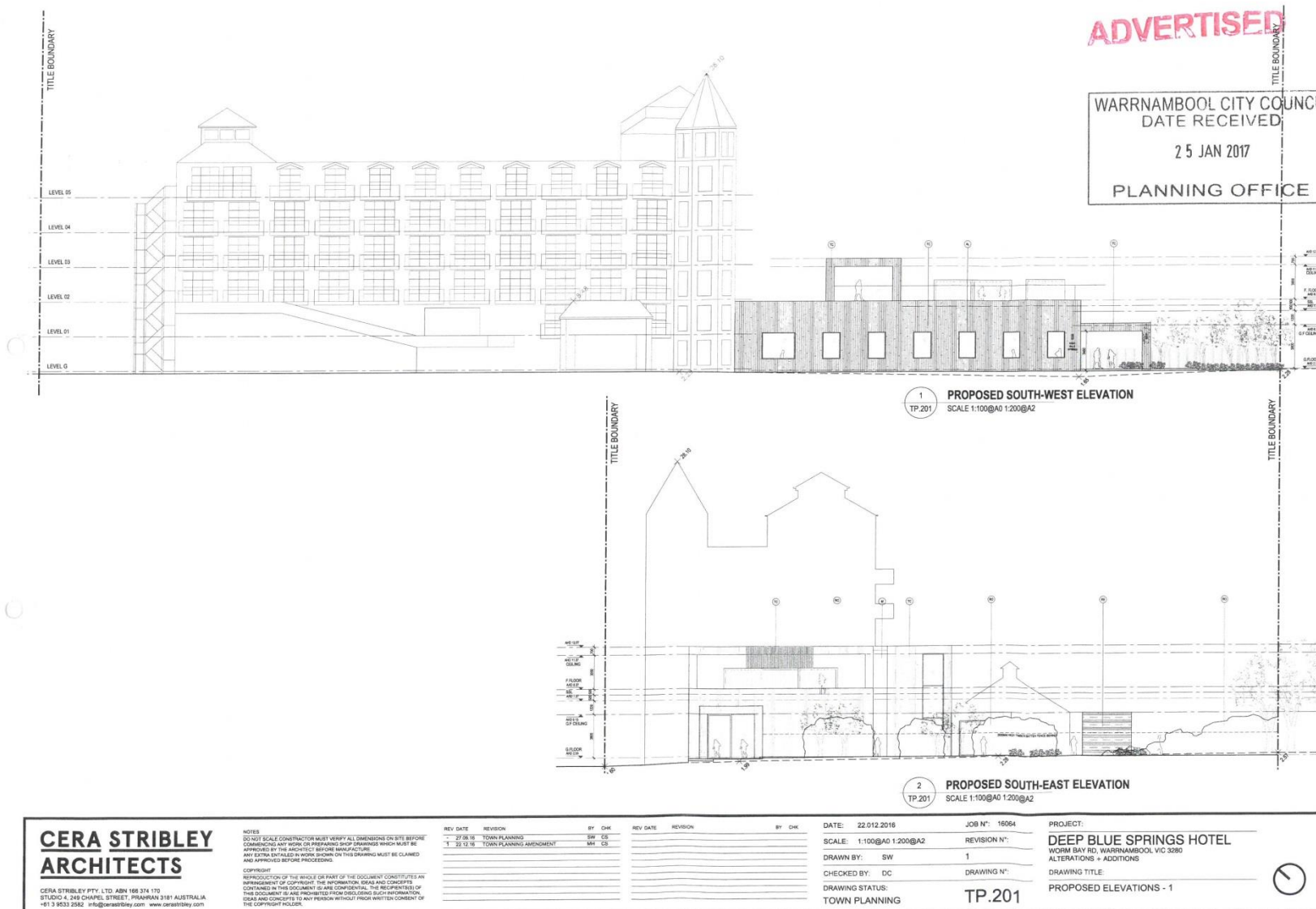
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TP.103PROJECT:  
**DEEP BLUE SPRINGS HOTEL**  
WORM BAY RD, WARRNAMBOOL, VIC 3280  
ALTERATIONS + ADDITIONS  
DRAWING TITLE:  
PROPOSED SITE PLAN





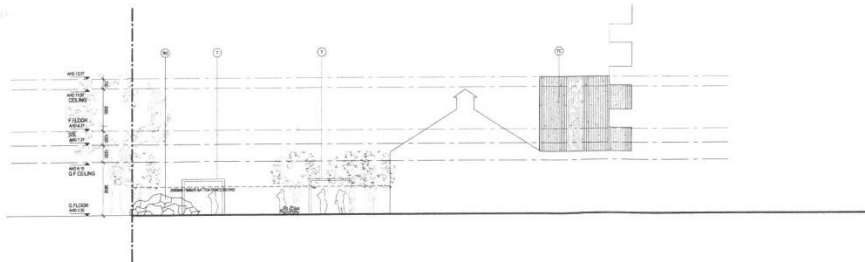








1  
TP.202 PROPOSED NORTH-EAST ELEVATION  
SCALE 1:100@A0 1:200@A2



1  
TP.202 PROPOSED NORTH-WEST ELEVATION  
SCALE 1:100@A0 1:200@A2

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DATE: 22.12.2016 JOB N°: 18064  
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DRAWN BY: SW 1  
CHECKED BY: DC DRAWING N°:  
DRAWING STATUS: TP.202  
TOWN PLANNING

PROJECT:  
DEEP BLUE SPRINGS HOTEL  
WORM BAY RD, WARRNAMBOOL VIC 3280  
ALTERATIONS + ADDITIONS  
DRAWING TITLE:  
PROPOSED ELEVATIONS - 2



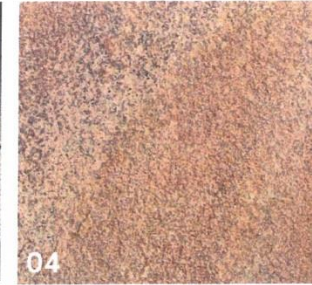
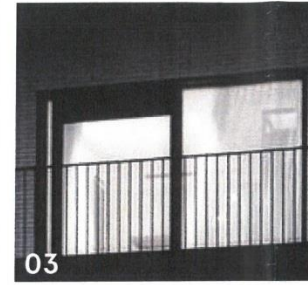
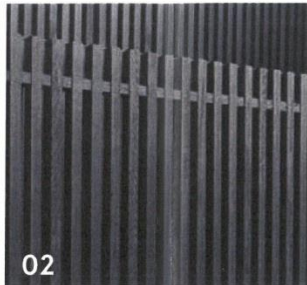
### 3.1 Finishes

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#### Material Schedule

01. **TM**  
TIMBER CLADDING
02. **TB**  
TIMBER BATTEN FENCE
03. **AL**  
ALUMINIUM WINDOW FRAME  
COLOUR: CHARCOAL
04. **ST**  
SANDSTONE PAVING
05. **RC**  
CONCRETE ROCK LANDSCAPING
06. **PV**  
STONE PAVING
07. **TD**  
TIMBER DECKING
08. **T**  
TIMBER BEAM

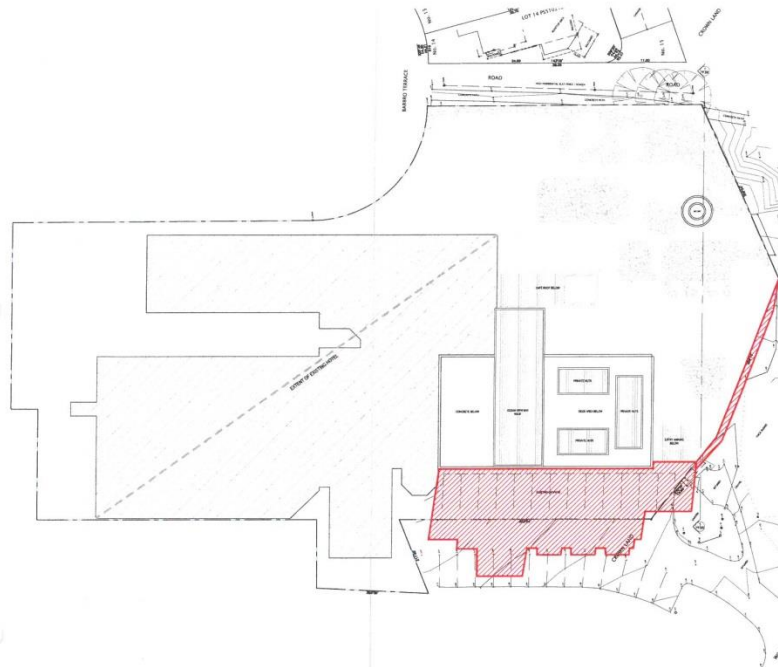


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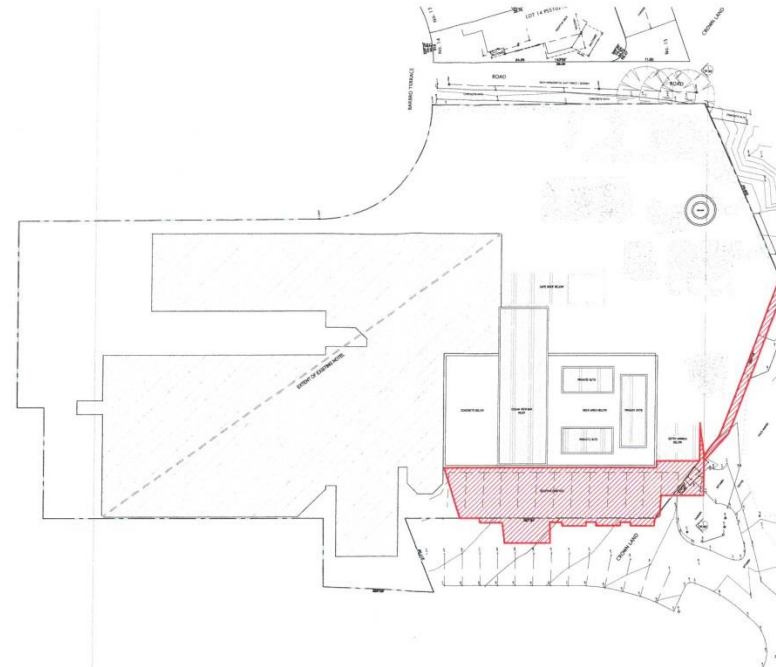
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1  
TP.500  
SHADOW DIAGRAM - 22ND OF SEPTEMBER @ 9AM  
SCALE 1:200@A0



2  
TP.500  
SHADOW DIAGRAM - 22ND OF SEPTEMBER @ 10AM  
SCALE 1:200@A0

PROPOSED SHADOW

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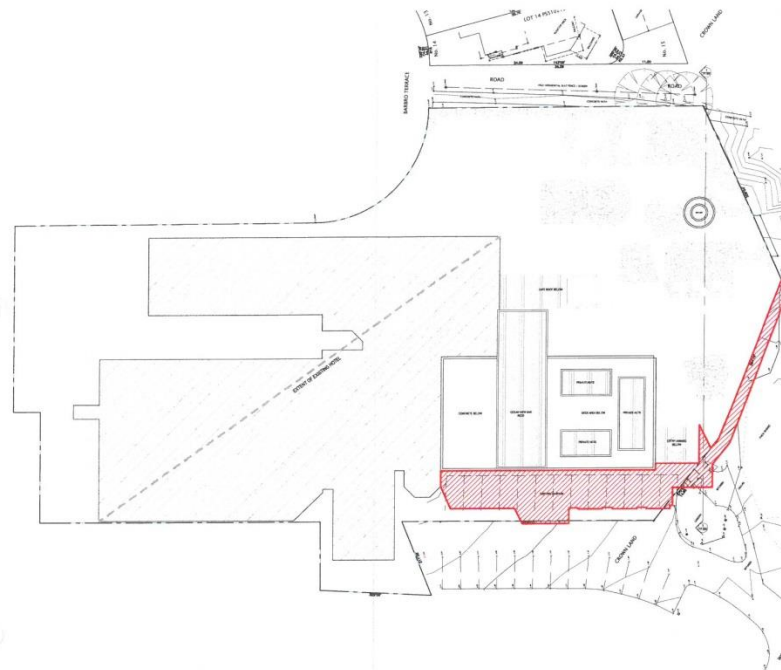
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1	22.12.16	TOWN PLANNING AMENDMENT	SW	SW					

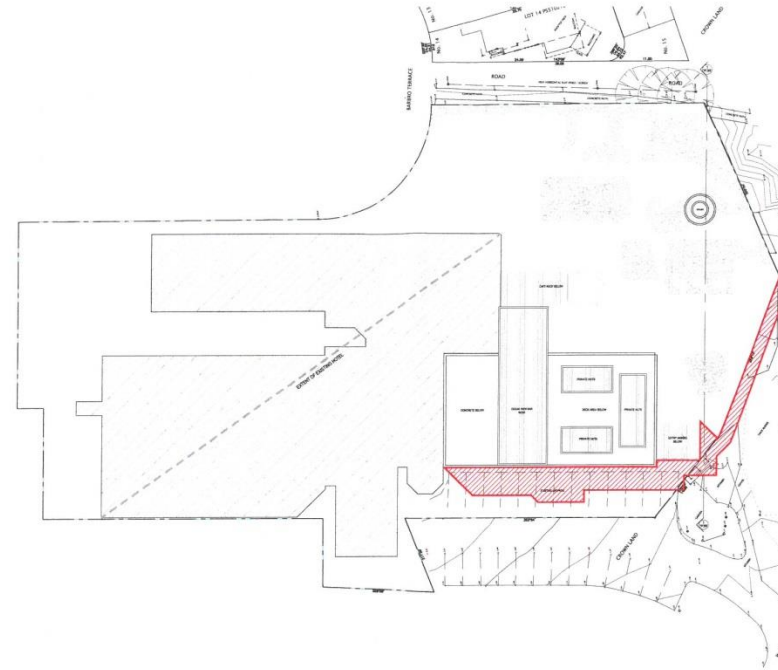
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JOB N°: 16064  
REVISION N°: 1  
DRAWING N°: TP.500

PROJECT:  
DEEP BLUE SPRINGS HOTEL  
WORM BAY RD, WARRNAMBOOL VIC 3280  
ALTERATIONS + ADDITIONS  
DRAWING TITLE:  
SHADOW DIAGRAMS - 1





1  
TP.501  
SHADOW DIAGRAM - 22ND OF SEPTEMBER @ 11AM  
SCALE 1:200@A0



2  
TP.501  
SHADOW DIAGRAM - 22ND OF SEPTEMBER @ 12PM  
SCALE 1:200@A0

PROPOSED SHADOW

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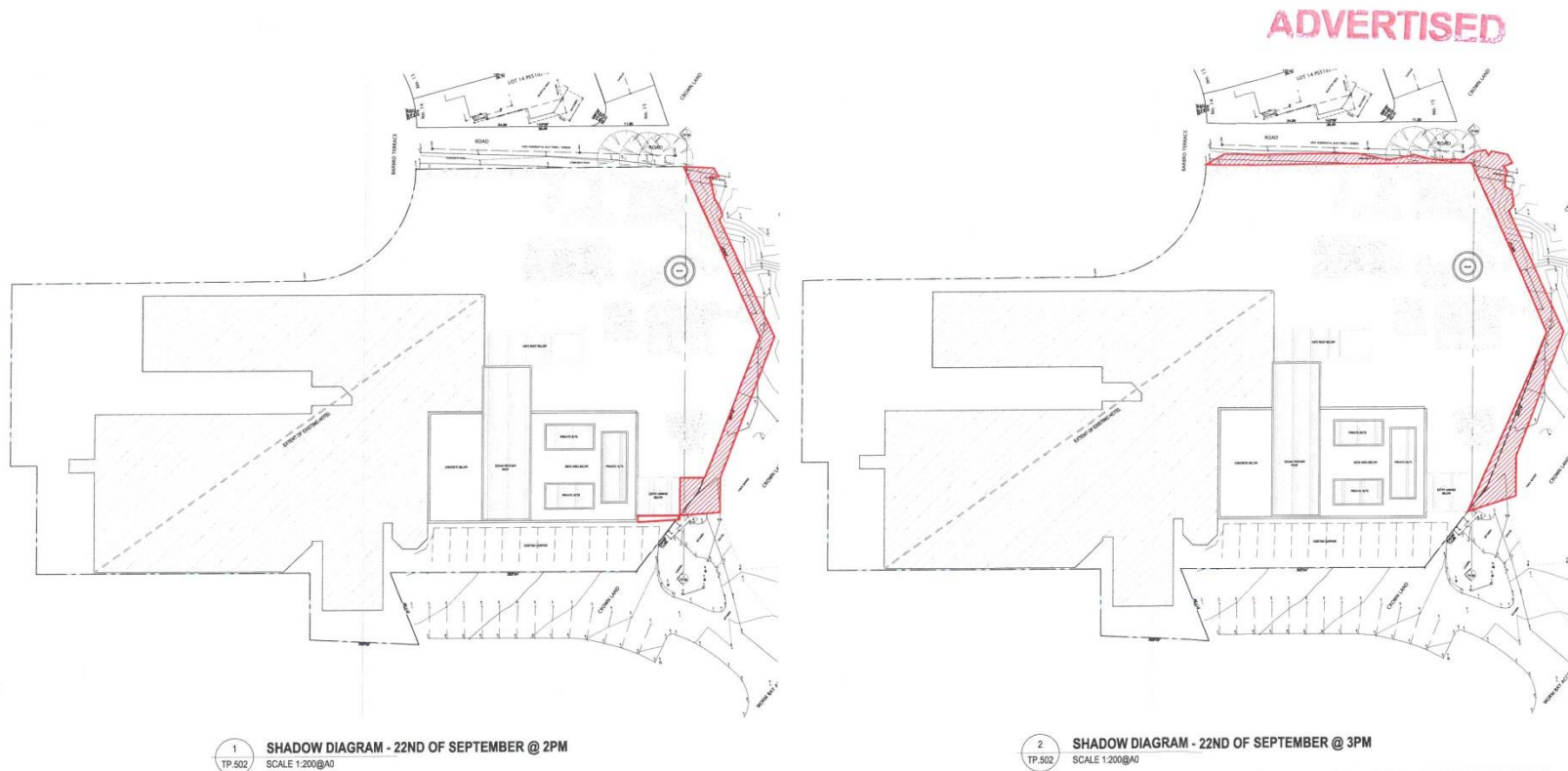
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DATE: 22.12.2016  
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JOB N°: 16064  
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PROJECT:  
DEEP BLUE SPRINGS HOTEL  
WORM BAY RD, WARRNAMBOOL VIC 3280  
ALTERATIONS + ADDITIONS  
DRAWING TITLE:  
SHADOW DIAGRAMS - 2





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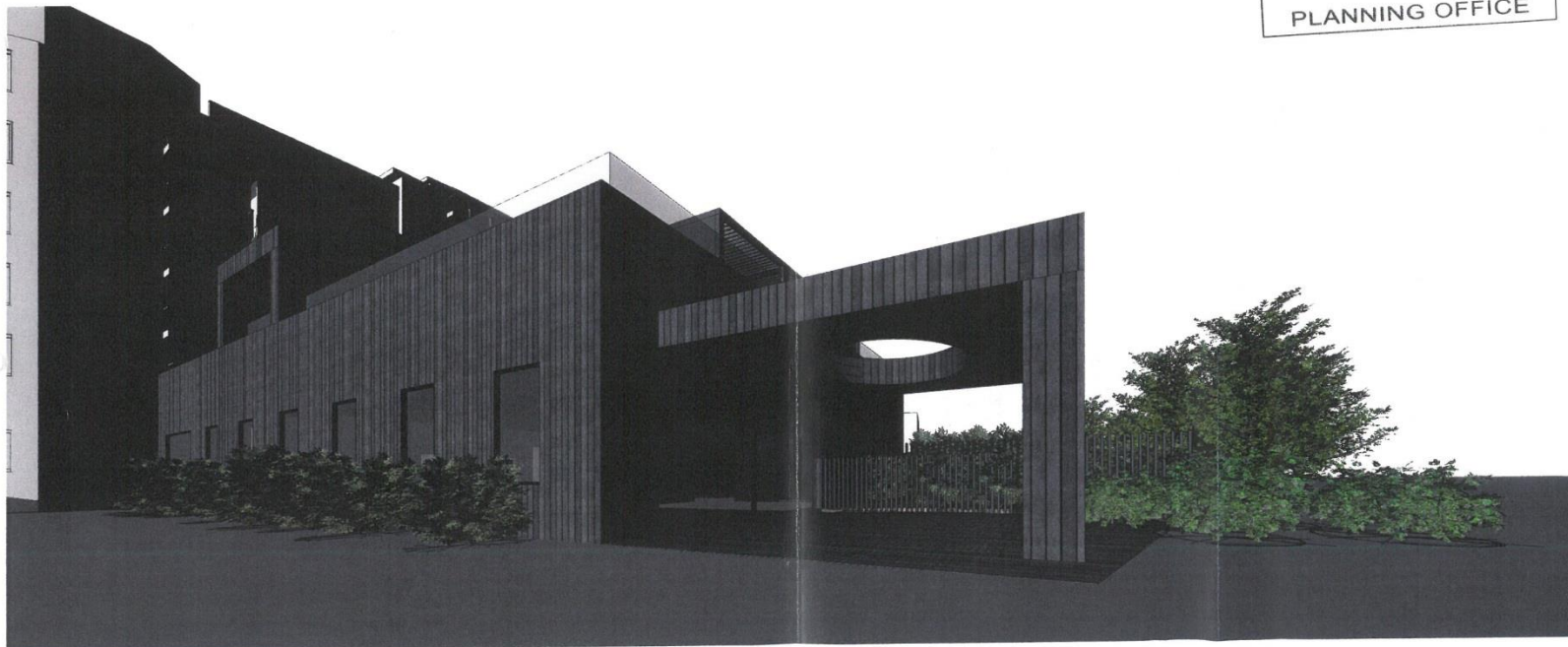
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DEEP BLUE SPRINGS HOTEL  
WORM BAY RD, WARRNAMBOOL VIC 3280  
ALTERATIONS - ADDITIONS  
DRAWING TITLE:  
SHADOW DIAGRAMS - 3



### 3.3 Artist Impressions

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View 01 - Entry



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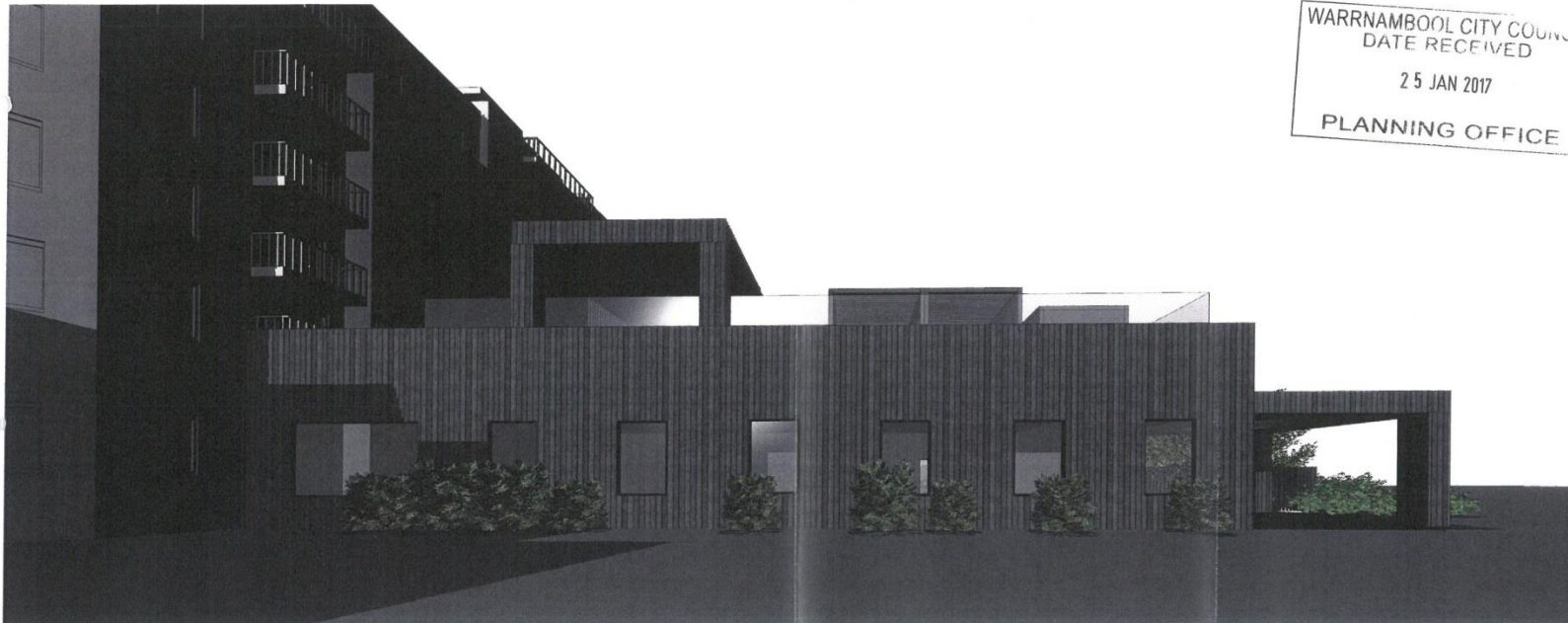
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### 3.3 Artist Impressions

#### View 02 – Front Elevation



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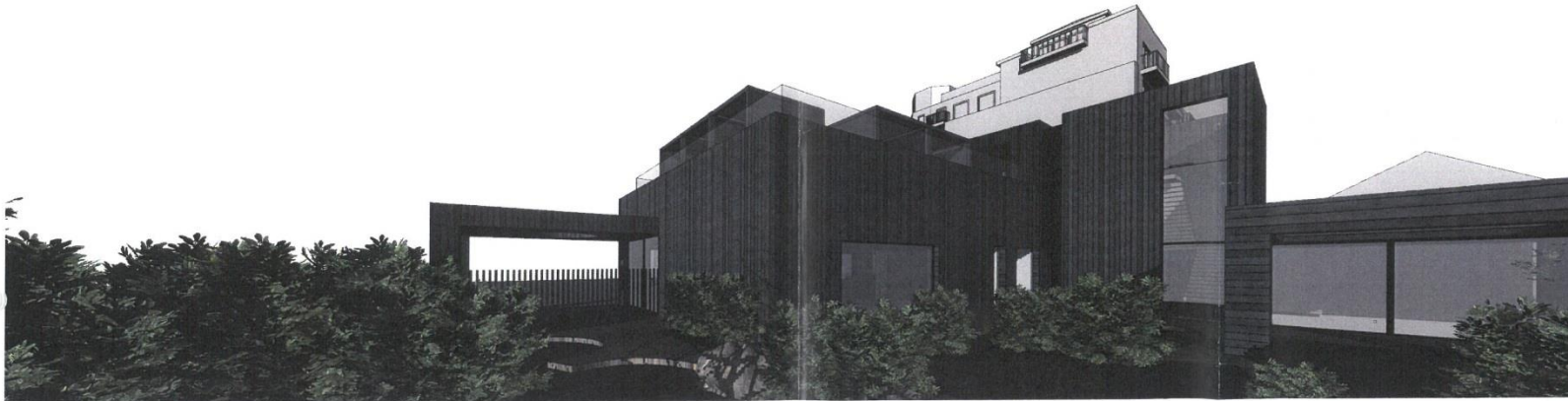
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### 3.3 Artist Impressions

#### View 03 - Internal View

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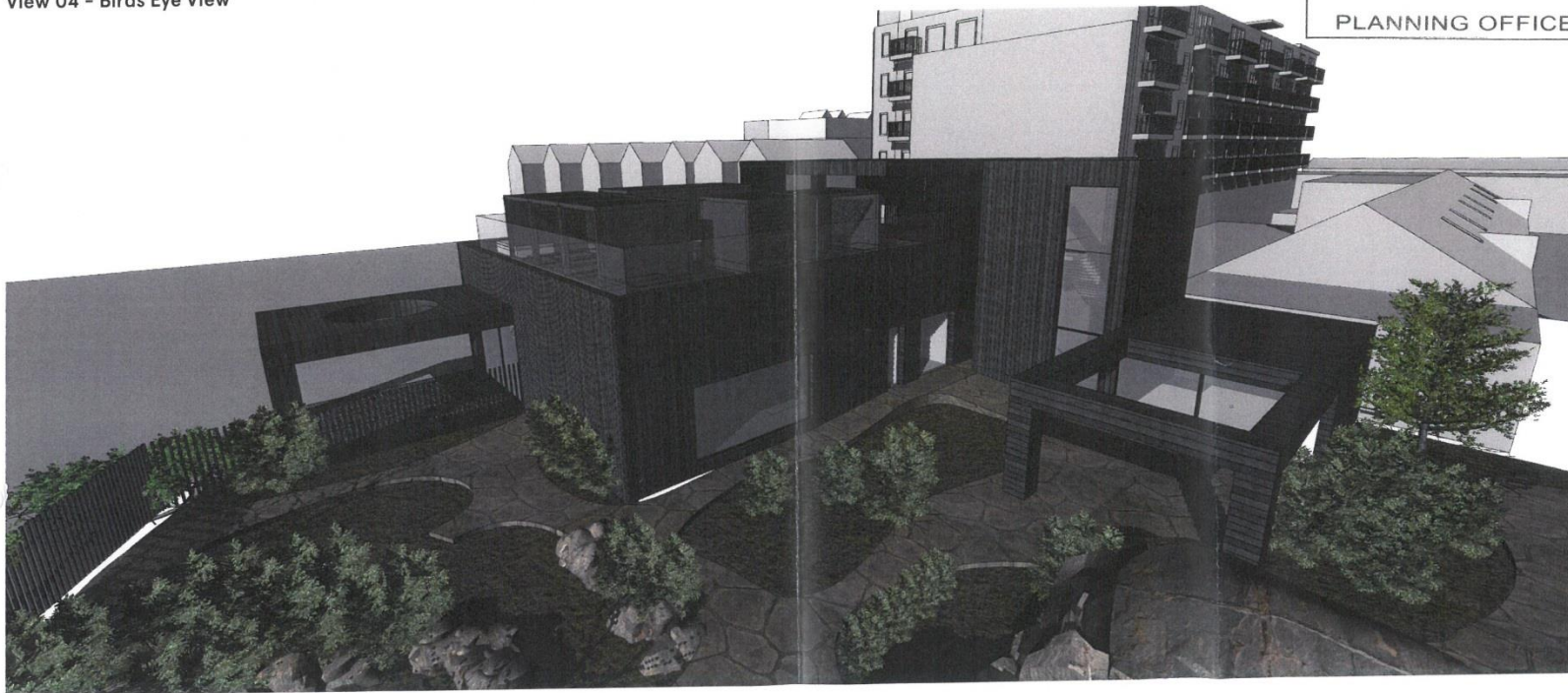
**DEEP BLUE**  
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September 2016

### 3.3 Artist Impressions

#### View 04 – Birds Eye View

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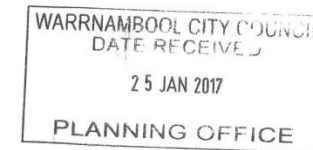
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**+61 3 9533 2582**

**Studio 4 – 249**  
**Chapel St**  
**Prahran**  
**3181 Victoria,**  
**Australia.**



## Appendix B – Objections



## Objection to Grant Planning Permit - Part A

The information requested on this page will be used solely by the Warrnambool City Council. Council will not use your personal information for any other purpose without first seeking your consent, unless law requires or required by law. Council may not be able to process your request unless sufficient information is given.

### Who is objecting?

I/We (Names in Block Letters)

Name(s) DARAY MURRAY Surname LOUSIN?

Name(s) \_\_\_\_\_ Surname \_\_\_\_\_

Address 890 MT. WILLIAM ROAD TATARAMBOO VIC

KILMORE Vic Post Code 3764

Telephone (Home) 03-54291595 Telephone (Work) \_\_\_\_\_

Mobile 0408 361 355 Facsimile \_\_\_\_\_

Email adiemary.58@gmail.com

Signatures(s) *D. Murray* Date 23-2-17

Signatures(s) \_\_\_\_\_ Date \_\_\_\_\_

### Important notes about objections to permit applications

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
2. Make sure you clearly understand what is proposed before you make an objection. You should inspect the application at the responsible authority's office.
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  - State the reasons for your objection: and
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10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
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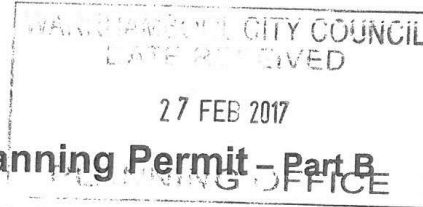
Civic Centre 25 Liebig Street  
Warrnambool Victoria Australia  
PO Box 198 Warrnambool VIC 3280

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

Website [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)  
ABN 44 594 264 321



## Objection to Grant Planning Permit - Part B



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

### What application do you object to?

Planning Application Number PP 2016 - 0159

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

16 PERTOBE ROAD, WARRNAMBOOL VIC 3280

What is proposed? USE AND DEVELOPMENT OF LIESURE AND RECREATION FACILITY (GEOTHERMAL SPRINGS AND DAY SPA)

ADDITION OF A FIRST FLOOR BAR AND ROOF - TOP DECK

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

1/ CONCERN OVER CAR PARKING DEMANDS ON THE SURROUNDING AREA, PARTICULARLY THE NEIGHBOURING TOURISM ACCOMMODATION FACILITIES AND BEACH-SIDE ACCESS ROADWAYS.

2/ LOSS OF OCEAN AND BAY VIEWS FROM APARTMENTS NEXT DOOR TO THE PROPOSED DEVELOPMENT, DUE TO THE ADDITION OF A FIRST FLOOR BAR AND ROOF TOP DECK AT 16 PERTOBE ROAD

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

1/ AS OWNER OF APARTMENT 42, 4 STANLEY STREET, WARRNAMBOOL, WHICH IS SITUATED WITHIN A ROW OF APARTMENTS NEXT DOOR TO THE PROPOSED DEVELOPMENT AT 16 PERTOBE ROAD, I AM SERIOUSLY CONCERNED OVER THE INCREASED DEMAND FOR CAR PARKING SPACES DUE TO THE DEVELOPMENT. WE APARTMENT OWNERS AT THE LADY BAY RESORT, ALREADY HAVE AN EXISTING CAR PARKING PROBLEM FOR OUR OWN PREMISES, WHEREBY PATRONS AND GUESTS AT THE NEXT DOOR RESORT, 16 PERTOBE ROAD, HAVE BEEN OBSERVED PARKING THEIR VEHICLES WITHIN THE LADY BAY RESORT CAR PARK AND THEN WALKING TO THE NEXT DOOR PROPERTY.

① CONTINUED

THEREBY REDUCING THE AVAILABILITY OF CAR PARKING SPACE OF LADY BAY RESORT TENANTS TO THE POINT THAT AT TIMES, RESIDENTS OF LADY BAY RESORT ARE UNABLE TO FIND A PARKING SPACE WITHIN THEIR OWN FACILITY.

FURTHER CONCERN IS WITH THE INCREASE IN CAR PARKING SPACE REQUIRED, WILL PATRONS OF THE NEW DEVELOPMENT, SPILL OUT ONTO WORM ROAD, THEREBY REDUCING THE AVAILABLE SPACES FOR BEACH-GOERS ACCESSING THE BEACH VIA WORM ROAD!

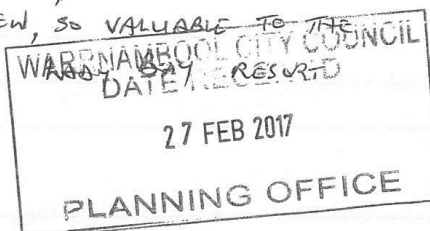
I ALSO HAVE CONCERN OVER THE CAR PARKING OF CONSTRUCTION WORKERS AND EQUIPMENT ENCRDACHING UPON THE LADY BAY RESORT CAR PARK DURING THE CONSTRUCTION PERIOD.

②

MY OTHER CONCERN REGARDS THE ADDITION OF A FIRST FLOOR BAR AND ROOFTOP DECK.

THE EXISTING ROW OF APARTMENTS SITUATED AT THE SOUTH EAST CORNER, WITHIN THE LADY BAY RESORT, PRESENTLY ENJOY SUPERB, PANORAMIC BAY AND OCEAN VIEWS.

MY CONCERN IS THAT THE FIRST FLOOR BAR AND DECK DEVELOPMENT, NEXT DOOR ON THE SOUTH WEST CORNER OF 16 PERTOBE ROAD, COULD IMPEDE OR AT WORST, BLOCK OUT THIS VIEW, SO VALUABLE TO THE TENANTS AND OWNERS OF THE APARTMENTS.



Warrnambool City Council  
Planning Department  
By email



Harry and Margaret Simon  
3 Barbro Terrace  
Warrnambool  
VIC 3280

25 February 2017

Dear Simone

**Response to Amended Planning Application**

We will be directly affected by increased noise, increased traffic flow and increased parking demand by patrons of the proposed hot springs and spa.

We do not oppose the development concept. In fact we believe that a hot springs and spa will be a great commercial boost to Warrnambool.

However, we object to aspects of the proposed application as set out in our 23/11/16 objection and also below.

We adopt below the paragraph headings in the applicant's response dated 20/1/17:

**Traffic and car parking**

Barbro Terrace

The applicant says that car parking demand will be reduced. That hasn't been proved. The application also relies on the assumption that the Conference Centre is currently in constant use. That too hasn't been proved. The applicant has not provided any figures from Deep Blue to demonstrate its use or use of existing car parking spaces.

*Barbro Terrace for parking needs*

We believe the proposed development is likely to have significantly increased patron use, requiring greater car parking capacity, resulting in a spill over into Barbro Terrace to satisfy those car parking needs.

*Barbro Terrace for convenience*

Even if we are not correct about car parking needs, our concern is also that patrons will seek to use Barbro Terrace for parking simply because of its convenience and proximity to the development.

We are heartened by the applicant's comment that it has no intention to provide access to patrons or delivery vehicles via Barbro Terrace. The challenge for the Council is to convert that intention into enforceable DA conditions.

We approve of the bullet point car parking measures proposed in the applicant's response dated 20/1/17, as well as the suggestion for a Site Management Plan. They are a great start.

The applicant states that those measures are not exhaustive, and that other measures are possible. We are not traffic flow experts. We urge the council to carefully consider what additional measures can also

be implemented to discourage hot springs patrons from accessing Barbro Terrace, while at the same time allowing Barbro Terrace residents and their visitors to access Barbro Terrace.

#### Pertobe Rd

The applicant says that the level of traffic generated along Pertobe Rd won't impact the road network. We don't believe that's correct. As stated in our previous objection, it is arguable that the development could generate an extra 30,000 traffic movements per week beyond current flow, ie > **1.5 million** additional traffic movements per year!

Pertobe Rd may well be a designated link road, but is council satisfied that it has the capacity to cope with this increased demand? Are there alternatives? Does Pertobe Rd need to be upgraded? Are the additional traffic movements a potential threat to the safety of families who use the Pertobe Lake area? Is it viable for tour buses to be required to access the site via Stanley Street?

#### **Construction management**

We are delighted that the applicant has suggested a Construction Management Plan and agree that a carefully considered Construction Management Plan is essential.

The Construction Management Plan should include requirements that:

- noise, dust and inconvenience to Barbro Terrace residents are minimised by appropriate measures
- no construction equipment, personnel or vehicles access the site from Barbro Terrace
- no construction workers park in Barbro Terrace
- the applicant is penalised if construction takes longer than is agreed with the Council (except for delays caused by matters reasonably beyond the applicant's control).

The application gives no details about proposed construction matters, so it is difficult for residents to effectively comment on it, other than in principle. We would like the opportunity to review and comment on the proposed Construction Management Plan once it is prepared and before it is finalised.

#### **Proposed amendments**

We are concerned to ensure that the development contains adequate noise mitigation measures. None appear to be outlined in the application.

Noise mitigation would need to address:

1. Noise escaping into Barbro Terrace from patrons using the outdoor hot springs area.

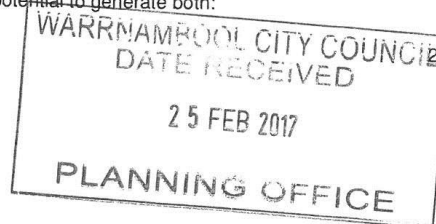
For example, the perimeter wall of the development would need to be designed having regard to both aesthetics and acoustic considerations.

What design features would Council require for that wall in order to remove the risk of undue noise disturbance to Barbro Terrace residents emanating from the outdoor hot springs area?

The wall should also contain anti graffiti measures.

2. Noise escaping into Barbro Terrace from patrons using the first floor bar and roof top deck

The first floor bar and roof top deck have the potential to generate both:



(a) loud music, and

(b) patron noise.

Unless properly controlled, these could be offensively intrusive to residents of Barbro Terrace.

Although noise mitigation measures will be considered when the applicant applies for a variation to its liquor licence, it would be useful for the Council to signal its concerns by imposing conditions in the DA. Those conditions could cover:

- Rooftop bar trading hours
- Restricting bar use to hot springs patrons
- Measures to monitor and control disturbance caused by patrons leaving the premises.

On this point, yes it is true that there is an existing liquor licence and existing consumption of alcohol by patrons of Deed Blue. But there is no dedicated bar, and no doubt the applicant will actively encourage an increased number of patrons to consume alcohol in the proposed bar. So the level of alcohol consumption from the premises will dramatically increase, as will the number of patrons consuming alcohol. The result will be greater noise.

- Acoustic report to detail measures to ensure compliance with LA10 noise criteria. That should also include design features (eg floor insulation, doors, walls, windows, glass partitions, etc) of the rooftop bar and deck area, as well as noise insulation measures for the outdoor hot springs area
- A Noise Control Management Plan for the rooftop bar and deck area, as well as the outdoor hot springs area. We would like the opportunity to comment on it before it is finalised.

Although there is an existing liquor licence, we would expect that the promotion of the proposed bar and roof top area would result in increased consumption of alcohol on the premises, as well as increased noise.

Has the applicant justified the use of the relevant area as a proposed bar and roof top deck to the satisfaction of the Council? Currently, patrons of Deep Blue enjoy its alcohol consumption facilities within an enclosed indoor space as part of the hotel or a conference. The proposed development will no doubt generate significant outdoor noise - which currently does not exist.

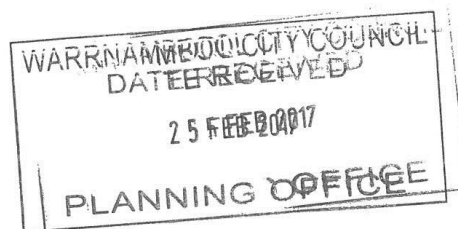
One fundamental question for the applicant to answer is whether a rooftop bar is an appropriate amenity for the Deep Blue location and is in the public interest?

The applicant will no doubt encourage alcohol consumption, although we are not suggesting that it will encourage excessive consumption. Has the applicant satisfied the Council that consumption of alcohol by spa patrons will not breach OH&S standards? Alcohol use and hot water soaking may not be a good cardiovascular combination.

Has the applicant satisfied the Council that it can prevent patrons of the hot springs from consuming excessive alcohol? If so, how? What measures should it be required to implement?

Regards

Harry and Margaret Simon





## Objection to Grant Planning Permit - Part A

Warrnambool City Council

20 FEB 2017

Ref N° 2747 FOF

Scanned Yes / No / Ch:

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Who is objecting? **ANDY FINLAY KRIS HALL RICHARD UMBERS**

I/We (Names in Block Letters)

Name(s) **ANDY** Surname **FINLAY**

Name(s) **RICHARD** Surname **UMBERS**

Name(s) **KRIS** Surname **HALL**

Address **PAUL BLAIN** Post Code **3280**

Telephone (Home) ..... Telephone (Work) .....

Mobile **0408821600** Facsimile .....

Email **ANDY.FINLAY@BENKIN.EDU.AU**

Signatures(s) **Andrew Finlay** Date **17/2/17**

Signatures(s) **[Signature]** Date **20/2/17**

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## Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number PP 2016 - 0159

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

16 PERTIOBE RD. WARRNAMBOOL

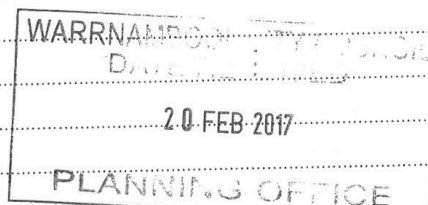
What is proposed? GEO THERMAL SPRINGS INCL FIRST FLOOR BAR + ROOF TOP DECK

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

I REFER TO MY OBJECTION FILED WITH COUNCIL IN THE NOV 2016 ALONG WITH MULTIPLE RESIDENTS OF BAMBRO. THE APPLICANT HAS NOT ADDRESSED THE CRITICAL PROVISION WITHIN HIS PREMISES OF CAR PARKING TO COMPENSATE FOR THE PROPOSED GEO THERMAL SPRINGS. ALREADY THERE IS A SHORTAGE OF CAR PARKING W/IN BAMBRO TCE. ANY CARS USED BY PATRONS TO THIS PROPOSAL MUST BE REQUIRED TO USE CAR PARKING WITHIN SPACES TO BE PROVIDED W/IN DEEP BLUE PREMISES. ~~FROM NOT IN BAMBRO TCE~~ EXCESSIVE NOISE EMANATING FROM ROOF TOP DECK.

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

- (1) NO CAR PARKING AVAILABLE IN BAMBRO TENURE
- (2) EXCESSIVE NOISE EMANATING FROM PATRONS USING THE PROPOSED ROOF TOP DECK + BAR





## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) MCKEHE Surname RHODES

Name(s) GEOFF Surname RHODES

Address 11 HOPKINS POINT RD

W'BOOL Post Code 3280

Telephone (Home) 55623613 Telephone (Work) 0408623613

Mobile 0409386030 Facsimile

Email

Signatures(s) [Signature] Date 1/12/16

Signatures(s) [Signature] Date 1/12/16

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02 DEC 2016



## Objection to Grant Planning Permit – Part B

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### What application do you object to?

Planning Application Number PP 2016-0159

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

16 PERDUE RD WARRNAMBOOL

What is proposed?

CONSTRUCTION OF HOT SPRINGS & DAY SPA ON SITE OF EXISTING CONFERENCE CENTRE IN VICINITY OF OUR PROPERTY 6 BARBRO TERRACE

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

EXCESSIVE TRAFFIC IN AN ALREADY CONGESTED PRECINCT (BARBRO TERRACE). CONSTRUCTION & DEMOLITION WILL CREATE HAZARDS IN THIS AREA. CAR PARKING IS ALREADY INSUFFICIENT FOR RESIDENTS & VISITORS. THE AMENITY OF THIS AREA IS COMPROMISED BY A PROJECT THAT HAS NO DEFINITIVE TIME-FRAME NOW. PROVISION FOR ON-GOING CONSULTATION WITH RESIDENTS.

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

AS ABOVE I REITERATE THAT BARBRO TCE DOES NOT RND ITSELF TO FURTHER TRAFFIC OR THOROUGH FARE CAUSED BY THE STATED DEVELOPMENT.

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED  
- 2 DEC 2016  
PLANNING OFFICE



## Objection to Grant Planning Permit - Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) Andy Surname FINLAY

Name(s) ARM Surname STRONG

Address 12 + 13 BOMBARDIER

WARRNAMBOOL. Post Code

Telephone (Home) Telephone (Work)

Mobile 0408821600 Facsimile

Email

Signatures(s) Anna Png Date 26/4/16

Signatures(s) [Signature] Date 26-11-16

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## Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number PP 2016 - 0159

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

16 PENTOSE RD. WARRNAMBOOL

What is proposed?

LIESUNG + RECREATION FACILITY  
GENTLEMAN SPRINGS

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

(1) LEGITIMATE CONCERNS BY ALL RESIDENTS OF BAMBANO TERRACE ON THE AVAILABILITY OF CAR PARKING WITHIN BAMBANO TCE - WHILE CAR PARKING EVEN AT PRESENT IS SCARCELY TESTED.

(2) BAMBANO TCE INTENDED TO BE A RESIDENTS ONLY HOTEL, CUSTOMERS + SUPPLIERS OF DEEP BLUE CONTINUE TO USE CAR PARKING WITHIN BAMBANO TCE

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

UNABLE TO PARK VEHICLE PROXIMATE TO HOME AND/OR VISITORS TO RESIDENTS OF BAMBANO TCE WILL NOT HAVE CAR PARKING IF THE INTENDED APPLICATION WHICH INCLUDES VEHICLES FOR UP TO 240 USERS. ALL RESIDENTS OF BAMBANO TCE WOULD LIKE A CLEAR INDICATION FROM DEEP BLUE ON WHAT STEP WILL BE TAKEN TO PREVENT CUSTOMERS FROM USING BAMBANO TCE AND USE THE EXISTING SPACES FOR CAR PARKING WITHIN THE DEEP BLUE RESORT.

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](http://www.warrnambool.vic.gov.au)  
ABN 44 594 264 321



## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s)

Name(s)

Address

Post Code

Telephone (Home)

Telephone (Work)

Mobile

Facsimile

Email

Signatures(s)

Date

Signatures(s)

Date

### Important notes about objections to permit applications

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## Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number.....

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

What is proposed?

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

- (1) BAMBAND TCE IS RESERVED FOR HOME OWNERS USE ONLY.
- (2) ALREADY EXISTING CAR PARKING IS UNDER DURESS CATERING FOR CAR PARKING WHERE SUPPLIES TO + EXISTING GUESTS OF DEEP BLUE UTILISE THE EXISTING CAR PARKS.
- (3) THE PROPOSAL IF GRANTED WOULD RESULT IN AN ADDITIONAL 40 VEHICLES REMAINING THE CAR PARKING IMPOSSIBLE FOR RESIDENTS + VISITORS REGARDING IN EXCESSIVE TRAFFIC FLOW TO PREMISES.

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

- (4) A PRE CONDITION TO THE PROPOSAL SHOULD BE SUBJECT TO A CONDITION UPON THE DEVELOPER BEING REQUIRED TO PROVIDE HIGH RISE WITHIN THE EXISTING HIGH RISE DEEP BLUE CAR PARK ALL PATRONS OF THE PROPOSED FACILITY
- (5) COUNCIL SHOULD INSIST BAMBAND TCE SHOULD BE ONE WAY ONLY TO ENSURE SAFETY FOR ALL USERS.



## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) Max Surname Taylor

Name(s) Surname

Address 10 Barbra Terrace

Warrnambool

Post Code 3280

Telephone (Home) 5562 9562 Telephone (Work) 5562 5681

Mobile 0400 620 001 Facsimile -

Email taylorsturfadesy1932@gmail.com

Signatures(s) [Signature] Date 28.11.016

Signatures(s) Date

### Important notes about objections to permit applications

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11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED

28 NOV 2016

PLANNING OFFICE

**Objection to Grant Planning Permit - Part B**

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

What application do you object to?

Planning Application Number..... PP 2016 - 0159

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

16 Pertobe Road  
Warrnambool

What is proposed?..... Geo Thermal Springs and Day Spa.

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

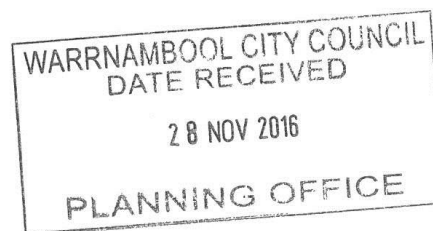
I have visited the Mornington Peninsula Geo Thermal Springs and seen first hand the huge number of customer car parks they have available also the huge customer trade they do. If this proposed Geo Thermal Springs development occurs at 16 Pertobe Road, I can envisage a great demand for extra car parking there but on a smaller scale to the Mornington Peninsular complex. Existing car parking facilities would not be able to cope

\*  
attached  
PTA

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

Living at Barbro Terrace now is peaceful, quiet and enjoyable. Current existing car parks in Barbro Terrace just adequately meet the demand for residential, visitor and current Deep Blue Spa and swimming pool requirements. Extra demand on Barbro Terrace would see all residents totally disadvantaged by extra vehicular traffic unless the developer provides car parking as he should.

- \* potential massive extra demand for car parks. It is mentioned in the planning permit that the Deep Blue conference centre should have 90 car parks provided for the centre and the proposed Geo Thermal complex have 72 car parks provided for it. Imagine the chaos and totally inadequate car parking facilities when there would be a booking at the conference centre (such as a wedding or conference) and the proposed Geo Thermal complex would be under way. This leads us to the fact that additional car parking must be provided for the new Geo Thermal complex without placing any duress on Barbra Terrace which has always catered for current tenants and their visitors.



28 NOV 2016



## Objection to Grant Planning Permit - Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) KRISTINE Surname HALL

Name(s) \_\_\_\_\_ Surname \_\_\_\_\_

Address 14 BARBRO TCE

WARRNAMBOOL Post Code 3280

Telephone (Home) \_\_\_\_\_ Telephone (Work) \_\_\_\_\_

Mobile 0459640044 Facsimile \_\_\_\_\_

Email \_\_\_\_\_

Signatures(s) [Signature] Date 27.11.16

Signatures(s) \_\_\_\_\_ Date \_\_\_\_\_

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## Objection to Grant Planning Permit – Part B

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WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED

What application do you object to?

28 NOV 2016

Planning Application Number PP2016 - 0159

PLANNING OFFICE

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

16 Pertobe Rd Warrnambool

What is proposed? Use and development of leisure and recreation facility (geothermal springs and day spa).

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

Concerns that customers of the leisure facility (capacity 240) will use Barbro Tce for parking. Parking in Barbro Tce is already difficult and hotel customers, staff and suppliers already use Barbro Tce for parking and as residents we fear the situation will become worse when the development is completed. We are also concerned about noise levels which may come from the outside pool area.

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

We would like the Hotel to explain what steps it will take to direct its customers away from Barbro Tce, toward its main entrance in Pertobe Rd so that Barbro Tce is a 'residents only' street and not a tourist and public thoroughfare. We would like reassurances that music and noise levels will not be intrusive.



## Objection to Grant Planning Permit – Part A

3.88

Warrnambool City Council

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) PAUL &amp; ALISON Surname BLAIN

Name(s) Surname

Address C1 BARBRO TERRACE

WARRNAMBOOL Post Code 3280

Telephone (Home) Telephone (Work)

Mobile 0418 317986 - 0419 13230 Facsimile

Email galleryclub@bypond.com

Signatures(s) Date

Signatures(s) Alison Blain Date 28/11/16

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## Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number... PP 2016 - 0159

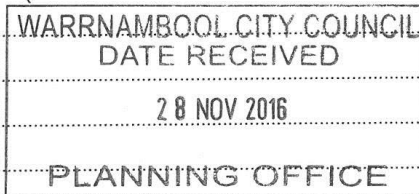
What is the address of the land that is proposed to be used or developed?

16 PERTOBE RD. WARRNAMBOOL - 3280

What is proposed? Use & development of leisure & recreational facility (geo thermal springs & day spa)

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

As Attached



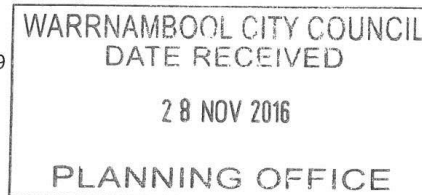
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)

As Attached

Town Planning Office  
Warrnambool Civic Centre  
25 Liebig Street  
Warrnambool. 3280  
Attention: Lauren Schneider

Paul Blain  
9 Barbro Terrace  
Warrnambool.  
Vic. 3280  
Ph: 0418 317 986

Reference: Planning Application Number PP2016-0159  
16 Pertobe Rd. WARRNAMBOOL. 3280



Dear Lauren,

As a resident of Barbro Terrace I wish to object to the proposed application for a geothermal springs and day spa.

I object on the following grounds:

- That the style of the development is totally not in keeping with the style of architecture in the area. The architecture of the surrounding buildings is one of sophistication. The application should not be granted based upon this.
- 
- Barbro Terrace itself is a residential precinct and should not be exposed to further commercial development. The application should not be granted based upon this.
- Barbro Terrace road use and parking is reserved for home owners use only.
- There should be no access to this development application from Barbro Terrace. This is NOT a thoroughfare and does not lend itself to further traffic. Access to the existing hotel and its facilities should ONLY be from the front of the property via the existing road access from Worm Bay ONLY. Traffic should not be increased in this child friendly residential area. Council should oppose this application based upon this.
- Already existing car parking is under duress catering for car parking where suppliers deliver to and existing guests of deep blue spa use.
- Parking is insufficient as it currently stands. Residents of Barbro Terrace and their guests are hindered by the current operation of the day spa. As quoted by Mr Seabrook in the Standard- edition Saturday 26 November, he envisages attendance to the day spa to increase from the current 30,000 per annum to over 200,00 per annum. Barbro Terrace residents are already compromised in safety as both pedestrians and road users by the delivery trucks attending the hotel and non-residential vehicles attending the day spa. There is absolutely NO way that traffic can increase any further. There is insufficient parking currently. Council must object to this application based upon this.
- The proposal, if granted would result in an additional large number of vehicles entering the car parking in Barbro Terrace resulting in excessive traffic flow and a danger to residents.

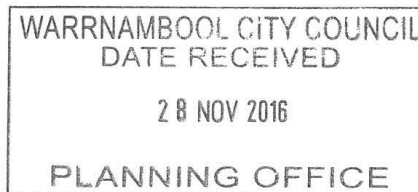
- A pre-condition to the proposal should be subject to a condition stating that the existing parking in Barbro Terrace be only for Residents and that the road be made one way only for the safety of all users.
- The proposal should be made subject to building more car parking on the proposed site to meet their envisaged requirements rather than placing intolerable demand on already heavy usage parking.

#### HOW WE WILL BE AFFECTED BY THE PROPOSAL.

- We will be placed under stress with an intolerable increase in traffic flow
- The amenity of the area and our enjoyment of the same will irreparably damaged due to the development and the lack of further parking being provided.
- As home owners our friends, family and services will be compromised by not being able to park near our property.

Yours sincerely.

Paul and Alison Blain.





## Objection to Grant Planning Permit – Part A3.88

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### Who is objecting?

☑ We (Names in Block Letters)

Name(s) DAVID Surname ARMSTRONG

Name(s) PAULINE Surname ARMSTRONG

Address 11 BARBRO TCE

WARRNAMBOOL Post Code 3280

Telephone (Home) 03 55622955 Telephone (MOBILE / WORK) 0417 250554

Mobile 0417 311 763 Facsimile

Email hexhampark@hotmail.com

Signatures(s) [Signature] Date 27.11.2016

Signatures(s) [Signature] Date 27.11.2016

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## Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number.....

PP2016-0154

WARRNAMBOOL CITY COUNCIL DATE RECEIVED 28 NOV 2016 PLANNING OFFICE
---

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

16 PERTORE ROAD

WARRNAMBOOL

What is proposed?.....

GEO THERMAL SPRINGS & DAY SPA

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

- (1) Barbro Terrace <sup>Should</sup> be reserved for home owners use or
- (2) Already existing car parking is under duress catering for car parking of suppliers to and existing guests of Deep Blue continuing to utilise existing car park
- (3) The proposal if granted would result in an additional 270 vehicles rendering the car parking impossible for residents and visitors resulting in excessive traffic flow to the premises.

(4 & 5 attached)

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

- (1) All Barbro Tee residents will be impacted due to excessive traffic flow and loss of car spaces.
- (2) I object to the visual appearance of the rock formation being 3 stories high and not in keeping with the existing precinct.

I request an extension of a further week to

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

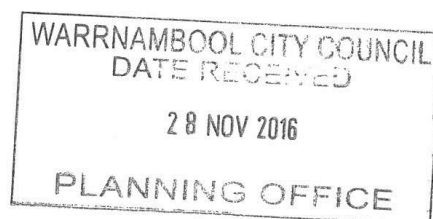
Telephone (03) 5559 4800  
Facsimile (03) 5559 4900  
AUSDOC DX 28005

Website [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)  
ABN 44 594 264 321

provide additional comments.

REASONS FOR OBJECTION:

- (4) A pre condition to the proposal should be subject to a condition upon the development being required to provide within the existing high rise Deep Blue car park for all patrons of the proposed facility
- (5) Council should also insist Barbro Terrace should be "one way" to ensure safety for all users.





## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) Anita Surname Senior

Name(s) \_\_\_\_\_ Surname \_\_\_\_\_

Address 5 Backra Terrace

Warrnambool Post Code 3280

Telephone (Home) \_\_\_\_\_ Telephone (Work) \_\_\_\_\_

Mobile 0400131556 Facsimile \_\_\_\_\_

Email ian.senior@warrnambool.vic.gov.au

Signatures(s) [Signature] Date 27.11.16

Signatures(s) \_\_\_\_\_ Date \_\_\_\_\_

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## Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number PP-2016-0159

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

16 Perlebe Road  
Warrnambool 3280

What is proposed? Geothermal Springs & Day Spa

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED  
28 NOV 2016  
PLANNING OFFICE

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

My only concern is the parking and traffic situation in Barbra Terrace. The car park is already often filled to capacity. It is used by residents, their guests and customers of Deep Blue Spa. The private houses in Barbra Terrace are quite large and have only 1 allocated car space at their properties. We need extra car parks for visitors and second cars. Excessive traffic flow would be dangerous for children who play outside. I am also concerned about the road that is shown on the plans in between Worm Bay Road and

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

Barbra Terrace  
My daughter often lives with me. She would have to park her car on Perlebe Road, completely out of sight from our house. We don't have a nature strip to park extra cars. Increased traffic flow would make the entry to our house more dangerous. The situation is already confusing at the moment with ~~cars~~ cars going both ways and plenty of trucks delivering goods to Deep Blue Spa. I would be greatly concerned if Barbra Terrace became a traffic through area by putting in a road to Worm Bay Road. It is too densely



## Objection to Grant Planning Permit – Part A

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WARRNAMBOOL CITY COUNCIL

28 NOV 2016

PLANNING OFFICE

Who is objecting?

(Give Names in Block Letters)

Name(s) STUART DON Surname STUART

Name(s) \_\_\_\_\_ Surname \_\_\_\_\_

Address 11 SHADYS LANE MARLBOROUGH FLAT

VIC Post Code 3275

Telephone (Home) 03 55 65 44 69 Telephone (Work) 03 55 62 70 74

Mobile 0429 654469 Facsimile 03 55 62 70 74

Email medonald18@hotmail.com

Signature(s) [Signature] Date 28.11.2016

Signature(s) \_\_\_\_\_ Date \_\_\_\_\_

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Objectors should send this form to:  
Planning and Environment Department  
PO Box 102 Warrnambool VIC 3240

Telephone (03) 4155 1100  
Fax (03) 4155 4500  
AUSDOC CA 18003

Warrnambool City Council  
2016/17 Financial Year



## Objection to Grant Planning Permit – Part B

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What application do you object to?

Planning Application Number: PP 2016-0159

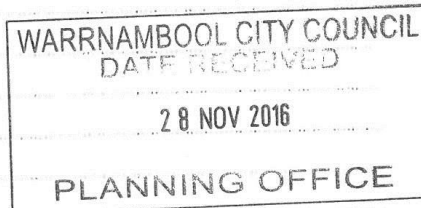
What is the address of the land that is proposed to be used or developed?

16 Pentridge Road,  
Warrnambool VIC 3280

What is proposed? USE AND DEVELOPMENT OF LEISURE  
AND RECREATION FACILITY (GEOTHERMAL SPRINGS  
AND DAY SPA)

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

INSUFFICIENT CAR PARKING



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

THE EXTRA CARS WILL USE PARKING ASSIGNED  
FOR OUR CLIENTS ROOMS AND FUNCTION AREA,  
CONDITIONS TO BE PLACED ON CONSTRUCTION SO  
AS NOT ADVERSELY AFFECT OUR BUSINESS AND ITS  
AMBILITY

Warrnambool City Council  
Council Chambers, 251 Long Street  
Warrnambool, Victoria 3280  
Australia Tel: Warrnambool 512 3455

Telephone: 03 555 4877  
Facsimile: 03 555 4992  
AU5000 DX 38009

Website: Warrnambool City Council  
800 45 554 234 223

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED

27 NOV 2016

PAGE 1 of 2

PP 2016-0159

GBATPSEWELL PTY LTD

**Objection to Grant Planning Permit – Part A**

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**Who is objecting?**

I/We (Names in Block Letters) **GB & J P SEWELL PTY LTD**

Name(s) ..... Surname .....

Name(s) ..... Surname .....

Address **16 MAXWELL GROVE WARRNAMBOOL**  
VIC Post Code **3280**

Telephone (Home) ..... Telephone (Work) .....

Mobile **0439 988 984** Facsimile .....

Email **rabaudnette@bigpond.com**

Signatures(s) **Rabaudnette** Director Date **27/11/16**

Signatures(s) **X. Rabaudnette** Director Date **27/11/16**

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## Objection to Grant Planning Permit – Part B

PAGE 2 OF 2

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

What application do you object to?

PP 2016-0159

Planning Application Number

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED

27 NOV 2016

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

16 PERTROBE ROAD WARRNAMBOOL

What is proposed?

CONSTRUCTION OF DEEP BLUE  
HOT SPRINGS

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

- IT APPEARS THAT THE COMPLEX HAS INADEQUATE PARKING WHEN COMPLETED. THE AREA WILL BE CONGESTED WITH PUBLIC TRAFFIC
- MY UNIT WILL BE INCONVENIENCED DURING THE CONSTRUCTION STAGE WITH SIGNIFICANT NOISE NEARBY AND CONSTRUCTION & TRADESMAN VEHICLES
- CONSTRUCTION VEHICLES BEING AN INCONVENIENCE TO MY TENANTS BY WAY OF IMPROPER USE OF THE ENTRY TO THE LADY BAY COMPLEX. TRADESMAN IMPROPERLY USING THE LADY BAY CAR PARK AND BEING AN EYESORE TO A HOLIDAY AND TOURISM PRECINCT.
- CONCERNS OF PUBLIC SAFETY IN A AREA USED BY MANY FAMILIES

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

WE OWN AN ADJOINING PREMISES BEING UNIT 41 OF THE LADY BAY COMPLEX WHICH FACES THE LADY BAY HARBOUR

- MY INCOME COULD DIMINISH DURING CONSTRUCTION
- TENANTS INCONVENIENCED
- IF THE COMPLEX DOESN'T PROVIDE FOR PROPER ACCESS AND MORE CAR PARKS THE PEACEFUL AVENUE WILL BE COMPROMISED & THE AREA RUINED AS A TOURISM PRECINCT
- PUBLIC SAFETY IS AT RISK WITH LARGE VOLUME OF

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](http://www.warrnambool.vic.gov.au)  
ABN 44 594 264 321

\* TRAFFIC IN A HOLIDAY & CHILDREN'S PRECINCT.



WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED

## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) Kerry Surname NELSON

Name(s) \_\_\_\_\_ Surname \_\_\_\_\_

Address 21 Wellington Street  
Warrnambool Post Code 3280

Telephone (Home) 03 55615967 Telephone (Work) 55 618112

Mobile 0438 246809 Facsimile 55 618100

Email knelson@mpower.org.au

Signatures(s) [Signature] Date 24/11/16

Signatures(s) \_\_\_\_\_ Date \_\_\_\_\_

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## Objection to Grant Planning Permit – Part B

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED

25 NOV 2016

PLANNING OFFICE

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

### What application do you object to?

Planning Application Number..... PP2016-0159

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

16 Pertobe Road

Warrnambool 3280

What is proposed?..... Use & development of leisure & recreation

facility (geothermal springs & day spa)

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

- Lack of car parking required to be provided as part of construction of new facility. This will impinge on my property as owner of unit in Lady Bay complex.
- There will be an increase in both vehicle & pedestrian traffic & access through the Lady Bay complex - my property. This will adversely affect the amenity of my business property as well as financially (loss of prospective custom due to construction in immediate vicinity).

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

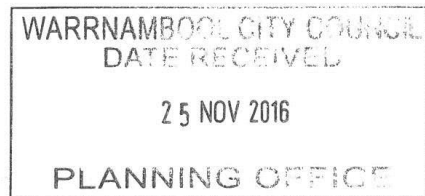
Car parking at Lady Bay will be affected with clients of new facility using both parking areas in front and behind Lady Bay. People parking in the front will be walking through our property. This will create a busier than necessary environment that will negatively affect our paying customers. Construction will adversely affect the business at the Lady Bay & the amenity. Controls on times for construction need to be applied to permit. (See attached page)

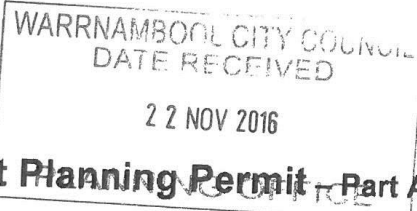
**Attachment – Objection to planning permit Part B**

How will you be affected by the grant of a permit? (Continued)

- Construction issues-
  - Construction vehicles/ traffic must be prevented from using the Lady Bay drive way ( access to Lady Bay apartments on the sea- side )
  - All construction traffic to strictly use the Worm Bay Road in order to prevent congestion, noise, dust and general interruption to Lady Bay guest safety and amenity.
  - Compensation provided to owners of the apartments predominately affected by construction and are abutting the construction zone.

**Kerry Nelson**  
**Owner, unit 34 Lady Bay**  
**Pertobe Road, Warrnambool**





## Objection to Grant Planning Permit - Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) PETER GILBERT Surname WALSH

Name(s)..... Surname.....

Address 33 SPENCE STREET

WARRNAMBOOL Post Code 3280

Telephone (Home)..... Telephone (Work) 03 55622270

Mobile 0419 365355 Facsimile 03 55611774

Email maceys@holkey.net.au

Signatures(s) Peter Walsh Date 22.11.16

Signatures(s)..... Date.....

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## Objection to Grant Planning Permit – Part B

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

What application do you object to?

Planning Application Number..... PP 2016-0159

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

16 Portaroe Road

Warrnambool VIC 3280

What is proposed? Use and development of leisure

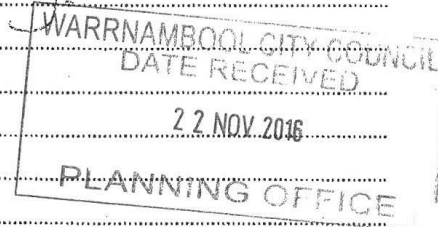
and recreation facility (geothermal springs  
and day spa)

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

Insufficient car parking

Vehicle Access & Pedestrian Access likely  
to be through our property.

See attached letter.



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

Car parking at our business to be  
severely restricted.

Pedestrian access through our site to be  
intrusive.

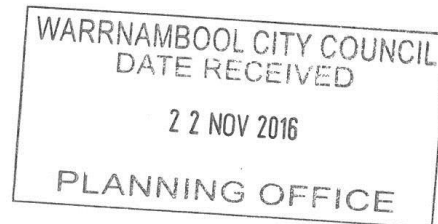
Conditions to be placed on construction  
so as to not adversely affect our  
business & its amenity.

See attached letter.

Proposed Hot Springs Development Worm Bay Road Warrnambool

Planning Application Number PP2016.0159

Objections Raised by Parkdale Quest P/L  
Trading as Lady Bay Resort/Apartments  
2 Pertobe Road  
Warrnambool Vic 3280



#### Appendix B Traffic Engineering Report

As owner of the Lady Bay Resort Apartment and Conference Centre I wish to object to the statement that the carpark situated in front of our complex is a public car park.

The car park was developed on council land in approx. 1980 by Ray Stella the owner of The Lady Bay Hotel that occupied the site at the time. Approx. \$100,000 was spent by Ray on channelling, curbing, asphaltting, and line marking with the proviso that it was then to be used by the Lady Bay Hotel.

Our facility has 65 apartments that can provide accommodation for roughly 240 guests, a conference facility that hosts events for upwards of 120 guests, a restaurant and lounge area.

Over the past year, the Lady Bay has hosted in excess of 320 events ranging from between 6 and 280 guests. This amount of conferences leads to car parking being at a premium most days of the week.

The car park is also utilised by walking groups and patrons of the Skate Park, particularly after school hours during the week and daylight hours on weekends.

#### 2.3 Parking Conditions

A total of 3 surveys to justify the usage of a car park out of 365 days of the year seems very limited.

The dates and times surveyed would only indicate staff parking and skate park patronage.

2.1 The Subject Site states that the existing Quality Suites Deep Blue Hotel with 80 guest rooms only supplies 39 undercover car parking spaces and additional 18 open-air car parking spaces onsite.

The parking currently supplied by Quality Suites Deep Blue for their guests is totally inadequate. We find that our reserved guest car parking at the rear of Lady Bay Resort is often taken by guests of Quality Suites Deep Blue. Over summer, both complexes are completely booked out for accommodation and parking for accommodation guests alone overflows to the car park fronting Lady Bay Resort. The formula used as .3 would indicate that most rooms have 3 people i.e. families when in reality there are a lot of corporate travellers who travel alone and many couples. In the city public transports comes into play where as in Warrnambool and this particular position in town car travel is the norm.

Pedestrian Traffic will be an issue as the most direct route to Quality Suites Deep Blue is straight through our complex. If the spa reaches the numbers that it predicts there will possibly be a constant stream of foot traffic walking through our premise. There is currently an easement

agreement for access between Parkdale Quest P/L and Barbro Investments Pty Ltd, but this was not designed for this purpose.

If common sense were to prevail now would be the time for the Deep Blue to be required to supply their own car parking as part of their redevelopment. Our business stands to suffer considerably if we are unable to offer parking as part of our conferencing and guest accommodation.

#### Construction Issues

We have serious concerns regarding the policing of construction times, tradesmen, contractors and equipment travelling to and from the site. The noise, dust and general inconvenience to our business is of paramount concern.

The summer period is our busiest of the year. The following months are also as Warrnambool strives to become a year-round destination. In fact, occupancy over February and March is comparable to January. We host conferences and events all year. People staying in Warrnambool on the beach expect peace and quiet not endless construction from morning to night.

---

One would expect that adequate signage will be part of the development. Presently many of Quality Suites guests enter our venue either confused of where they are going, or after directions. It would be a great inconvenience if this number of guests was compounded with the anticipated growth in their trade.

Some other areas of concern:

What time stipulations will there be on the Planning Permit for works to occur? (ie. 8.30am-4.30pm)

Will the work area be boarded to provide screening from our customers?

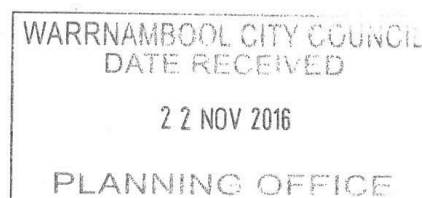
Can all construction traffic be prevented from use of our drive area and limited to Worm Bay Road to prevent noise and interruption to our guests and offer safety for our custom?

Will compensation be offered to the apartments that are majorly affected and neighbour the construction zone?

What is the scheduled timetable of works?

Whilst the owners of Lady Bay Resort welcome the construction of the sea-baths and amenity they are mindful of the business interruption that will be caused. Careful consideration of the associated issues, and the policing of any council stipulations must be given and enforced.

Peter G. Walsh  
Director  
Parkdale Quest P/L  
Trading as Lady Bay Resort/Apartments  
2 Pertobe Road  
Warrnambool Vic 3280





## Objection to Grant Planning Permit - Part A

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED

22 NOV 2016

PLANNING OFFICE

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) Louise BURFORD Surname BURFORD

Name(s) ..... Surname .....

Address P.O. Box 6123 Mildura West

v.i.c (4 Harbour News) Post Code 3500

Telephone (Home) 0350220439 Telephone (Work) .....

Mobile 0428220439 Facsimile .....

Email lburford@gmail.com

Signatures(s) Louise Burford Date 21/11/16

Signatures(s) ..... Date .....

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## Objection to Grant Planning Permit – Part B

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WARRNAMBOOL CITY COUNCIL

DATE RECEIVED

22 NOV 2016

What application do you object to?

Planning Application Number..... PP2016-0159..... PLANNING OFFICE

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

16 Portar Road Warrnambool Vic.

What is proposed?..... leisure and recreation facility

(geothermal springs and day spa)

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

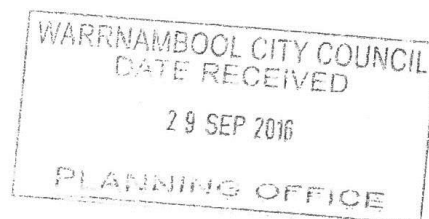
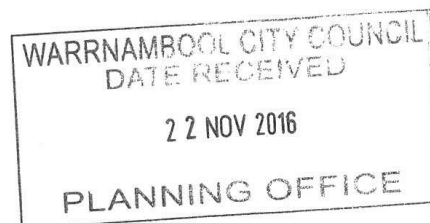
None of the photographs given as evidence of location are taken from the perspective of Harbour Mews, looking out onto the site. This building will enclose the view of the sand dunes and vegetation that I see and make the pathway to the sea shore difficult to access especially during building. My view will be replaced by a grand brick wall. The building is not sympathetic to the design of the terrace and Mews. The building is too high.

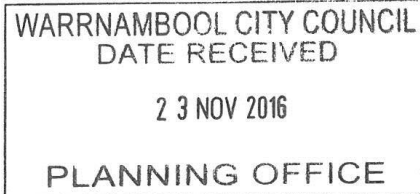
How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.)

It will be noisy and dirty whilst being built and will not enhance my enjoyment of the seaside property. It will impact on the rental I charge as no one wants to be enclosed by a grand brick wall, which I will own. The property has already had several developments, none of which have enhanced my property and this will limit my ability to enjoy and to sell the property. I will lose guest parking and the extended hours will make the property noisier.

- To maintain and enhance views from major roads and residential areas towards the coast.
- To prevent the interruption of views towards the coast by inappropriate or poorly designed development or that which is sited in prominent locations.
- To encourage development which does not intrude upon views of the coast.
- To recognise hedgerows and established exotic vegetation as an important element of the coastal landscape.

Pursuant to Clause 42.03-2 (permit requirement), a permit is required to construct a building or construct or carry out works. The requirements of Schedule 1 to the Significant Landscape Overlay are discussed further in Section 8.5 of this report.





RE: Planning Permit Application RE: 16 Pertobe Road, Warrnambool

From: "Harry Simon" <harry@aura-soma.com.au>  
To: "Simone J. O'Sullivan" <sjosullivan@warrnambool.vic.gov.au>  
cc: <planning@warrnambool.vic.gov.au>  
Subject: RE: Planning Permit Application RE: 16 Pertobe Road, Warrnambool  
Date: Wednesday, 23 November 2016 03:40 PM

Dear Simone

We are the owners of 3 Barbro Terrace, Warrnambool. Our super fund is the owner of 14 Pertobe Rd, Warrnambool.

Our phone contact details are 0404 294 020.

#### **Response to Planning Application**

We will be directly affected by increased noise, increased traffic flow and increased parking demand by patrons of the proposed hot springs and spa.

We do not oppose the development concept. However, we object to the parking and traffic arrangements proposed in the Planning Application as outlined in the Traffic Report accompanying the Application, and also the maximum height of the proposed building. Our reasons are set out below.

#### **Traffic along Pertobe Rd, Worm Bay Rd and Viaduct Rd**

According to the Traffic Report (para 8.2) the proposed hot springs and spa will generate an extra 81 vehicle movements per hour. This is on the assumption that the Conference Centre currently generates 1 event per day and 180 vehicle movements per day (para 8.1). So the assumption is that existing traffic flow and car parking use would include those 180 vehicle movements per day.

However, the Conference Centre would not have anywhere near that level of use, and no doubt you can request records from the applicant. The applicant's assumption is based on capacity, not actual events. There would not currently be 180 vehicle movements per day.

This means that there will be far more than 81 extra vehicle movements per hour above the current actual level of vehicle movements. So traffic (as well as noise and pollution) will significantly increase in the area, and the demand for parking will also increase.

According to the Application (para 3) the hot springs and spa will operate from 7 am to 9 pm, 7 days per week. The current Conference Centre would operate for significantly less hours.

Even relying on the Traffic Report assumption (which is grossly conservative) that there will be 81 extra vehicle movements per hour, that equates to 81 (movements) x 14 (hours per day from 7 am to 9 pm) x 7 (days per week), ie **7,938** additional traffic movements **per week** along Pertobe Rd and Worm Bay Rd, and a flow-on of some of that into Barbro Terrace and also Viaduct Rd. A more accurate estimate is probably closer to triple that number, perhaps an extra 30,000 traffic movements per week beyond current flow, ie > **1.5 million** additional traffic movements per year!

The extra traffic will generate considerably more noise and pollution. This will be a concern to all local residents. What can Council do to alleviate that?

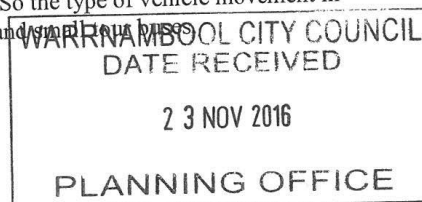
The existing traffic is mainly private vehicles. The application is clearly targeting the tourist market, which will attract the interest of tour operators. So the type of vehicle movement in the vicinity will no doubt change to include many large and noisy tour buses.

Has Council considered:

- whether Pertobe Rd, Worm Bay Rd and Viaduct Rd may require upgrading to cope with the weight and frequency of these buses? We request that Council require the applicant to provide an engineering report about that. If upgrading is required, we request that Council impose a condition in any DA that the applicant be required to pay for it or substantially contribute to it.

- whether vehicle weight along those roads ought to be restricted, so that heavy tour buses are required to access the hot springs and spa via Stanley Street, or some other appropriate measure put in place?

- the number of children who use the Pertobe Rd lake and parkland area, and whether the



significant traffic increase along Pertobe Rd may cause a public safety issue. Yes, there are existing speed humps and speed restrictions along Pertobe Rd. But as there will be so much more traffic, for that reason alone perhaps heavy tour buses should be required to access the hot springs and spa via Stanley Street, or some other appropriate measure put in place.

#### **Parking in Barbro Terrace**

WARRNAMBOOL CITY COUNCIL  
DATE RECEIVED  
23 NOV 2016

Parking spaces in Barbro Terrace are rarely completely filled. When the hot spring and spa is operational, they certainly will be filled, and there will be increased traffic movements for longer periods. There will also likely be smaller tour buses wanting to take advantage of the free parking in Barbro Terrace and in the part of Pertobe Rd that is in the vicinity of Barbro Terrace.

Can Council give consideration to restricting Barbro Terrace car parking and traffic flow to local residents (and their invitees) in order to preserve the amenity of that beautiful area?

We object to any traffic arrangement that will allow patrons of the hot springs and spa to drive through or park in Barbro Terrace. Yes, the existing use of Deep Blue allows its guests to park in Barbro Terrace. But the fact is that they rarely do. The entrance door from Barbro Terrace to the existing spa area in Deep Blue is locked outside of its current restricted spa hours. The proposed development will convert a quiet area into a busy and noisy gateway to the hot springs and spa.

The hot springs and spa will have a café (and probably a tour shop) which will require regular daily deliveries of food, drinks and other products and materials. We object to any traffic arrangement that will allow commercial delivery vans for the hot springs and spa to drive through or park in Barbro Terrace. We request that Council impose a condition in any DA that all deliveries must be via the front entrance of the building in Worm Bay Rd.

#### **Landscaping in Barbro Terrace**

The landscaped area in the centre of Barbro Terrace is fairly well maintained.

That landscaped area would likely be damaged by increased pedestrian use from spa patrons. As a consequence of increased pedestrian use, there will likely be increased littering from dumping of empty cans, bags and other rubbish in the area by those patrons.

To reduce that potential littering we request that Council impose a condition in any DA that the applicant be responsible for providing rubbish receptacles outside the front entrance of the building in Worm Bay Rd and removing rubbish on a regular basis.

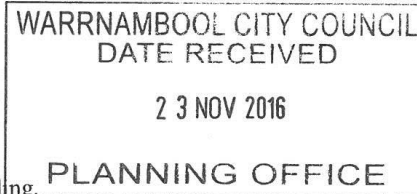
Barbro Terrace does not have any bins, and none should be placed there because that would just invite dumping of rubbish, overflow of rubbish and accompanying smell in that location.

We also request that Council impose a condition in any DA that:

- (a) the applicant be responsible for maintaining the landscaped area, and
- (b) the applicant provide a landscaping report and future plan from a qualified person to comment on the type of trees, shrubs and other landscaping that currently exists, and whether any other landscaping measures may be appropriate for long term planning, and
- (c) the applicant must not reduce the current landscaped envelope or do anything other than further beautify it in accordance with an approved plan.

**Building height**

The other concern we have is the height of the proposed building.



According to the Application, the top of the building will not be visible from the sand dunes on the beach. Precisely what sand dunes? Has Council satisfied itself about that? We didn't notice evidence in the Application to support that statement.

The additional height of the proposed building above the current building height of the Conference Centre will impair our view of the coast. The proposed max elevation is 9 m above ground level (para 8.5 of the Application). Considering its sensitive coastal location, has Council enquired of the developer whether there is a good reason to apply for that proposed building height? Does the development need to be so high? So far as we could tell the extra height serves no functional purpose and would impact the aesthetics of the local environment.

Para 8.5 states that proposed buildings "*will not impact upon views towards the coast from adjacent residential areas*". That statement cannot be correct. The proposed building will be significantly higher than the current Conference Centre. We already have views towards the coast. So any increase in height will unquestionably impair our views.

We object to any increased building height that will impair our current views. This effectively means we object to any increased building height above the current height of the Conference Centre.

Regards

Harry and Margaret Simon

T/plan PP2016-0159 - Objection Received re 16 Pertobe Road - Paula Phelan

From: Paula Polly <magentagold95@gmail.com>  
To: sjosullivan@warrnambool.vic.gov.au  
cc: planning@warrnambool.vic.gov.au  
Subject: Fwd: Planning Permit Application RE: 16 Pertobe Road, Warrnambool  
Date: Sunday, 27 November 2016 07:38 PM

Hi Simone

I am the property owner of 5 Jetty lane Warrnambool (off Barbaro tce).

Whilst I do not have any objection to the Spa proposal, I do hold the same concerns/objections outlined to you by Harry and Margaret Simon. I agree with their objections.

I can be contacted on 0404711490.

Regards

Paula Phelan

**Delegate Planning Assessment Report****Application Details:**

<b>Application is for:</b>	Use and development of leisure and recreation facility (geothermal springs and day spa)
<b>Applicant's/Owner's Name:</b>	Mr Dominic Cerantonio 4/249 Chapel St PRAHRAN VIC 3181
<b>Date Received:</b>	29 September 2016
<b>Application Number:</b>	PP2016-0159
<b>Land/Address:</b>	Lot 16 and S3 on PS 415327D PSH WAN TSH WARR 16 Pertobe Rd WARRNAMBOOL VIC 3280
<b>Zoning:</b>	Mixed Use Zone (Schedule 1)
<b>Overlays:</b>	Design and Development Overlay 8 Significant Landscape Overlay 1
<b>Under what clause(s) is a permit required?</b>	32.04-1 & 32.04-8 of the MUZ 43.02-2 DDO8 43.03-2 SLO1
<b>Restrictive covenants on the title?</b>	Section 173 Agreements: V35465K (transfer of 'residual land'), V771118C (construction of internal water supply), AB904342 (terms of access & maintenance of Worm Bay Access Rd)
<b>Current use and development:</b>	Residential / Accommodation

**Proposal**

An application has been received to extend the existing Quality Suites Deep Blue Hotel to provide for a geothermal spa facility and ancillary café.

The spa and café building will replace the existing conference centre which is to be demolished.

- The entry, reception, change-rooms and café will be accommodated within a new architecturally designed building attached to the south eastern elevation of the existing seven (7) storey hotel and apartment building.
- The new buildings are predominantly single storey (approximately 6m) in height, with a flat roof and clad in timber.
- A smaller two storey component (approximately 9.7m in height), also having a flat roof and clad in timber will accommodate a 'licenced cafe' (proposed to operate as an extension of the café) allowing ocean views and private cabanas to spa patrons.
- A void between the licenced café and the hotel is shown on the plan as an area of 'future expansion' with the hotel wall proposed to be used for showing movies.
- All buildings will be located within the boundary of the existing site.
- A new main entrance and designated parking is proposed off the Worm Bay access road.
  - A Traffic Impact Assessment (PIA) has been prepared by Ratio Consultants 21 August 2016.
  - The TIA identifies a need for 72 car parking spaces to be allocated for the new facility and that these are currently available within the site and Worm Bay access road.
  - The TIA concludes that the proposal "would not create adverse traffic and parking impacts on the area" on the basis that the demand for parking would be less than that at present with the operation of the conference centre.
  - The TIA does however comment that there would be an increase in vehicle movements.
- The use of the land for the purpose of a geothermal springs and spa is proposed to operate seven (7) days a week from 7am until 9pm. This includes the 'roof-top licenced café'.

- The spa is centred on a number of naturally heated water and mud baths (some of which within small buildings). The current facility benefits from an existing bore with a 500 Mega Litre licence from Southern Rural Water (SRW).
- All buildings on the site will equate to a site coverage of less than 50%
- The site would be screened by a 2-3m high rendered fence on southern and eastern boundaries where buildings do not abut the boundary.

The application is supported by and has been assessed on:

- Application received 29 September 2016,
- Amended plans prepared by Cera Stribley Architects (received 25 January 2017),
- Planning report by Myers Planning Group prepared September 2016 with supplement received 25 January 2017 and
- Traffic Report prepared by Ratio Consultants prepared 21 August 2016.
- Cultural Heritage Advice by Ecology & Heritage Partners Pty Ltd dated 8 November 2016.

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### Subject site & locality

An inspection of the site and the surrounding area has been undertaken.

- The site is known as 16 Pertobe Road. The proposed new building (entry, reception and change rooms) would be located within part of Lot 16 on PS 432254H with the springs extending onto land described as Lot S3 on PS 432254H.
- The application site is zoned Mixed Use (MUZ1) and covered by the Design and Development (DDO8) and Significant Landscape (SLO1) Overlays having regard to the Warrnambool Planning Scheme.
- The land zoned Mixed Use incorporates residential development, tourist accommodation, a hotel, day spa, bar/restaurant and car parking.
- Land surrounding the site is zoned Public Park and Recreation (PPRZ) and accommodates car parking fronting Viaduct Road and in proximity to the existing conference centre, a skateboard park, landscaped areas of native vegetation and the Shipwreck Bay Caravan park.



Figure 1. The existing footprint of the conference centre (red) and proposed footprint for geothermal spa facility and ancillary café (yellow).

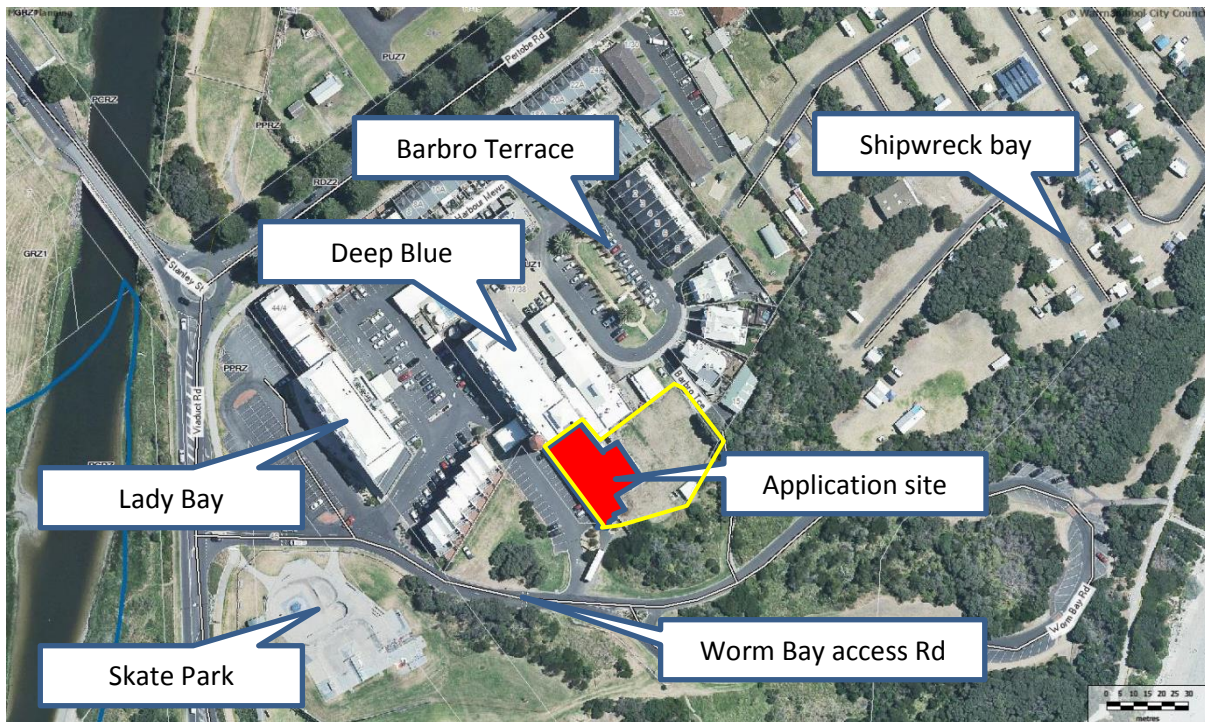


Figure 2. The application site in context.

- Access to the site is achieved direct from Viaduct Road or via Worm Bay access road. Both are fully constructed. The 'Worm Bay access road' and the majority of car parking on the western side is constructed on Crown land with the benefit of Planning Permit 2002-0057.
- Barbro Terrace is located immediately to the north of the application site. The road is identified as 'R-1' on Plan of Subdivision PS415327D and is privately owned. An extension of Barbro Terrace provides a pedestrian link to the Worm Bay access road.
- There is significant vegetation on land to the south, the majority of which is native.
- The site has an area of approximately 5000m<sup>2</sup> with the geothermal spa facility and ancillary café proposed to occupy approximately 2000m<sup>2</sup>.
- The 'Strategic Framework plan' at Clause 21.01 of the Warrnambool Planning Scheme identifies that the application site is located within 'Foreshore Area'.

### Aboriginal Cultural Heritage

The application site is within an area of Cultural Heritage Sensitivity. The application is accompanied by a report (Ecology and Heritage Partners) which demonstrates the land has been previously subject to significant ground disturbance within the meaning of the Aboriginal Heritage Act 2006. Accordingly the applicant is not required to prepare a Cultural Heritage Management Plan.

### Permit/Site History

- Permit PP1997-3528 (as amended) was issued 15 December 1997 and allowed the use and development of the land for the purpose of a 144 room motel, 16 holiday units and restaurant (referred to as Port Warrnambool Village). Of note are the following key points:
  - The original endorsed plans included a conference room located within the northern parts of the Deep Blue. To the south (on the site of this application) were additional holiday units. Car parking was proposed to be accommodated throughout level one of the Deep Blue.
  - An amendment to the permit in January 2007 saw approval for the bath house to be located on the eastern side of the Deep Blue (current location).

- An amendment in July 2007 saw approval for Stage 2 (the existing conference centre as part of a seven (7) storey extension). The number of units throughout the 'Deep Blue' development was reduced by fifteen (15) to 129. Sixteen (16) car parking spaces were proposed to the east of the current application site with access from Barbro Terrace.
- The permit has been the subject of four (4) time extensions to allow the development to be completed. The permit expired 4<sup>th</sup> March 2011.
- It would appear that only the ground floor of the approved development (stage 2) has been constructed; comprising the conference centre, kitchen, service bar and toilets. Further permission would be required to extend the Deep Blue. Car parking shown on endorsed plans to the east of the site has never been constructed.
- Permit 84/99 was issued 11 May 1999 for a carpark and associated tracks and landscaping. Access from Worm Bay Road and car parking was to be constructed on Crown Land opposite the Deep Blue with a boardwalk/ concrete path extending from Barbro Terrace to the promenade at Worm Bay following the alignment of Worm Bay Road. The permit expired requiring the applicant seek further permission.
- Permit 59/02 was subsequently issued 24 January 2003 for the construction of the access road, a carpark and associated tracks and landscaping.
  - Plans endorsed 2 December 2006 show the creation of fourteen (14) car parks on Crown land opposite the conference centre. No boardwalk was proposed.
  - On 22 December 2006 an extension of time was approved allowing works to be completed by 24 January 2010.
  - A Section 173 Agreement was registered on title (Instrument AB904342B) and includes a restriction on 'commercial vehicle' access to the 'Barbro land' from Worm Bay access road, with the exception of drop-off and pick-ups. The owner is required to continue to comply with the agreement. This agreement is not considered to be compromised if a permit issue as sought.

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### Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by:

- Sending notices to the owners and occupiers of adjoining land,
- Placing a notice on the land,
- and
- Placing a notice in the Warrnambool Standard

The notification has been carried out correctly.

Council has received seventeen (17) objections to date.

The objections can generally be grouped under three headings, being a lack of appropriate car parking and traffic management, the potential for noise from the roof-top licenced café to adverse impact on amenity of nearby residents and the double storey component of the development to impact on views

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### Consultation

A consultation meeting was held on site with Councillors, officers, the applicant and objectors on 15 March 2017.

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### Referrals

#### Section 55 Referrals:

Nil required by Planning Scheme

#### Section 52 Referrals:

Wannon Water- No objection subject to conditions

Department of Environment, Land, Water and Planning- No objection subject to conditions

Southern Rural Water- No objection

**Internal Referrals:**

Health and Local Laws- Recommends acoustic report & further details required for disinfection/ filter controls.

City Infrastructure- No objection subject to conditions

City Building- No objection

City Sustainability- No objection

**Planning Framework**

Control	Buildings and works triggered?	Use control triggered?	Other
MUZ	Yes	Yes	-
DDO8	Yes	-	Development Plan must be approved
SLO1	Yes	-	-
52.06 (car parking)	-	-	Development meets the car parking standards

**ZONING:**

The application site is located in the **Mixed Use Zone**

Clause 32.04 Mixed Use Zone

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.
- To provide for housing at higher densities.
- To encourage development that responds to the existing or preferred neighbourhood character of the area.
- To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.

Clause 32.04-8 Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.04-2.

Clause 32.04-11 provides a list of application requirements

Clause 32.04-13 provides the decision guidelines

Schedule 1 to Clause 32.04 Mixed Use Zone (Warrnambool Mixed Use Areas)

No specific requirements are included in the schedule that affect the proposal.

**OVERLAYS:**

The site is covered by the **Design and Development Overlay** and **Significant Landscape Overlay**.

Clause 43.02 Design and Development Overlay

Purpose

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

**Clause 43.02-1 Design objectives**

A schedule to this overlay must contain a statement of the design objectives to be achieved for the area affected by the schedule.

**Clause 43.02-2 Buildings and works**

Permit requirement to construct a building or construct or carry out works.

**Clause 43.02-5 Decision guidelines****Schedule 8 to the Design and Development Overlay (Pertobe Road (South))****Design Objectives***Village Character*

- To ensure that the Norfolk Island Pines along Pertobe Road remain as the dominant landscape feature in the area.
- To ensure that development reduces in size away from the new hotel proposed as part of the Port Warrnambool Development.
- To ensure that development is not visible above the dunes from the beach.
- To ensure that new development includes features that enhance the appearance of the Warrnambool foreshore and environs, or contribute to the areas character or sense of identity.
- To ensure that special attention is given to the facades of buildings that are visible from the South Warrnambool Wetlands and Breakwater Road.

*Site layout and Building Envelope*

- To ensure that buildings are appropriately setback from sensitive environmental boundaries and street frontages.

*Decision Guidelines*

- Before deciding on an application for a permit, the responsible authority must consider, as appropriate, the impact of the proposed subdivision or development on the prevailing character of the Gateway area.

**Clause 42.03 Significant Landscape Overlay****Purpose**

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify significant landscapes.
- To conserve and enhance the character of significant landscapes.

**Clause 42.03-1 Landscape character and objectives**

A schedule to this overlay must contain:

- A statement of the nature and key elements of the landscape.
- The landscape character objective to be achieved.

**Clause 42.03-2 Permit requirement**

A permit is required to construct a building or construct or carry out works.

**Clause 42.03-4 contains the decision guidelines****Schedule 1 to the Significant Landscape Overlay****Coastal Hinterland Landscape Area***1.0 Statement of nature and key elements of landscape*

Warrnambool is the largest coastal city in Victoria, and is bordered by scenic coasts. The proximity of the Hopkins and Merri rivers to the coast also gives the rivers, their estuaries and the coasts important landscape qualities. Coastal and coastal hinterland views are of significance to residents, visitors and the tourist industry.

**2.0 Landscape character objective to be achieved**

- To protect and enhance the scenic qualities of coastal hinterland areas.
- To recognise the value of the scenic qualities of views towards the coast to residents, visitors and the tourist industry.
- To maintain and enhance views from major roads and residential areas towards the coast.
- To prevent the interruption of views towards the coast by inappropriate or poorly designed development or that which is sited in prominent locations.
- To encourage development which does not intrude upon views of the coast.
- To recognise hedgerows and established exotic vegetation as an important element of the coastal landscape.

**THE STATE PLANNING POLICY FRAMEWORK (SPPF)**

Clause 11- Settlement

Clause 12- Environmental and Landscape Values

Clause 13- Environmental Risks

Clause 14- Natural Resource Management

Clause 15- Built Environment and Heritage

Clause 17- Economic Development

Clause 18- Transport

Clause 19- Infrastructure

**MUNICIPAL STRATEGIC STATEMENT:**

Clause 21.01- Municipal Profile

Clause 21.02- Settlement

Clause 21.03- Environment and Landscape Values

Clause 21.04- Environmental Risks

Clause 21.05- Natural Resource management

Clause 21.06-1- Urban Environment

Clause 21.08- Economic Development

Clause 21.10- Infrastructure

**Local Policies:**

There are no Local Policies of relevance to this proposal.

**RELEVANT PARTICULAR PROVISIONS**

Clause 52.06- Car Parking

**GENERAL PROVISIONS:**

Clause 65- Decision Guidelines

Because a permit can be granted does not imply that a permit should or will be granted. The responsible authority must decide whether the proposal will produce acceptable outcomes in terms of the decision guidelines of this clause.

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**Assessment****State Planning Policy Framework**

The proposal is considered to provide an acceptable response to relevant State Planning Policy Framework (SPPF) in the following regard:

- It seeks to strengthen the regional economy by attracting more people to the region and adding value to the existing business,
- The use and development is of a scale and design that would protect the significant landscape and being confined to the title boundary and part of 'Warrnambool Village' node would not adversely impact on adjacent native vegetation or the coastal reserve.
- Appropriate measures (through condition of any permit) can address the potential for contamination and the control of noise effects on adjacent sensitive land uses.
- The views of Southern Rural Water (in regard to the use of bore water) and Wannon Water (in regard to connection to reticulated water and sewer) have been sought and appropriate conditions placed on the permit to address the relevant objectives of catchment planning and management.
- The architectural design has had regard to the site and surrounds and provides for an appropriate response to the 'gateway' location and existing development.
- The proposal builds on the tourism opportunities in the area and existing movement network.
- Car parking has been addressed by the applicant and the impact of the proposal will not unreasonably impact on the amenity of the area.
- The impact of stormwater will be managed through condition of a permit requiring a Stormwater Management Plan to the satisfaction of Council.

**LPPF**

The proposal is considered to provide an acceptable response to relevant Local Planning Policy Framework (LPPF) in the following regard:

- The proposal seeks to add value to the existing business that will build on the City's future economic development, and role as a key tourism destination in the south west,
- It seeks to provide a niche use and development of a scale appropriate to the 'Breakwater activity node' and 'tourism convenience node' building on existing tourism and recreation functions,
- The area of the geothermal springs and spa would be confined to the boundaries of the title and would not stray onto the adjoining coastal reserve. Conditions of a permit would ensure that during construction and ongoing use the reserve is not adversely impacted. DELWP has not raised any objection to the proposal, in particular to the use of Worm Bay Road for access and parking,
- The bulk and scale of the proposal is site responsive and a more contemporary response to the coastal environment than what currently exists,
- The development would continue to allow sharing of views from adjacent accommodation to the surrounding coastal landscape features,
- The proposal incorporates 2m to 3m high fencing to boundaries where buildings are not built to the boundary. 1.8m glass screening is to be provided around the licenced café/ bar area and opening hours are limited to 7am to 9pm seven days a week. In addition to the above, conditions of a permit limiting patron numbers to the agreed 200 and a noise/ amenity plan will ensure there is no unreasonable noise impact on nearby residents. The use will also be required to comply with the relevant noise limitations imposed by the EPA.
- Appropriate methods will be put in place to control the treatment and disposal of wastewater.

**Zone and Overlays**

The zone and overlays applicable to the site seek to facilitate a range of uses that complement the mixed use function of the locality. The bulk, location and appearance of new development is required to be compatible with adjacent buildings and the streetscape, in particular the village character of South Warrnambool.

**Particular provisions**

Clause 52.06 (Car parking) does not provide a specific figure for the number of car parking spaces appropriate to the proposed use and development. Parking must therefore be provided to the satisfaction of Council. The application has been referred internally to the Infrastructure unit who have not objected or requested additional car parking be provided.

The applicant submits that no additional car parking is required to facilitate the geothermal springs and spa on the basis that the total anticipated patron numbers (240) will be less than the existing patron numbers that attend the conference centre (320). With amended plans lodged 25 January 2017 it is anticipated patron numbers will now not exceed 200 further reducing parking demand in the area.

Having regard to the parking provisions in the Planning Scheme the proposal is considered acceptable for the following reasons:

- The applicant has submitted a Traffic Impact Assessment (TIA) which supports the proposal with no recommendations,
- In assessing the likely parking demand, the TIA has compared the proposed new use with that of a 'place of assembly' (as defined in the Planning Scheme). According to the Planning Scheme this would equate to the need for 90 car parking spaces to be provided in association with the geothermal springs and spa. The TIA states that this can be accommodated within the existing parking areas and informally on the grassed areas nearby.
- The existing car parking within Barbro Terrace is not included as part of the allocation of car parking spaces for the new use. The day spa will continue to operate alongside the geothermal springs but both will have separate entrances. A condition of a permit will require car and bus parking to be nominated on a plan for endorsement to this effect and signage to be displayed to clearly direct patrons of each to the allocated parking areas.
- Council's Infrastructure unit has considered the proposal and not objected. Conditions have been requested that before the use commences a Stormwater management Plan and Construction Management Plan must be submitted for approval. In addition any additional car parking areas required must be constructed.

**General provisions at Clause 65**

Clause 65 states that before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in Section 60 of the Act (*includes objectives of planning in Victoria*)
- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

A response to the objections follows and has regard to the above decision guidelines.

**Response to objections**

Notice of the original application attracted fourteen (14) submissions. Notice of the amended proposal attracted a further three (3) objections.

The objections can generally be grouped under three headings, being a lack of appropriate car parking and traffic management, the potential for noise from the roof-top licenced café to adverse impact on amenity of nearby residents and the double storey component of the development to impact on views.

- Objectors have reported existing car parking problems within Barbro Terrace which they feel are likely to be exacerbated should Council give approval for the proposed development. The following comments are provided in response:
  - The applicant has provided a Traffic Management Assessment (TIA) which supports the proposal with no recommendations. The TIA concludes that no additional parking would be generated by the proposal as the geothermal springs and spa replaces the existing conference centre and would accommodate fewer patrons.
  - The entry to the geothermal springs and spa would be from Worm Bay Road and not from Barbro Terrace- in the same way as entry and parking for the existing conference centre is on Worm Bay Road. Car parking associated with the new use is therefore proposed within the existing car parking area immediately west of the existing conference centre with options available to park on surrounding grassed areas during peak times.
  - It is acknowledged that the existing car parking for the Deep Blue extends to outside the title onto Crown land for which Council is the land manager. The Department of Environment Land Water and Planning (DELWP) have been referred the application and do not object in this regard. Council's Infrastructure Unit and City Sustainability unit have also not objected.
  - Council's Infrastructure Unit has also considered the TIA which identifies a likely increase in traffic. No comment has been provided in this regard.
- Amenity concerns in particular around the use of the roof-top bar.
  - Council is obliged to consider the impact of the proposed use and development on the general amenity of the area pursuant to Clause 65 of the Planning Scheme (General Decision Guidelines). It's noted that the decision guidelines of the Mixed Use Zone do not call for consideration of the impact 'leisure and recreation' uses on the amenity of the area. Only a proposal for an industrial or warehouse use would allow for consideration of amenity under the zone provisions.
  - However, having regard to the general decision guidelines at Clause 65 of the Planning Scheme Council can consider the *orderly planning of the area* and the *effect on the amenity of the area*.
  - Amended plans submitted to Council 25 January 2017 included the provision of a second storey to the development to accommodate a 'roof-top bar'. This replaced an earlier 'upper level lounge and infinity pool' above the entry to the facility. Notice of the amended application attracted further objections.
  - Following a consultation meeting on 15 March 2017 concerns were raised to the potential for noise disturbance from music and patrons of the bar. The applicant has since confirmed that the roof-top area might be better described as a 'licenced café'.
  - The nearest residential buildings to the roof-top are approximately 40m to the east and 20m to the west.
  - Amenity of the area will be affected as a result of the introduction of the geothermal springs and spa but not to an unacceptable level for the following reasons:
    - The roof top is restricted to patrons of the spa during normal opening hours – 7am to 9am. This will form a condition of a permit.
    - The roof top area will incorporate a 1.8m high glass balustrade and is proposed to be a relaxing and quiet environment with no live or amplified music. This will also form a condition of a permit.
    - The void between the licenced café and Deep Blue labelled on plan TP.105 revision 2 dated 22.12.16 as 'future expansion' is required to be deleted as part of an amended plan condition of a permit. This will ensure there is no presumption a permit will issue for the same in any future permit application. The use of the void for the projection of movies will need to comply with a condition of a permit that restricts external sound amplification.
    - Having regard to proposed permit conditions the noise levels emanating from the rooftop are unlikely to exceed those which might otherwise occur from the proposed open pool areas within the spa (including waterfall features), open space around the hotel and Barbro Terrace (Shipwreck Bay) and other tourist facilities in the local area. Within a

mixed use zone the anticipated noise levels from the springs and spa are considered acceptable, although it would be appropriate to include a 'general amenity' condition on any permit to allow Council to monitor noise levels and respond if required.

- The use will also have to comply with state guidelines provided by the EPA in relation to noise.
  - The licencing of the café/ bar is subject to a separate application to be considered on its merits.
- Concerns have been expressed to the design of the new building and impact on views
    - The development is both single storey and two storey and incorporates a flat roof. The two storey component would reach a maximum height of 9.72m above natural ground level and the single storey part would have a height of 6.02m above ground level.
    - While the single storey building will extend at ground level from the south east elevation of the existing seven (7) storey hotel, the two storey component will stand on its own with a setback of 8m from the hotel.
    - The impact of the proposed development is considered acceptable on visual amenity and the coastal landscape for the following reasons:
      - The relevant planning considerations call for consideration of the design guidelines provided in the Design and Development Overlay and Significant landscape Overlay. It is also relevant to consider the Local Policy Framework that calls for development to respect the sharing of views and decisions of VCAT that states there is no 'right to a view' subject to various tests being met.
      - The bulk and scale of the development is subservient in the context of the existing hotel. The development may become part of the views afforded from neighbouring properties, particularly for those with outlooks toward the coastal reserve. However the development would be close enough to the existing hotel to not be seen in isolation of other buildings and would only form a small proportion of the total outlook afforded by neighbouring properties.
      - The design is more contemporary than the neighbouring buildings in that it incorporates a flat roof and timber cladding exterior finish. This however is considered to be an advantage to the coastal location providing a lower building form than that with a conventional pitched roof and exterior materials that are more sympathetic to the adjoining coastal reserve.

## Other matters

Status of Barbro Terrace:

- Barbro Terrace referred to as 'R-1' on PS 415327D and 'R-2' on a subsequent Variation of Easement, would appear to have its own title and privately owned. Residents of Barbro Terrace have rights to pass over R-1/2 to gain access to other lots within the Plan of Subdivision. The application does not propose additional traffic within Barbro Terrace.

## Waste collection

Council's Waste Management department has requested any permit recognise collection and storage of commercial waste.

A permit condition is included that requires the applicant submit a Construction Management Plan (CMP) before starting work. This includes the need for the developer to provide an Environmental Management Plan (EMP) that addresses EPA guidelines for construction sites. The EPA guidelines require management of on-site waste and consideration of amenity.

A 'general amenity' condition is also included on the permit to safeguard the on-going amenity of the area and includes reference to the storage and collection of waste. These measures are considered appropriate to address the comments of the Waste Management unit.

## Liquor licencing

A separate permit is likely to be required for a new licence or variation to an existing liquor licence to change the licenced area. Any permit application will be considered against the relevant provisions of the Planning Scheme and on its merits.

**Council's Health Unit**

Comments have been received from Council's Health Unit to the effect that an acoustic report should be submitted for approval before works start.

For the reasons outlined earlier in the report in response to amenity concerns and having regard to the proposed conditions of the permit, the impact of noise on the amenity of the area is considered to be appropriately addressed without an acoustic report.

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**Conclusion**

Having regard to the relevant planning considerations the proposal is considered to provide an appropriate outcome for the site subject to the conditions outlined earlier in this report.

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**Recommendation**

That council having caused notice of Planning Application No. PP2016-0159 to be given under Section 52 of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a Permit under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot F PS 415327D PSH WAN TSH WARR, 16 Pertobe Rd WARRNAMBOOL VIC 3280, for the Use and development of leisure and recreation facility (geothermal springs and day spa) in accordance with the endorsed plans, subject to the following conditions:

1. Before the use or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must show:
  - (i) Deletion of the reference to 'future expansion' on Level 01 Plan drawing TP.105 revision 2 dated 22.12.16.
  - (ii) Amended elevations to show details of any signage
  - (iii) Amended site layout plan showing construction access point to only be from Worm Bay access road.
  - (iv) Car parking plan that nominates car and bus parking areas allocated for use with the approved geothermal springs and day spa. In this regard the plan must not impinge on existing car parking allocation and any registered agreement.
2. Before the development starts, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.  
The landscaping plan must show:
  - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
  - b) buildings and trees (including botanical names) on neighbouring properties within at least three metres of the boundary, or where impacted;
  - c) details of surface finishes of hardstand areas such as pathways and driveways;
  - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - e) landscaping and planting within all open areas of the site;
  - f) any earthworks, accesses, hard landscaping and lighting.

All species selected must be to the satisfaction of the Responsible Authority.

3. Before the use starts the landscaping works as shown on the endorsed Landscape Planting Plan must be completed to the satisfaction of the Responsible Authority and then maintained thereafter to the satisfaction of the Responsible Authority. No plant substitutes are permitted for species identified in the endorsed Landscape Planting Plan within the 12 month planting establishment period, without the consent of the responsible authority.

4. Before development construction works commence, the developer must provide Wannon Water with the following information (if applicable).
  - The projected volume increase in sewerage load to be discharged to the Wannon Water sewer system.
  - The projected composition and temperature of the increased sewerage load to be discharged to the Wannon Water sewer system.
  - The projected increase or water demand volume from the Wannon Water reticulated water supply.
  - Any proposed changes to the bore extraction licence volume from the Dilwyn Aquifer, resulting in additional water being extracted and discharged to the Wannon Water sewer.
  - Details of proposed pretreatment equipment to be installed to remove sediments and other trade waste implications prior to discharge of wash water from the proposed mud room and waste from other proposed facilities prior to discharge to sewer.

This information is required to determine the extent of sewerage system, including sewerage pump station augmentation works that are required to be provided by the developer at the developers cost.

The works are to be constructed and acceptance tested under the supervision of a consulting engineer in accordance with the plans and specifications approved by Wannon Water

5. Before the commencement of any works for the development (including any preliminary site preparation and establishment works, demolition or material removal) a Construction Management Plan must be submitted to and approved by the Responsible Authority. The Construction Management Plan must include and address the following:
  - a) Details of Public Safety, Amenity Considerations and Site Security.
  - b) Environmental Management Plan (EMP) in accordance with the Environment Protection Authority document Environmental Guidelines for Major Construction Sites, February 1996 or its successor document, including:
    - i. Operating Hours, Noise and Vibration Controls;
    - ii. Air and Dust Management;
    - iii. Stormwater and Sediment Control; and
    - iv. Waste and Materials Reuse Management.
  - c) Construction Program.
  - d) Traffic Management Plan.
  - e) Evidence of Responsible authority approvals and insurance required to undertake works.
  - f) Asset Condition Report, with photos and assessment of any prior damage to public infrastructure and identified actions to minimise damage to infrastructure during construction.
  - g) Once approved, the Construction Management Plan will be endorsed and form part of this permit.
6. Before the use or development commences an amended Traffic Management Plan that reflects a maximum patronage of 200 must be submitted to and approved by the Responsible Authority.
7. Before the commencement of any works for the development, detailed construction plans in accordance with current Design Guidelines and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must include:
  - a) Concrete footpath construction from the existing linear path adjacent the subject land, east to the Council maintained car park within Worm Bay Road, including pram crossings, signage and TGSIs as required;

All works constructed or carried out must be in accordance with the endorsed plans.

8. Before the use starts, a noise and amenity plan/patron management plan to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan.

The plan must include:

- (a) staffing and other measures which are designed to ensure the orderly arrival and departure of patrons
- (b) signage to be used to encourage responsible off-site patron behaviour
- (c) the training of staff in the management of patron behaviour
- (d) staff communication arrangements
- (e) measures to control noise emissions from the premises
- (f) any additional measures to comply with *State Environment Protection Policy (Control of Music Noise from Public Premises)*, No. N-2 (or as amended).

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

- a) Details of how the works on the land are to be drained and/or retarded.
- b) Where interim or temporary works are proposed, details must be provided to show details on how these interim or temporary works will integrate with the ultimate drainage systems.
- c) Where drainage is required to be conveyed across privately owned land, demonstration of the consent of the landholder and/or easements must be provided to the satisfaction of the Responsible Authority
- d) Identify any existing drainage on the site
- e) Computations of the existing and proposed drainage
- f) Independent drainage or on-site retention facility for each lot.
- g) Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways Including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- h) The storm water discharge from this development must be limited to predevelopment runoff for an 18% AEP storm event.
- i) The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
- j) Maintenance schedules for treatment elements.
- k) Designed and constructed to satisfy AS/NZS 3500.
- l) Demonstrate storm water runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within development.

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

10. Before the use or occupation of the development, the car parking areas (both on street and off street) must be provided to the satisfaction of the Responsible Authority. The works must be designed in accordance with the following where plans are to be submitted to and endorsed by Council prior to construction.

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

11. Before the use starts, details of disinfection controls including rate and volume of wastewater discharge and filter types to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the details will be endorsed to form part of the permit.

12. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
13. The exterior colour and cladding of the building must be of a non-reflective nature and finished in muted toning to the satisfaction of the Responsible Authority.
14. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the land
  - b) appearance of any building, works or materials
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - d) presence of vermin,
  - e) collection and storage of waste,
15. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution *during the construction period*:
  - a) Stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and must have measures in place to prevent the movement of such material off site.
  - b) Building operations such as brick cutting, washing tools, concreting and bricklaying must be undertaken on the building block. The pollutants from these building operations must be contained on site.
  - c) Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.
16. No more than 200 patrons may be present on the premises at any one time without the prior written consent of the Responsible Authority.
17. The use may only operate between the hours of 7am to 9pm seven days a week.
18. No patrons are permitted to be on-site outside the approved opening hours.
19. External lighting must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.
20. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
21. During construction all access to the site must be via the nominated access/ crossing shown on the endorsed plan. No construction traffic is permitted to the site via Barbro Terrace.
22. All stormwater discharged from the site must be conveyed by means of underground drains to a lawful point of discharge to the satisfaction of the responsible authority.
23. No polluted or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses or outside the boundary of the site.
24. All works must occur within the title boundary and no disturbance to any adjoining property shall occur as a result of this application to the satisfaction of the Responsible Authority.
25. No construction activity or access may occur in the adjoining coastal reserve.
26. The take and use of groundwater for the purpose of providing water for the development or any other commercial use must comply with licence BEE049304 issued in accordance with section 51 of the Water Act 1989;
27. The disposal of hot water must comply with the responsible authority approval.
28. The provision, at the developers cost, of the required water supply works necessary to serve the proposed development.
29. The developer entering into an agreement with Wannon Water for payment of the new customer contributions applicable to the proposed development.

30. The developer obtaining the necessary consents and approvals for: -

- Alteration to or connection of on-site plumbing.
- The discharge of “trade waste” (other than domestic sewage) from the property.

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

- a) the development and the use are not started within two (2) years of the date of this permit.
- b) the development is not completed within four (4) years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:

- a) Within six months afterwards for commencement, or
- b) Within twelve months afterwards for completion.

## Notes

### Road Reserve Works Permit

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

### Asset Protection Permit

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

### Native vegetation

Further planning approval may be required for the removal of native vegetation.

## **5.4 PROPOSED PLANNING SCHEME AMENDMENT TO THE WARRNAMBOOL PLANNING SCHEME – 678-688 RAGLAN PARADE, WARRNAMBOOL (AMENDMENT C102)**

### PURPOSE

*This report provides information on a request received from Network Planning Consultants to rezone land at 678-688 Raglan Parade (former CFA Station), Warrnambool and recommends that Council seeks authorisation to prepare an Amendment to the Planning Scheme.*

### EXECUTIVE SUMMARY

- Council has received a request from Network Planning Consultants to rezone land at 678-688 Raglan Parade to a Mixed Use Zone with an Environmental Audit Overlay.
- The land is the former Fire Station located on the corner of Raglan Parade and King Street and is currently zoned for the fire station - Public Use 1 – Service & Utility.
- The amendment is required so that the land can be sold and developed for private use.

**MOVED: CR. HULIN**  
**SECONDED: CR. CASSIDY**  
**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 rezone land at *678-688 Raglan Parade, Warrnambool* from *Public Use Zone 1* to *Mixed Use Zone* and *apply an Environmental Audit Overlay*.
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 rezone land at *678-688 Raglan Parade, Warrnambool*, to the *Mixed Use Zone* and *apply the Environment Audit Overlay* to the land (Amendment C102).

**CARRIED – 7:0**

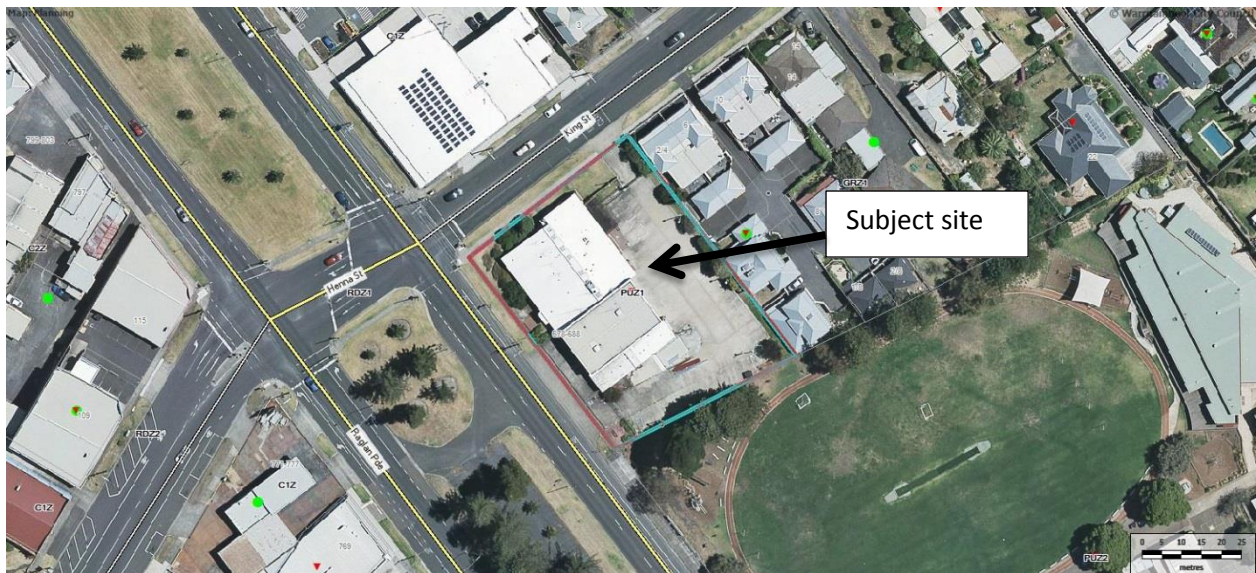
## BACKGROUND

The land is located on the north side of Raglan Parade, on the corner of King Street. It has been developed with the former fire station and owned by the CFA for approximately 30 years.

A new fire station has been developed in Mortlake Road and is now operational. As a result the former fire station is now obsolete and surplus to the CFA's requirements, and therefore is to be disposed of.

The land is currently zoned Public Use Zone 1 – Service & Utility under the Warrnambool Planning Scheme. The current zoning does not provide for private use, therefore the land needs to be rezoned before it can be disposed of.

(Locality plan below).



## ISSUES

Network Planning Consultants has lodged a request to rezone the land from Public Use Zone 1 to the Mixed Use Zone (MUZ). The proposed amendment includes the application of the Environmental Audit Overlay which will manage any potential contamination of the site. Refer to **Appendix A** for a copy of the request.

The purpose of the MUZ includes *'to provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality, to provide for housing at higher densities and to encourage development that responds appropriately to neighbourhood character.'*

The MUZ is supported by the Warrnambool City Centre Structure Plan (adopted by Council in 2012) which includes the land in the "north/central mixed use precinct" (Precinct b). A key implementation strategy for this Precinct is to *"... promote a diversity of land uses and to rezone existing business zones to either a Mixed Use Zone or an Activity Centre Zone...."*

The Activity Centre Zone is not currently used in Warrnambool City and would require further strategic work to justify its use, particularly for a 'spot rezoning' such as this. Accordingly the MUZ is most appropriate.

The Amendment will facilitate the reuse and potential redevelopment of an underutilised parcel of land, which is located on the northern periphery of the Warrnambool City Centre. The Mixed Use Zone will provide broader use and development options for the future of the land. The following process will be undertaken for the amendment:-

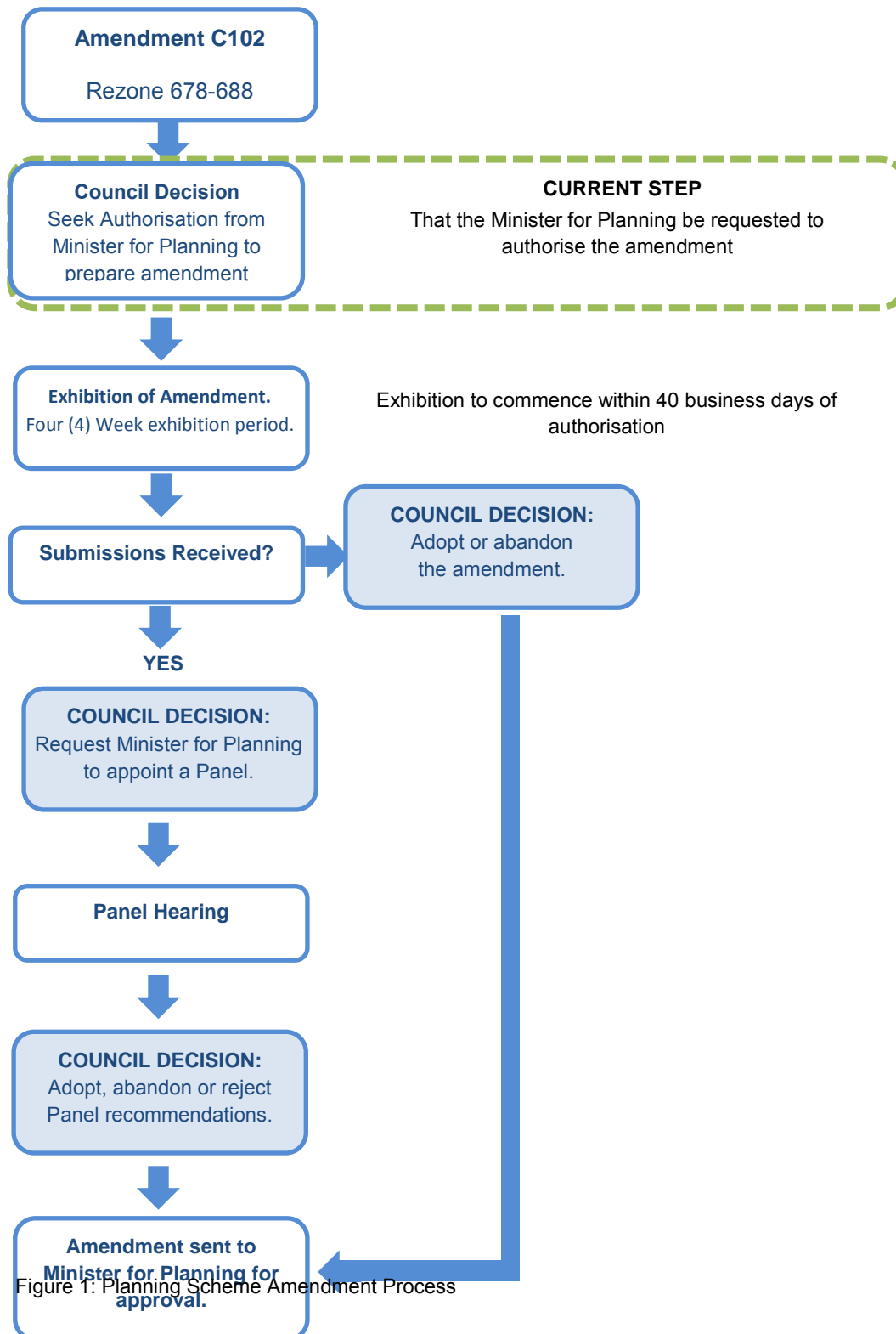
**PLANNING SCHEME AMENDMENT FLOWCHART (AMENDMENT C102)**

Figure 1: Planning Scheme Amendment Process

**CONSULTATION/COMMUNICATION**

It is proposed to publicly exhibit Planning Scheme Amendment C102 for a four (4) week period, pursuant to Section 19 of the *Planning and Environment Act 1987*, individual notice will be given to owners and occupiers of affected properties. Copies of the notice will also be published in the Warrnambool Standard.

All amendment documentation will be available 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 2016/17 City Strategy and Development Budget and all statutory fees will be paid by the applicant.

**ENVIRONMENTAL/RISK IMPACT**

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

**APPENDIX A - AMENDMENT REQUEST****NETWORK PLANNING CONSULTANTS PTY LTD**  
A.B.N. 24 052 866 154

21 March, 2017

Ms Julie Glass  
Co- Coordinator City Strategy  
Warrnambool City Council  
P.O. Box 198  
Warrnambool VIC 3280

Our Reference: CFA/108

Dear Julie,

**Re: Request for Rezoning of Disused CFA Fire Station  
678 Raglan Parade, Warrnambool**

I refer to our submission to your Council dated 1 March, 2017, and to our subsequent discussions regarding the above-mentioned matter.

Given that the CFA seeks a rezoning of the land to a Mixed Use Zone there is a possibility that, if this is acceded to, the land could become a candidate for a residential or other sensitive use.

Although it is most unlikely that toxic or hazardous chemicals would have previously been stored or handled on the land, CFA could not give you an unqualified undertaking that the land (or any part of it) is not contaminated.

Accordingly, CFA agrees with you that, as an abundance of caution and to ensure that all appropriate safeguards for future owners and users of the land are in place, an Environmental Audit Overlay should be applied to it, in conjunction with the Planning Scheme Amendment now being sought.

I trust that this additional request will be found to be in order, and that you will be in a position to include the necessary provisions in the documentation that is now in the course of being prepared.

Yours sincerely

**NETWORK PLANNING CONSULTANTS PTY LTD****Ian d'Oliveira**

Principal

**NETWORK PLANNING CONSULTANTS PTY LTD**  
A.B.N. 24 052 866 154 A.C.N. 052 866 154



31 January, 2017

The Manager, City Strategy and Development  
Warrnambool City Council  
P.O. Box 198  
Warrnambool VIC 3280

Attention: Mr James Phillips

Warrnambool City Council	
- 3 FEB 2017	
Ref N°	
Officer	
Our Reference: CFA/108	

Dear Sir/Madam

**Re: Request for Rezoning of Disused CFA Fire Station  
678 Raglan Parade, Warrnambool**

I refer to our recent communications with James Phillips of your office regarding the above matter.

As advised, we have been engaged by the Country Fire Authority ('CFA') to act for it in seeking a rezoning of the land in question from its current Public Use 1 Zone ('PUZ1') to an alternative zone that provides for suitable private sector use.

You will be aware that a new state-of-the-art fire station has recently been constructed and commissioned to the north of the City centre (at 61-65 Mortlake Road) to replace the fire station at 678 Raglan Parade. This action had to be taken because the existing station had become out-moded and no longer physically capable of meeting CFA's operational requirements, and due to the limited size of the site could not be suitably upgraded. As a result, the 'old' fire station has become obsolete and surplus to CFA's requirements, and is therefore to be disposed of.

The land in question is a Freehold parcel, owned by the CFA. Therefore now that it has been vacated, CFA intends to sell it to recoup funds to help pay for the new (replacement) fire station.

Although a first right of refusal has been given to Government Departments and public agencies to purchase the land, no expressions of interest have been received. As a result, the land is now to be sold on the open market.

The current zoning of the land under the Warrnambool Planning Scheme (PUZ1) is an obstacle to this process going forward. This is because of a long-standing directive of the Victorian Government Land Monitor that publicly-owned Freehold land may only be sold for private ownership if it is in a zone the primary purpose of which is to allow for private use.

On behalf of the CFA therefore, we formally request your Council to initiate an Amendment to the Warrnambool Planning Scheme that rezones the land in a way that

will enable it to be beneficially used for a purpose (or purposes) that is/are compatible with its surroundings, and consistent with relevant planning strategies and policies.

Factors which, we submit, should help in the determination of a suitable new zoning of the land are:

#### Planning Context

- The land is in a high profile location on the western edge of the City Centre, with frontage to the principal boulevard of the City (Raglan Parade, which forms part of the Princes Highway).
- The land is of a relatively large size (3,300 square metres), and has substantial improvements that could feasibly be adapted for future commercial use. Accordingly, current improvements are of significant value insofar as the 'highest and best' use and development potential of the land is concerned.
- The land is abutted to the east by the Warrnambool Primary School (which effectively dislocates it from the commercial continuum of the City Centre) and to the west by the recently-constructed ambulance station. The school is in a Public Use Zone (understandably so) but unusually, the ambulance station is in a Commercial 1 Zone.
- Properties to the rear (in King Street) are in a General Residential Zone - and are developed for a mix of medium density and motel uses.
- Properties on the opposite (southern) side of Raglan Parade are used for a mixture of retail and commercial purposes (including Safeway supermarket and associated small shops as well as a range of service industrial businesses). Accordingly, they are in a mix of Commercial 1, Commercial 2, and Industrial 3 Zones.

#### Planning Policies

- The Warrnambool City Centre is the principal commercial and services centre serving the south-western region of the State. It is therefore an important 'hub' in terms of community activities and the provision of a diverse range of commercial, retailing, and business services.
- In 2012, a comprehensive Structure Plan for the Warrnambool City Centre was adopted by the Council. This Plan divides the Centre into a number of Precincts based on the nature of their existing useage, and their potential for further development and land use change to achieve preferred planning outcomes. Under this Structure Plan, the CFA land is in the "North/Central Mixed Use Precinct" (Precinct b). A key implementation strategy for this Precinct is to promote a diversity of land uses and to rezone existing business zones to either a Mixed Use Zone or an Activity Centre Zone. This rezoning initiative is earmarked for short-term implementation.
- In September 2016, the Local Planning Policy Framework of the Warrnambool

Planning Scheme was comprehensively re-cast with the approval of Amendment C93. The new planning policy arrangements for the City embrace the City Centre Structure Plan (which is now a formal reference document). Although the fringe area of the City Centre north of Raglan Parade has been excluded from the newly-defined Principal Activity Centre Core (refer Clause 21.02-1) its status under the terms of the Structure Plan has not changed. Nevertheless, there is scope for the future development and use of the CFA land to be determined under the "Out of Centre Development" policy in Clause 21.08-1.1 of the Planning Scheme, because:

- The land has excellent physical and visual linkages to the existing commercial area.
- The land is of an unusually large size, and has the potential to accommodate forms of development and use that cannot easily be established within the activity centre core.
- It is provided both in Clause 21.02-1 and Clause 21.08-1 that it would be appropriate to apply not only the Commercial 1 and 2 Zones but also the Mixed Use Zone to "activity centres and commercial precincts".

#### Assessment

- In our submission there is clear planning justification for the CFA land to be included in a new zone that provides scope for it to be used for a broad range of uses that are complementary to the adjacent activity centre core, and which could include the potential for an effective re-use of the existing building and infrastructure. Whilst in due course an Activity Centre Zone might be appropriate, we believe that this is an option that should only be considered once more detailed precinct planning work has been completed.
- In view of the above commentary, we submit that an immediate "spot" rezoning of the CFA land to a Mixed Use Zone would provide the most acceptable planning outcome, as far as both the CFA and the Council are concerned.

In anticipation of the above assessment being agreed to by your Council, CFA formally requests that a site-specific Planning Scheme Amendment be initiated (with Council being the Planning Authority) to rezone the land from a Public Use 1 Zone to a Mixed Use Zone.

CFA offers to assist in preparing the necessary documentation for a conventional (i.e. exhibited) Amendment and to pay all of the associated fees and charges in this connection.

For present purposes therefore, we have prepared the following documentation for your use in seeking Ministerial Authorisation to initiate the Amendment:

- Authorisation Application form (partially completed).
- Explanatory Report.
- Current copy of the relevant Certificate of Title (Volume 9760, Folio 926).

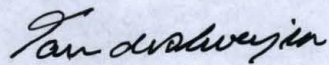
- Locality Plan.

We trust that the above submissions will be found to be in order, and that the enclosed documents will be sufficient to enable your Council to request a Ministerial Authorisation to prepare the Amendment.

Your timely (and hopefully favourable) reply would be much appreciated.

Yours faithfully

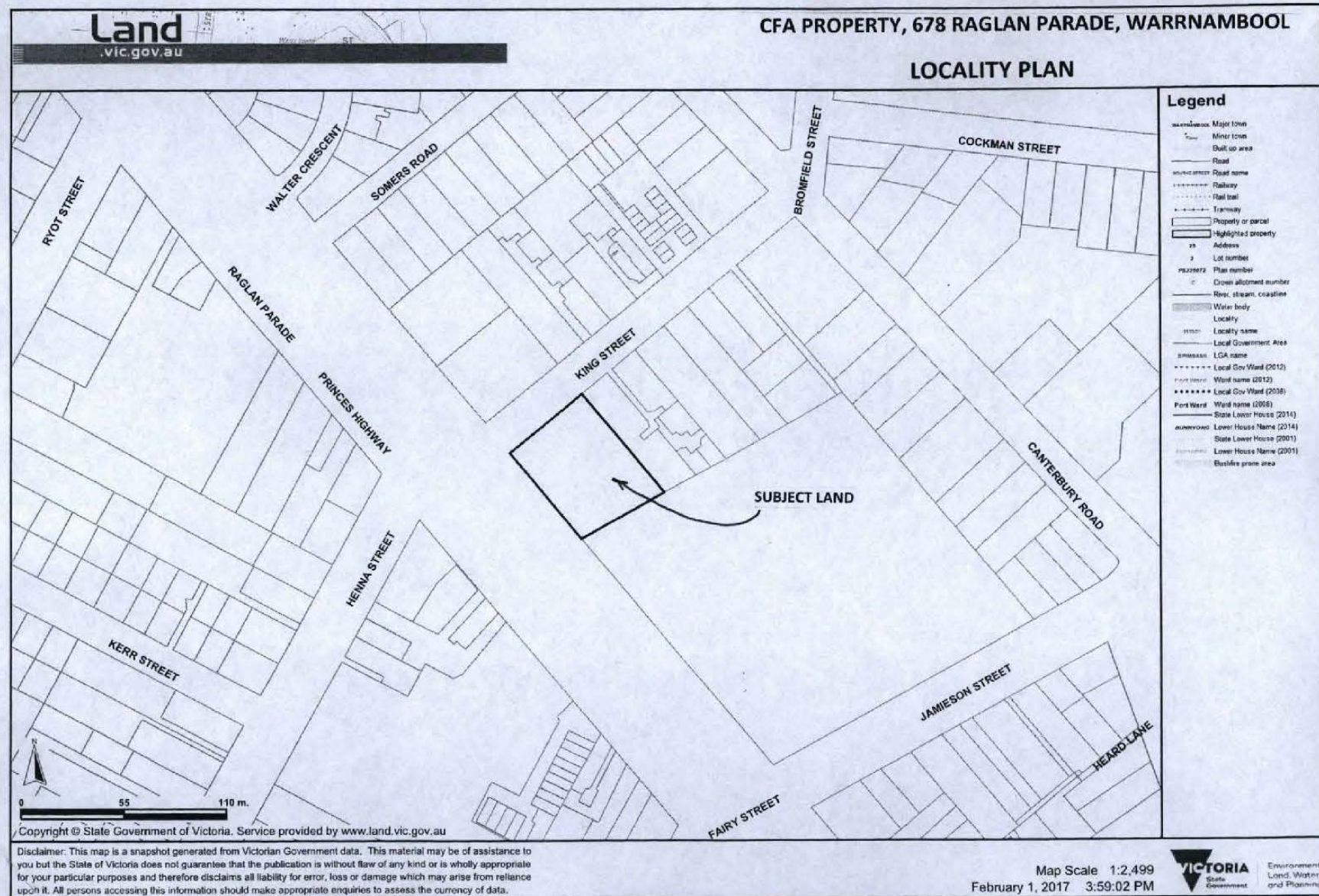
**NETWORK PLANNING CONSULTANTS PTY LTD**



**Ian d'Oliveira**

Principal

L.DOC



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

VOLUME 09760 FOLIO 926

Security no : 124064339193X

Produced 01/02/2017 01:01 pm

## LAND DESCRIPTION

Land in Plan of Consolidation 165360Y.

## PARENT TITLES :

Volume 04246 Folio 086      Volume 09331 Folio 419

Created by instrument CP165360Y 28/07/1987

## REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

COUNTRY FIRE AUTHORITY of MILTON PARADE MALVERN

CP165360Y 28/07/1987

## ENCUMBRANCES, CAVEATS AND NOTICES

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

## DIAGRAM LOCATION

SEE CP165360Y FOR FURTHER DETAILS AND BOUNDARIES

## ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 678-688 RAGLAN PARADE WARRNAMBOOL VIC 3280

DOCUMENT END

Delivered from the LANDATA System by URBIS PRO Pty Ltd



VICTORIA

REGISTER BOOK

VOL. 9760 FOL. 926

# Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

FOL.

COUNTRY FIRE AUTHORITY of Milton Parade Malvern is the proprietor --  
of an estate in fee simple subject to the encumbrances notified - - - -  
hereunder in all that piece of land in the City of Warrnambool - - - -  
Parish of Wangoom being the land in Plan of Consolidation No. 165360Y --  
which land is shown enclosed by continuous lines on the map hereon - - -

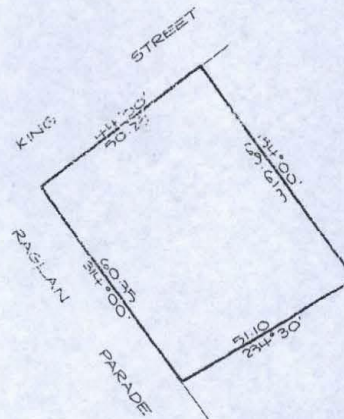
VOL.

Issued pursuant to Section 97A (2) of the Transfer of Land Act 1958 - - -  
DERIVED FROM VOL. 4246 FOL. 086  
" 9331 " 419  
28/7/87

## ENCUMBRANCES



*Ch. J. O.*  
Assistant Registrar of Titles



MEASUREMENTS ARE IN METRES

**5.5 PRINCIPAL PEDESTRIAN NETWORK****PURPOSE**

*This report provides information about the benefits of developing a Warrnambool Principal Pedestrian Network (PPN).*

---

**EXECUTIVE SUMMARY**

- Council is developing a Principal Pedestrian Network Plan to assist with the delivery of a coordinated network of pathways for the City.
  - A number of Council's in Victoria are using the PPN process to guide the development of their pathway networks and projects.
  - The PPN process models pedestrian movements and identifies current and potential usage along routes to key destinations (community centres, shops, schools, public transport, and open space).
  - In 2016 Council officers trialled the PPN process for the City Centre.
  - The PPN framework can be used as a framework for identifying the linkages that should be prioritised for construction.
- 

**MOVED: CR. HULIN**

**SECONDED: CR. OWEN**

**That Council supports the development of the Principal Pedestrian Network Plan.**

**CARRIED – 7:0**

---

**BACKGROUND**

Council is undertaking a project to facilitate the delivery of a coordinated network of pathways for the City.

This plan will ensure that the City is easily accessible and has the necessary pedestrian linkages to connect the community with key nodes and activity points.

This project will identify strategic routes where footpaths and shared paths are required.

A good pedestrian network invites people to walk because it is appealing, comfortable and uninterrupted.

Whilst Warrnambool has a beautiful landscape and a setting that should make it a good place for walking, the town has many identified gaps in the pedestrian network that prevents many users from enjoying the benefits of walking.

Studies have identified that access to a continuous network of pathways:

- Promotes a healthy lifestyle
- Improves safety
- Improves accessibility to key destinations
- Reduces car dependence
- 

However, there are many streets in the city without access to a pathway network and other areas with key gaps in the pathway network that prevent the full utilisation of the infrastructure.

Previous strategic plans have identified that the timely provision of a network of pathways is important to many people within the community and the current infrastructure in many parts of the town does not meet community expectations.

A Principal Pedestrian Network (PPN) identifies access to key destinations, such as schools, shops and recreation areas via a network of connected pathways.

A pathway network comprises footpaths on residential streets, shared bike paths and unsealed paths. The network might not necessarily have a pathway on every street but users will be able to access a pathway that services a wider area within a very short walk.

In addition, the network can include rest points, wayfinding signage and amenity improvements such as trees and lighting to deliver a pathway network that are not only safe and comfortable to walk on but also enhance the enjoyment of the journey. It is envisaged that the addition of these elements will create a high amenity pathway network (principal pedestrian network) that will encourage walking, particularly for short journeys to diminish dependence on cars and create a culture of walking, both to get to a destination and as an end in itself.

## ISSUE

Many areas in the City were developed without pathways. There are many reasons for this, including cost, changing standards, character or a limited knowledge of the benefits of this infrastructure.

Whilst new estates today are provided with pathways internally there are many network gaps in the footpath network.

Council's Sustainable Transport Plan highlights these limitations in many parts of the City and the connectivity with key destinations, such as, Community Centres, Shops, Schools, Public transport, and Open Space.

The City's road network can be a barrier to pedestrian movement and limit access to key destinations.

A number of key network upgrades which will improve pedestrian safety and access have been identified and now require prioritisation.

As a result there is now a significant back log of requests from the community and strategic documents for new pathways and shared paths.

Currently, Council maintains a list of 222 projects identified from strategic planning and customer requests that would take (if fully implemented) decades to complete at current funding levels.

Council's current annual footpath development budget totals \$338,000, being \$138,000 and \$200,000 for new residential street footpath and public open space connections respectively. This is typically less than 1km per year being constructed.

There is currently no formal prioritisation method adopted for pathways or Council policy guiding where funds should be allocated. Although many of the principles that are supported by the PPN have been applied previously.

## CURRENT STATUS

A number of Council's in Victoria are using the PPN process to develop pathway networks and projects including City of Geelong, City of Port Phillip, City of Borondara, Maroondah City Council, Knox City Council, and Yarra Ranges Council.

The State Government has developed Guidelines for developing a PPN.

Council officers have reviewed and discussed the PPN process with the City of Geelong and consultants supporting other metro-councils about the framework they have applied. In many cases the plan may identify locations where Special Rates and Charge Schemes could be used as a relevant funding mechanism.

In 2016 Council officers developed the PPN for the City Centre, the mapping is provided in **Appendix A**.

This trial focused on the formulation of prioritisation criteria, the systems, processes and resources needed for a successful PPN.

## KEY CONSIDERATIONS

### Methodology

The following methodology is typically used to develop the draft network.

#### Preparing the Draft Network

- Review of the existing conditions and opportunities
- A desktop review of existing policies, projects underway and strategic directions in existing strategies
- GIS modelling using the PPN methodology developed by the State Government
- A desktop review of existing requests for footpaths received from the community.
- Review existing topography

#### Identify the Preferred Network

- Internal workshop and review by Council Officers to verify modelling findings and verify findings with local knowledge
- Extensive consultation with the community including online interactive survey and hard copy survey

#### Prepare Final Network

- Collate and analyse survey findings to prepare final PPN
- Develop special rate and charge scheme based on final network and feedback on funding models

### Strategic Direction

Council has the following strategic documents that identify projects that relate to active transport and pedestrian safety upgrades.

1. Council Plan (2013-2017)
2. Sustainable Transport Strategy (2010-2020)
3. Road Users Plan (2013-18)
4. The Warrnambool Open Space Strategy (2014)
5. City-Wide Housing Strategy
6. Health and Wellbeing plan (2013-17)
7. Active Warrnambool Strategy (under development)
8. Asset Management Strategy
9. Warrnambool Planning Scheme - Municipal Strategic Statement MSS
10. Master Plans

### Geographic Information System (GIS) Modelling

The PPN methodology developed by the then Department of Transport uses GIS modelling to determine the likely routes that pedestrians would use between origins and destinations based on the shortest route for the most number of people.

The pedestrian network used in the analysis will include all road reserves and pedestrian linkages in open space areas.

The analysis will be based on residential origins only and will not include walking trips from employment areas. Trip origins used in the analysis are the centre point of an individual mesh block – the smallest census unit. A mesh block contains the 2011 census data on how many people live in the block boundary.

The following destination types can be analysed:

- Retail
- Schools
- Community facilities
- Kinders
- Public Transport
- Foreshore
- Local open space
- Key active and passive recreation facilities

A 2km catchment (20-25 min walk) is a considerable distance for many walkers.

This analysis is based on the shortest route between origin and destinations on a pedestrian network.

### Path Network

In conjunction with the computer modelling, the following factors will be used to inform the development of the PPN and will be used in the subsequent detailed design stages:

#### Access

- Creating a continuous network of pathways
- Most houses should be within approximately a 5 minute walk or 400m of the pathway network
- Provide the most direct routes to key destinations
- Provide pathways on one-side of the road except in busy pedestrian areas

#### Completing the Network

- Complete gap in the existing limited footpath network rather than create new routes where appropriate

#### Major Roads

- Provide pathways on arterial and major roads where pedestrian safety is at greatest risk
- Prioritise roads where traffic volumes are greater than 1000 vehicles per day and speed limits are greater than 60km/h

#### Location

- Design to avoid the need to remove native vegetation and suit the topography
- Avoid stairs where possible

#### Materials

- Using materials that are suitable to the local character and location of the pathway

### Key Outcomes

The PPN framework will provide Council the following outcomes.

- Highlight routes to assist with prioritisation of new works and renewal standards for existing infrastructure.
- Prioritise the current 222 projects currently identified.
- Justification to allocate funding towards infrastructure for internal and external funding applications.
- Provide a framework to fund projects in the future
- Currently no regional Council has undertaken this process, where Warrnambool City Council will be the first. This may provide Council with an advantage when making funding applications for projects.

## **FINANCIAL CONSIDERATION**

The initial PPN modelling being undertaken will cost in the order of \$10,000, and is being funded from Council's Capital Footpath budget.

Once modelling is completed, costings to progress the community engagement and any further mapping will be prepared. It is anticipated that the community engagement for the Council Plan and Community Plan will provide some of the community feedback necessary to focus resources.

## **TIMING**

It is scheduled that over the next few months, research and preparation of the draft routes for community consultation will be developed.

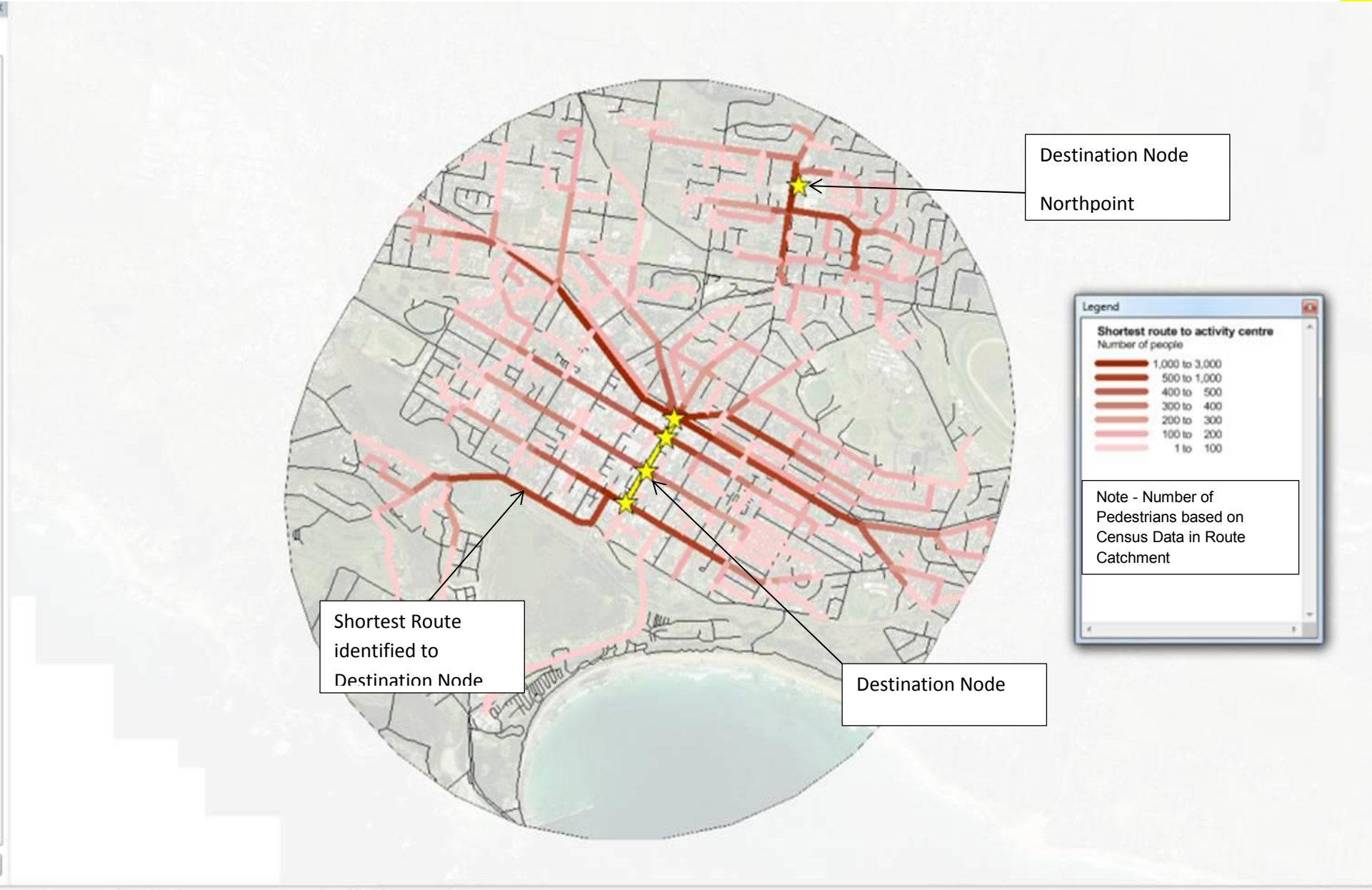
The longer term project to undertake community engagement, finalise a PPN plan and budget for priority projects would take a further 12 to 24 months depending on available budget.

## **RISK**

The PPN will enable the Council plan to promote sustainable transport systems. Currently the gaps in the pathway network have been identified by the community as a barrier to people walking to activity hubs.

This project will facilitate the delivery of a coordinated network of pathways for the City, where routes with the most users and risks will be prioritised.

Access and safety of pedestrian on local roads will be improved to assist and control associated risks.



## **5.6 SPECIAL CHARGE SCHEME POLICY**

### **PURPOSE:**

***The purpose of this report is to present a new Special Charge Scheme Policy for adoption.***

---

### **EXECUTIVE SUMMARY**

- The Local Government Act 1989 provides Council with the ability to introduce a Special Rate and Special Charge Schemes whereby landowner contributions can be sought for infrastructure improvement projects such as roads, footpaths and drainage.
  - Council previously adopted a Special Charge Schemes Policy in January 2008. It is proposed Council update its policy and guidelines to enable Special Charge Schemes to be used.
  - Council regularly receives requests regarding provision of new and upgraded infrastructure, most notably related to new footpath connections, urbanising (kerb, widening and sealing) streets and flooding complaints.
  - Special Rate and Special Charge Schemes are the primary funding option outside of the planning framework and Council's own budget allocations to recoup costs for infrastructure.
  - It is likely that without strategies to secure funding such as a Special Rate and Special Charge Schemes, many new and upgrade projects which have been identified as necessary will not be achievable.
- 

**MOVED: CR. NEOH**  
**SECONDED: CR. CASSIDY**

### **That Council:**

1. **Agree to release the revised version of Council's Special Rate and Charges policy for public comment for a period of 28 days,**
2. **Consider submissions in relation to the revised version of the Special Rates & Charges policy at a future Council meeting.**

**CARRIED – 7:0**

---

### **BACKGROUND**

The Local Government Act 1989 provides Council with the ability to introduce a Special Rate or Special Charge Scheme whereby landowner contributions can be sought for infrastructure improvement projects such as roads, footpaths and drainage.

A Special Rate or Special Charge Scheme may also be considered for township development and traffic management projects.

While a council may set a special rate or charge for almost any type of activity that the council undertakes, it is limited by provisions of the Act which require special rates and charges to be levied in proportion to special benefits. Before a council proposes a special rate or charge, it must estimate the proportion of the benefits of the proposed works or services that will be of benefit to the people who are liable to pay.

Council last formally considered a Special Charge Schemes Policy in January 2008. At that meeting Council resolved that Council formally adopt the Special Rates or Special Charge Scheme Policy for Construction of Infrastructure Works. A further discussion paper and draft revision of the policy was presented in July 2011.

Since 2008 only four (4) schemes have been declared, with another two (2) abandoned, all of which related to new footpath network. The successful schemes leveraged 50% of the total project costs.

A summary of previous projects is provided in the following tables.

#### Declared

Project	Total Contributions	Total Project Cost	Budget
Raglan Parade Footpath (East Boundary No. 151 Raglan Parade - Selby Road)	\$16,950	\$30,820	2011/12
Russell Street Footpath (No. 224 Russell Street – No. 105 Drummond St)	\$16,077	\$32,154	2011/12
Russell Street Footpath(No. 251 to No. 261 West side)	\$5,756	\$11,992	2010/11
Footpaths Ziegler Parade and Allansford	\$89,930	\$179,805	2008/09
	\$128,713	\$254,771	

#### Abandoned

Project	Total Contributions	Total Project Cost	Budget
Whites Rd South Side Footpath - 76 Garden Street to 151 Whites Road	\$87,618	\$196,895	2010/11
Moore Street - Brierly Street - Pencoed Road-Taits Road	\$95,070	\$198,062	2011/12

#### ISSUE

Council has an extensive list of infrastructure backlog projects which would provide a special benefit to an individual or group of ratepayers.

Legislation contained in the Local Government Act provides a mechanism for Council to construct infrastructure that benefits the community and property owners.

To assist in the provision of community infrastructure Council should have a robust policy that supports and encourages the use of Special Rates or Special Charges Schemes.

#### CURRENT STATUS

Council regularly receives requests regarding provision of new and upgraded infrastructure, most notably related to new footpath connections, urbanising (kerb, widening and sealing) streets and flooding complaints.

#### KEY CONSIDERATIONS

##### Infrastructure Funding Options

Essentially, there are four (4) “tools” available to Council to ensure land owners / developers fairly contribute to the cost of infrastructure upgrades and new provisions, being via:

1. “Pre-development” Agreements, pursuant to section 173 of the Planning & Environment Act;
2. The levying of development contributions, pursuant to Part 3B of the Planning & Environment Act;
3. A planning permit condition requiring the completion of works (or payment in lieu of works) as necessitated by the development; or
4. Council’s power under the Local Government Act to require payment by way of special rate or special charge scheme.

Each approach has its challenges and processes to follow.

- Option 1 is a voluntary, negotiated, outcome which may in theory be pursued at any time. However, in particular it is usually part of the development approval process.
- Option 2 will require reasonable levels of certainty in relation to future development (i.e. a structure plan or proposed re-zoning) and contributions will not be realised until after the granting of a planning permit.
- Option 3 requires the granting of a planning permit and is therefore contingent on the development of the land.
- Option 4 may be pursued by Council at any time (whether land is being developed or not), however is subject to limitations in relation to how much of the costs, on a percentage basis, can be recovered by Council.

Outside of the planning framework and Council's own budget allocations Special Rates or Special Charge Schemes are available for Council to recoup costs for infrastructure.

In recent years, Council has been successful in implementing many requirements on developers in growth areas to achieve new and upgraded infrastructure.

However, for areas of land already developed and existing infrastructure networks, both of which have been the result of infrastructure requirements and investment decisions of past generations, the ability to apply the planning framework for works is limited.

## CONSULTATION

There are statutory requirements for Special Rates and Special Charge Schemes.

The Local Government Act 1989 requires certain measures to be undertaken, including public notice and writing to affected property owners, before Council considers declaring any special rate or special charge.

As each Special Rate or Charge scheme is unique, a consultation program shall be tailored to suit specific needs. Council policy on Community Engagement shall be used as a guide.

A Special Charge Scheme Guideline document has been produced to provide further guidance. All property owners shall be given the opportunity to provide feedback to Council and discuss issues with Council Officers.

### Special Charge Scheme Process

#### 1. Informal Stages

- A scheme can be initiated by property owners, ratepayers, associations/community groups or by Council itself.
- An initial survey may be followed by a Public Meeting to outline the scheme and projected costs to affected property owners.
- If there appears to be sufficient support from property owners then a report from the meeting will be presented to Council.
- At this stage if Council resolves to progress the proposal further, then a non-binding survey is mailed to all affected property owners seeking support or objection to the proposed scheme.

#### 2. Formal Consultation

- If Council decides to proceed past this point it must follow a formal consultation process detailed under Section 163 of the Local Government Act 1989. This process requires Council to:
  - Define the boundary of the scheme;
  - Identify all properties to be included, including Council owned properties;
  - Establish construction standards;
  - Prepare a detailed cost estimate; and
  - Establish what contribution, if any, is to be made by Council in respect of general public benefit.
- Prepare an apportionment of costs. This shows the estimated cost to be charged against each property.

**3. Public Notification**

- If Council decides to continue with the proposal after considering all the details it will publicise the proposal in a number of ways:
  - Formal mail out of notices to all affected property owners;
  - Placing of public notices in the local press; and
  - Invite property owners and the general community to make written submissions on the proposal.
- It is important to note that under the Special Charge Scheme section of the Local Government Act 1989, if an owner does not submit an objection then it is assumed that they agree with the proposal.

**4. Consideration of Submissions**

- Council must consider all written submissions. This includes hearing submitters who request to speak in support of their submissions. It is normal for a Council Panel to be appointed to hear submitters.
- If after considering all submissions Council decides to proceed with the proposal it must do so by formally 'Declaring' the Special Charge. Council cannot proceed with a Special Charge Scheme if the majority of the property owners formally object.

**5. Declaring the Special Charge**

- Declaring the Special Charge is carried out by a formal resolution of Council.
- Following this declaration a notice is served on all property owners in the scheme.
- This notice details the estimated cost to each property and provides information on the rights of property owners to appeal the Council decision.

**6. Appealing Council's Decision to Declare a Special Charge**

- A Council decision to declare a Special Charge Scheme can be appealed by application to the Victorian Civil and Administrative Tribunal (VCAT).
- Property owners who appeal the Council decision do so by making written submissions to VCAT.
- A VCAT panel is appointed to hear both Council and the appellants. The decision of VCAT is final and binding.

**FINANCIAL IMPACT**

On the basis that councils use Special Charge Schemes to implement a "user" charge for new and/or upgraded infrastructure, capital programs such as new pathway construction could be expanded to deliver additional works without an increase to Council budget allocations.

The most common capital programs where a "user" charge is applicable are:

- Pathway construction – able to complete network gaps, service new areas
- Sealing of unsealed roads – providing improved amenity, such as dust control
- Kerb & channel construction (often includes road widening and/or sealing works)
- Drainage construction – reducing risk of flooding to both land and buildings

It is important to note that Council's contribution to Special Charge Schemes relates to the "community benefit", whereas the "user charge" of a Special Charge Scheme relates specifically to the special benefit the user receives.

Special Charge Schemes typically include all cost associated with the works proposed such as:

- Any surveys, design, reports or investigations
- Project managing the scheme
- The works such as labour, plant hire, materials consumed and sub-contractors
- Any land the needs to be acquired for the works and associated legal costs
- Any interest on loans finance the scheme
- Preparing the Special charging scheme (Section 163 declaration)

In apportioning costs between properties, every endeavour is made to achieve a fair and equitable distribution of costs. Where an established or proven community benefit is included in a scheme, Council is required to contribute to the scheme in proportion to the community benefit.

Property owners will be invoiced for the cost of the scheme once it has been declared and a short time after the start of works. Property owners are usually given various payment options. Council charges interest if owners choose to pay by instalments, in the same way as it does with standard Council rates and charges.

**RISKS**

There are significant risks to the built and natural environment from having a lack of infrastructure particularly in relation to road and drainage projects.

It is likely that without strategies to secure funding such as a Special Charge Scheme, many new and upgrade projects which have been identified as necessary will not be achievable.

- Gaps in pathway networks will remain;
- On-going community requests for improved amenity (such as dust and safety on unsealed roads) will continue; and
- Claims against Council from flooding damage will remain a significant risk.

**Attachments**

- ***Appendix A – Special Charge Scheme Policy***
- ***Appendix B – Special Charge Scheme Guidelines***
- ***Appendix C – Flowchart for Special Rate & Charge Schemes***

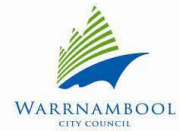
**APPENDIX A**

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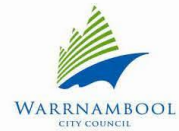
## **Special Charge Scheme Policy**

APPROVAL DATE: TBC

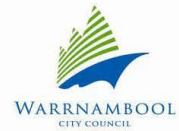
REVIEW DATE: TBC

**SPECIAL CHARGE SCHEME POLICY****DOCUMENT CONTROL**

<b>Document Title:</b>	<i>Special Charge Scheme Policy</i>
<b>Policy Type:</b>	<i>Council</i>
<b>Responsible Branch:</b>	<i>Infrastructure Development &amp; Projects</i>
<b>Responsible Officer:</b>	<i>Manager Infrastructure Development &amp; Projects</i>
<b>Document Status:</b>	<i>Submitted for approval</i>
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<b>Review Date:</b>	<i>TBC</i>

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**SPECIAL CHARGE SCHEME POLICY****1. INTRODUCTION****1.1. Purpose**

The purpose of this policy is to set out the principles for the use of Special Rates & Charges schemes by Council, for the provision of infrastructure.

**1.2. Scope**

This policy applies to the provision of “new” and “upgrade” infrastructure where it can be demonstrated that special benefit can be applied to a property.

The special rate and charge process broadly includes the following:

- Community consultation.
- The special benefit test.
- The relevant legislation and precedent.
- Scheme preparation and apportionment.
- Council processes leading to the scheme determination.

**1.3. Definitions**

Definitions are in accordance with Section 163 of the Local Government Act, 1989 and “Special Rates and Charges” Ministerial Guideline, Local Government Victoria.

**1.4. References**

<b>Acts</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1989</li> <li>• Planning and Environment Act 1987</li> </ul>
<b>Standards or Guidance Materials</b>	<ul style="list-style-type: none"> <li>• Special Rates and Charges Ministerial Guidelines including worked examples – September 2004</li> <li>• Various determinations by the Victorian Civil and Administrative Tribunal and other Courts</li> <li>• The Macquarie Special Rates and Charges Manual</li> </ul>
<b>Related Policies/Procedures</b>	<ul style="list-style-type: none"> <li>• Community Engagement Policy</li> <li>• Community Engagement Guidelines and Tool Kit</li> <li>• Special Charge Scheme Community Consultation Guidelines</li> <li>• Debt Management Policy &amp; Procedure</li> <li>• Records Management Policy</li> </ul>

**2. POLICY****2.1. Policy Statement**

Council is committed to the improvement of infrastructure and services to the community.

**SPECIAL CHARGE SCHEME POLICY**

Consideration of a Special Charge Scheme will apply to situations from which a special benefit is derived to properties in residential, rural residential (lower density areas), industrial and commercial areas for infrastructure including but not limited to roads, pathways, bridges, drainage and recreation.

Council will consider the implementation of a Special Charge Scheme to defray expenses associated with the cost of infrastructure deemed to provide a special benefit to properties.

Section 163 of the Local Government Act (the Act) provides Council with the ability to recover reasonable contributions from people who will derive special benefits from particular works.

Needs link to dot points – The following are the key principles that Council will apply to the consideration and development of Special Rates and Charges Schemes:

- i. Council will consider requests to implement schemes that originate from the property owners, Councillors or Council Officers.
  - Property owners are encouraged to initiate and build support for schemes prior to consideration by Council.
- ii. Prior to commencing the statutory processes, Council Officers will consider and determine the rationale applicable to each proposal, including the basis of benefit determination, standard of works and the proposed apportionment of cost. Council will ensure fairness and equity by formally assessing the proportion of the benefits of proposed works that will provide special benefits for the people included in the scheme.
- iii. A database of Special Charge Schemes, including the status of the scheme to assist in long-term infrastructure planning will be maintained, and schemes prioritised using the following criteria in order of precedence:
  - a. Council Plan;
  - b. Service Strategies (i.e. Stormwater Drainage Strategy, Road Safety Strategy);
  - c. Service Plans (i.e. Stormwater Management Plan, Road Hierarchy Plan);
  - d. Asset Management Plans;
  - e. Identified through operational reviews (i.e. Road Safety Audits, Risk Assessments);
  - f. Included in Council's annual budget; and
  - g. Support from property owners receiving special benefit.
- iv. Council funding of the Special Charge Scheme is to be based on the calculated "community benefit" and where budget has been allocated.
  - a. Where Council is contributing less than one third of the total cost of the scheme and receives objections from property owners receiving special benefit in respect of the majority of the rateable properties included in the scheme, then the scheme will be abandoned.
  - b. Where Council is contributing more than one third of the total cost of the scheme and receives objections from property owners receiving special charge in respect of the majority of the rateable properties included in the scheme, then Council has the ability to determine if the scheme will proceed. This will be considered on a case by case basis.

**SPECIAL CHARGE SCHEME POLICY**

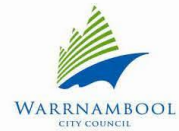
- v. Council will contribute to the cost of the works only where there is a community benefit that can be calculated. Before calculating the benefit ratio, Council must consider if the proposed works or services will provide community benefits as not all schemes have community benefits and Council may, on a case by case basis increase this contribution where it is considered to be appropriate.
- vi. In accordance with Section 163 of the Act, Council Officers will maximise opportunities for participation and consultation on proposed schemes. The opportunity for submissions either supporting or objecting to the scheme will be provided as part of evaluation process.
- vii. Construction will comply with Council's standards and construction practices.
- viii. Administration, design, supervision and project management costs shall be based on 15% of the total cost of works included in the declared scheme, and will be included in the costs to be apportioned.
- ix. Where there is a variation between the preliminary cost estimates and actual final costs, Council is empowered under the Act to vary a Special Charge in relation to the amount to be paid. Variations to the scheme will be conducted in accordance with Sections 165 and 166 of the Act, as outlined at the time of declaration.

To limit the need to vary schemes which exceed preliminary cost estimates, a minimum of 10% contingency is to be included in the total cost of works.

- x. Develop schemes on behalf of the community which address gaps in infrastructure networks, and fully fund potential schemes where:
  - a. The scheme is not able to include more than two (2) property owners; and
  - b. The total cost of the scheme is less than \$15,000 inclusive of GST.
- xi. A minimum 4 year instalment plan will be made available to contributors. Applicable interest will be set at 1% above Councils borrowing rate at the time.
- xii. Significant consultation is required to be undertaken with affected property owners to comply with Special Charge Scheme legislation, and the ability for the general public to comment on proposals is also required. This may include survey letters, public meetings and hearings for objectors if necessary.
- xiii. Where survey letters are issued and a response not received, Council will consider that the property owner is supportive of the scheme proposal.
- xiv. Council will provide for open and transparent processes, encourage contributor input, and provide a fair, reasonable and equitable basis for apportioning costs.

## SPECIAL CHARGE SCHEME POLICY

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### 3. GOVERNANCE

#### 3.1. Owner

Manager Infrastructure Development & Projects

#### 3.2. Review

The Owner will review the policy for any necessary amendments no later than three (3) years after its formulation 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).

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

**APPENDIX B**

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## **Special Charge Scheme Guidelines**

APPROVAL DATE: TBC

REVIEW DATE: TBC

**SPECIAL CHARGE SCHEME GUIDELINE****DOCUMENT CONTROL**

<b>Document Title:</b>	<i>Special Charge Scheme Guideline</i>
<b>Policy Type:</b>	<i>Council</i>
<b>Responsible Branch:</b>	<i>Infrastructure Development &amp; Projects</i>
<b>Responsible Officer:</b>	<i>Manager Infrastructure Development &amp; Projects</i>
<b>Document Status:</b>	<i>Submitted for approval</i>
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<b>Adopted Date:</b>	<i>TBC</i>
<b>Review Date:</b>	<i>TBC</i>

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**SPECIAL CHARGE SCHEME GUIDELINE****1. INTRODUCTION****1.1. Purpose**

This guideline outlines the process to be followed for the initiation of a Special Charge Scheme to ensure that they are completed in accordance with the Act and within appropriate timeframes and budget.

**1.2. Scope**

It is acknowledged that Special Charge Schemes can vary significantly and that it is not possible to cover all situations in a guideline. Subject to the requirements of the Act, Council is empowered to exercise discretion in developing Special Charge Schemes. In exercising its discretion, however, Council should take this guideline into account to avoid the risk of having their decisions set aside by the VCAT or a court by reason of having failed to take into account a relevant consideration.

**1.3. Definitions**

Definitions are in accordance with Section 163 of the Local Government Act, 1989 and "Special Rates and Charges" Ministerial Guideline, Local Government Victoria.

**1.4. References**

<b>Acts</b>	<ul style="list-style-type: none"> <li>Local Government Act 1989</li> <li>Planning and Environment Act 1987</li> </ul>
<b>Standards or Guidance Materials</b>	<ul style="list-style-type: none"> <li>Special Rates and Charges Ministerial Guidelines including worked examples – September 2004</li> <li>Various determinations by the Victorian Civil and Administrative Tribunal and other Courts</li> <li>The Macquarie Special Rates and Charges Manual</li> </ul>
<b>Related Policies/Procedures</b>	<ul style="list-style-type: none"> <li>Community Engagement Policy</li> <li>Community Engagement Guidelines and Tool Kit</li> <li>Special Charge Scheme Community Consultation Guidelines</li> <li>Debt Management Policy &amp; Procedure</li> <li>Records Management Policy</li> </ul>

**2. PROCEDURE**

The preparation of a Special Rate or Charge Scheme for the provision of works involves Council advising potential beneficiaries and the public of the proposed scheme and its probable cost distribution. Council must initially "declare its intention" to fund part or all of the works utilising the Special Charge Scheme legislation.

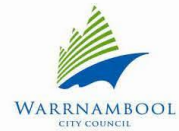
After considering formal submissions, Council can adopt, amend or abandon the scheme. Property owners required to make a financial contribution are advised of the Council deliberations.

Contributors can refer objections to an adopted scheme to the Victorian Civil and Administrative Tribunal (VCAT). VCAT has three options:

1. vary the special charge in relation to one or more of the applicants;
2. set aside the scheme; or
3. confirm the scheme as declared by Council.

**SPECIAL CHARGE SCHEME GUIDELINE**

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Once a Scheme has been formally adopted, Council proceeds with the works and upon completion, forwards an invoice to the contributors. Financial payments can usually be made over 4 years.

**2.1. Supporting Documentation****2.1.1. Contribution Guidelines**

Provides a guide for Council regarding financial contribution arrangements for the various types of Special Charge Schemes.

**2.1.2. Community Consultation Guidelines**

Provides a guide for Council regarding community consultation methods for the various types of Special Charge Schemes.

**3. GOVERNANCE****3.1. Owner**

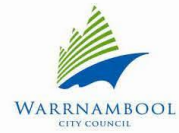
Manager Infrastructure Development & Projects

**3.2. Review**

The Owner will review the policy for any necessary amendments no later than three (3) years after its formulation or after the last review.

## SPECIAL CHARGE SCHEME GUIDELINE

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### 4. ATTACHMENTS

**SPECIAL CHARGE SCHEME GUIDELINE****APPENDIX A – Contribution Guidelines**

The following provides a guide for Council regarding financial contribution arrangements for the various types of Special Rate and Charge Schemes.

**a) Road and Drainage Infrastructure**

- a.1.1. Where special benefit can be established, a Benefit Ratio (BR) calculation shall be carried out in accordance with the Act. The BR will determine the funding ratio for the benefiting property owners and Council. Consideration in the BR calculation include:
  - Council owned land abutting the works.
  - Land owned by the Crown or other Authority which is non-rateable.
  - Evaluation of the Community Benefit.
- a.1.2. Property owner funding contribution for a roads and footpath Special Charge Scheme shall be in accordance with the BR calculation.
- a.1.3. A standard footpath width as defined in Council's Design Guidelines shall be used as a benchmark and any width greater than this is to be funded from sources other than property owners or occupiers.
- a.1.4. A standard road pavement width as defined in Council's Design Guidelines shall be used as a benchmark and any width greater than this is to be funded from sources other than property owners.
- a.1.5. Drainage works will be assessed on a per hectare basis using the co-efficient of run-off as defined in Council's Design Guidelines as a benchmark and any greater drainage capacity than this is to be funded from sources other than property owners.

**b) Carparks and Streetscapes**

- Generally to be the subject of consideration by Council on a case by case basis.

**c) Marketing, Promotion and Business Development**

- Program to be fully funded by business / commercial owners within the specified catchment.
- Properties used exclusively for residential purpose to be exempted.

**SPECIAL CHARGE SCHEME GUIDELINE****APPENDIX B – Community Consultation Guidelines**

The following provides a guide for Council regarding community consultation methods for the various types of Special Charge Schemes.

**a) Informal consultation**

For all Special Charge Schemes the informal consultation process includes information provided to property owners over and above the minimum requirement of the Local Government Act 1989 (The Act).

Some schemes such as roads and drainage schemes are more complex in nature and usually more expensive. When this is the case, the informal consultation may commence with a community meeting. In some cases, depending on the number of affected property owners, this may evolve into the establishment of a Community Reference Group. A Community Reference Group is best described as a smaller group of property owners who represent the interests of all property owners within the scheme boundary.

Prior to any meetings or correspondence with the community, a scheme proposal is fully developed 'up front' in order to disclose all aspects of the Special Charge Scheme, including estimated charges. This ensures that the community is consulted in the most transparent means possible.

The following table shows the steps at the initiation stage of a Special Charge Scheme and the general timelines for processing:

Document	Description	Timeline
Initiation Letter	This letter describes the scope of work and explains how the scheme proposal was initiated. This letter may include invitation to attend a community meeting depending on the complexity of the scheme.	Depending on the complexity of the scheme, typically (2) months is required by Council officers prior to the initiation letter for full scheme development and scheme administration.  Where a community meeting is needed, a further month is required.
Special Charge Scheme Brochure	This brochure provides more detailed information on Special Charge Schemes. It is designed to answer many of the general questions that the property owners may have.	Provided with the Initiation Letter.
Plan	A simple plan shows the concept of the proposal and the affected properties. More detailed plans are provided in following correspondence and/or at community meetings.	Provided with the Initiation Letter.
Benefit Ratio Calculation	The scheme is developed to such an extent that a reasonable cost estimate of the project can be established. A benefit ratio is	Can be provided with the Initiation Letter and/or at community meetings.

**SPECIAL CHARGE SCHEME GUIDELINE**

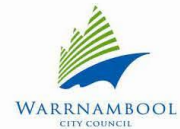
	then developed that informs the affected property owners of the funds they are expected to contribute towards the project and the funds that Council may be contributing.	
Cost apportionment spreadsheet	This spreadsheet provides property owners a review of the anticipated charges for all affected properties within the scheme.	Can be provided with the Initiation Letter and/or at community meetings.
Survey Form	The survey is simplistic in nature and is designed to gauge the level of support or opposition to a scheme proposal and also provides an opportunity for property owners to make comment to the proposal.	A minimum two (2) weeks is offered for the property owners to respond to the survey.  Can be provided with the Initiation Letter and/or handed out at community meetings.
Survey Results	If the survey results indicate a lack of support, this is summarised in the 'Intention to Declare' report for Council consideration and depending on the percentage of property owner contribution, some schemes must be abandoned at this stage.	Where Council abandons a scheme, the scheme will generally not be revisited within five (5) years unless further evidence of support is provided by the property owners.  Council will endeavour to make a determination within three (3) months of the survey submissions being closed.
Formal Consultation	If the survey results indicate sufficient support, as summarised in the 'Intention to Declare' report for Council consideration and Council resolve to declare the scheme, the formal consultation process follows the period of informal consultation.	Depending on whether property owners use their rights under the Act, formally declaring a scheme could be six (6) to twelve (12) months after the Intention to Declare report.

Where a Benefit Ratio calculation has determined that property owners are to contribute more than two thirds of the total project cost, as per legislation a majority objection means that a scheme cannot proceed except for the case of drainage schemes declared for reasons of public health.

In all Special Charge Schemes where the Benefit Ratio (BR) results in property owners contributing less than two thirds of the total project cost, schemes negate the 'majority rules' scenario. In the case of the informal survey indicating a majority objection for these schemes, the 'Intention to Declare' report will detail the survey results for Council consideration. This may occur up to 12 weeks after the survey has closed due to report drafting and processing required through to a Council meeting.

**b) Formal Consultation**

The formal consultation process is carried out in accordance with the Act and commences when Council makes it 'Intention to Declare' a Special Rate or Charge Scheme. All of the mandated

**SPECIAL CHARGE SCHEME GUIDELINE**

information is provided to the property owners at this time in a 'precise' manner that cannot be varied and is non-negotiable from a legislative perspective. The following table summarises the steps in this process and additional timelines:

Stage	Description	Timeline
Intention to Declare	Should Council resolve its Intention to Declare a Special Charge Scheme, all property owners have a right to make a submission under Section 223 of the Act. The scheme is advertised in the local newspaper.	There is a mandatory 28 day submissions period that provides property owners with sufficient time to lodge their submissions.
Submissions Review Panel	A three (3) member Council Advisory Committee is established to hear all submissions from property owners. The members of the committee are to be determined in the Intention to Declare report.	Usually occurs within two (2) months after the submissions period has closed.
Declaration Report	A report to Council with a recommendation to make a declaration of charges ('Declaration Report'). Levy notices are mailed out to all affected property owners and include mandatory information.	This report is usually presented to Council within two (2) months of the Submissions Review Panel hearing.
Appeal	Should Council resolve to declare the charges, all property owners have a right of appeal to VCAT. This information is included in the Levy Notice	There is a further mandatory 28 day VCAT referral period.
VCAT	Should VCAT receive an appeal application, a hearing date is set.	Hearing dates may be set by VCAT within one (1) to six (6) months.
Construction	Should VCAT confirm the scheme, Council is cleared to proceed to construction	Works may be programmed within a six (6) month period depending on programming, tendering and permit application requirements.

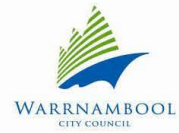
Schemes are progressed through the various stages, however no guarantee can be made of an outcome. In circumstances that lead to the abandonment of a scheme such as insufficient property owner support, Council considerations or VCAT ruling; a scheme will generally not be reinitiated for a minimum period of five (5) years.

**c) Consultation Planning**

Due to the extensive and necessary nature of community consultation, both informal and formal, it is essential that the consultation be commenced at least 18 months prior to the proposed budget for construction commencing. This will allow sufficient time to establish support and declare or abandon a scheme prior to construction budgets being adopted.

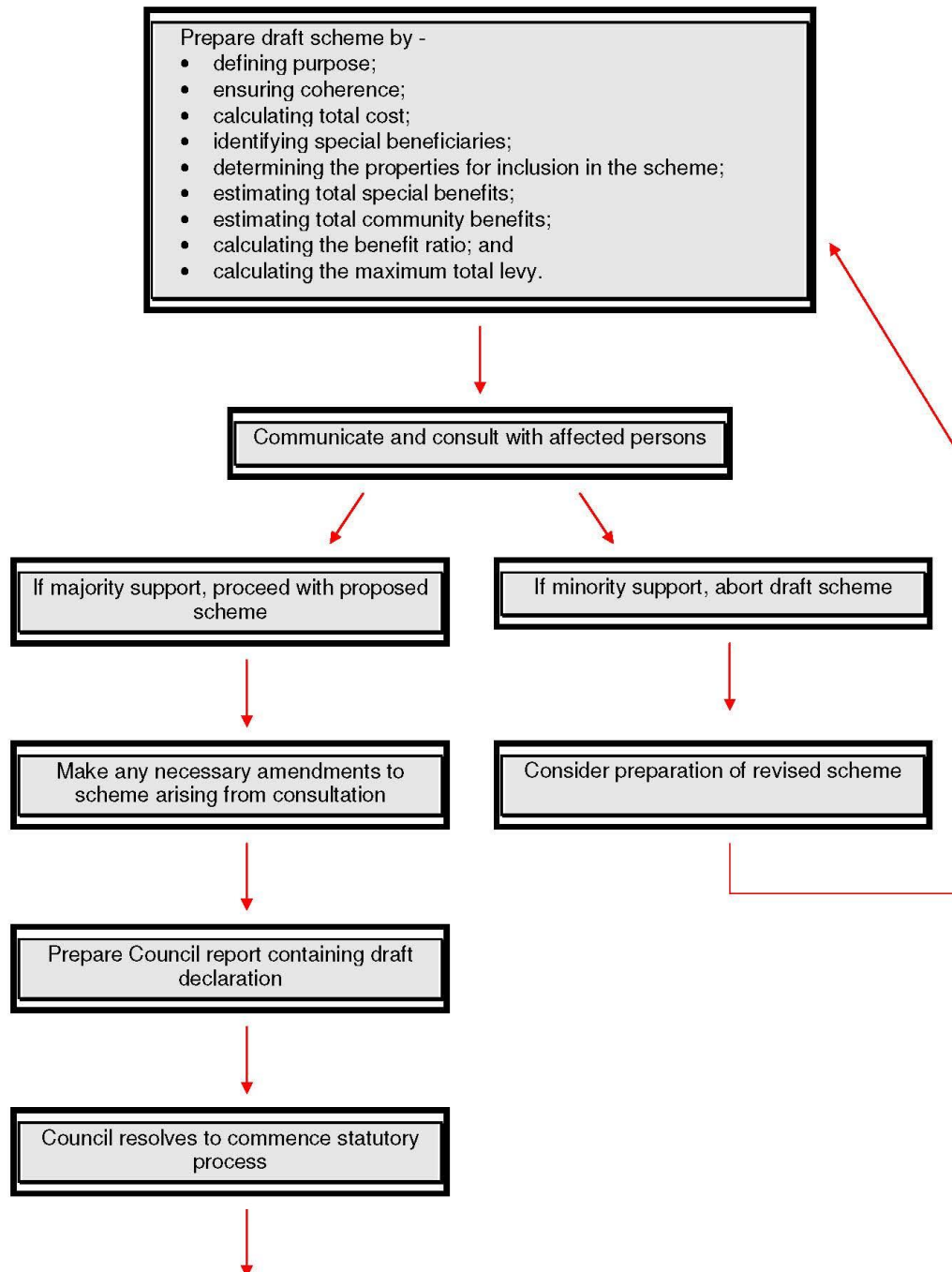
## **SPECIAL CHARGE SCHEME GUIDELINE**

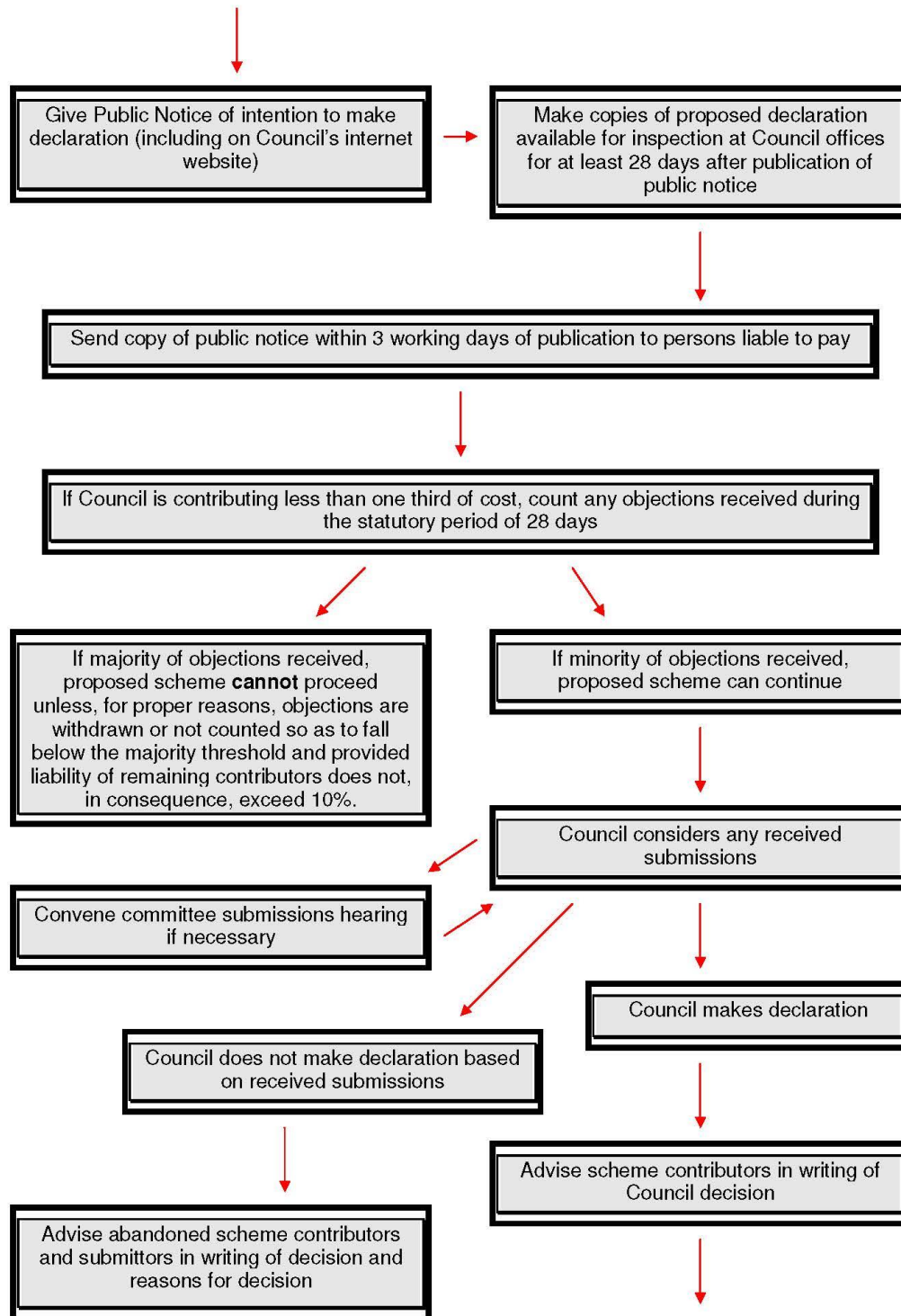
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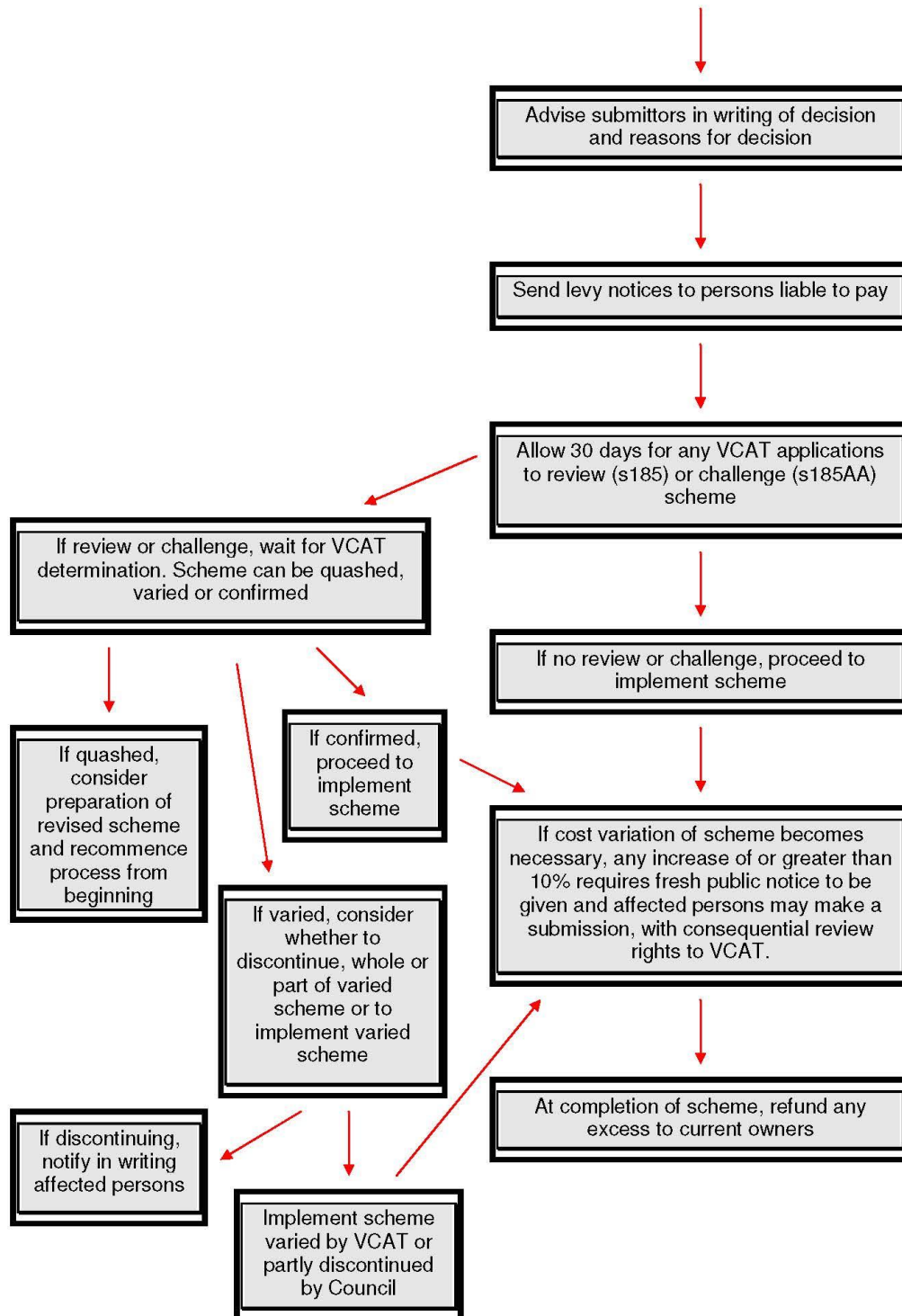


### **APPENDIX C – Flowchart for Special Charge Schemes**

The following provides a guide for Council regarding the process to implement Special Charge Schemes.

**APPENDIX C*****Flowchart for Special Rate & Charge Schemes***





## **5.7 BRIDGES ASSET MANAGEMENT PLAN**

### **PURPOSE**

***The purpose of this report is to introduce for adoption the revised Bridges Asset Management Plan.***

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### **EXECUTIVE SUMMARY**

- An Asset Management Plan (AMP) is a strategic document for managing Council's infrastructure and other assets such that they deliver an agreed standard of service.
  - A key purpose of Asset Management Plans is to drive longer term thinking and planning to ensure the organisation is operating in a financially sustainable manner.
  - The Asset Management and Development team is in the process of refining the suite of Asset Management Plans with the objective of both increasing the sophistication of each document and updating each plan with current data.
  - The first plan to achieve the desired standard is the Bridges Asset Management Plan (**Appendix 1**), which is currently ready for consideration and adoption.
- 

**MOVED: CR. HULIN**  
**SECONDED: CR. OWEN**

### **That Council:**

- 1. Agree to release the Bridges Asset Management Plan for public comment.**
- 2. Consider submissions in relation to the revised version of the Bridges Asset Management Plan at a future Council meeting.**

**CARRIED – 7:0**

---

### **BACKGROUND**

An Asset Management Plan (AMP) is a strategic document for managing Council's infrastructure and other assets such that they deliver an agreed standard of service.

An AMP will rely on a multi-disciplinary approach to produce a holistic management solution for a class of assets, such as roads, drainage and buildings.

A key purpose of Asset Management Plans is to drive longer term strategic and financial planning to ensure the organisation is operating in a sustainable manner. Asset Management Plans assist Council to achieve its goals and objectives specific to an individual asset class to provide the best value to the community.

They may also act as a vehicle of communication with the community regarding service levels and associated costs and risks.

### **ISSUE**

Council's Assets and Development team is in the process of refining the current Asset Management Plans with the objectives of increasing the sophistication of each document and updating each plan with contemporary data.

### **CURRENT STATUS**

The first plan which has been reviewed and updated is the Bridges Asset Management Plan (**Appendix A**). This plan has undergone a large scale update following a re-valuation and detailed condition inspections.

The Warrnambool Bridges Asset Management Plan is to be considered for adoption following a detailed review and update given a recent asset valuation and inspection.

## KEY CONSIDERATIONS

- Council manages 15 road bridges, 25 footbridges and 10 major culverts with a total replacement value of \$31,944,591.
- Council manages bridge and major culvert structures with a wide spread of ages, however over 50% of assets were constructed post 1990.
- A large number of structures are in good to very good condition; however there are a number of notable structures in poor condition.
- Since the last audit (2012), the percent of assets with conditions warranting intervention has increased from below 2% to above 7%, a figure which is considered high by industry standards.
- The replacement value of the total asset base has increased since the previous audit, indicating increasing maintenance and renewal requirements.
- The 15 year renewal program includes \$6,045,171 of works.
- Council is currently funding 91% of the 15 year renewal program.
- Council's 15 year renewal program funding shortfall is \$570,171.
- Council's backlog of works amounts to \$2,432,809 (corresponding to 7.6% of the total asset base).
- Maintenance benchmarking demonstrates that Council's maintenance allocation of \$55,000 is inadequate and that an allocation of between \$90,000 to \$110,000 is required.
- Acquired assets are likely to increase the valuation of Council's bridges and major culverts by 8% over the coming 15 years.

## CONSULTATION

The update of the Bridges Asset Management Plan marks the commencement of an ongoing improvement process. This report proposes that the plan be released for public comment for a period of 28 days.

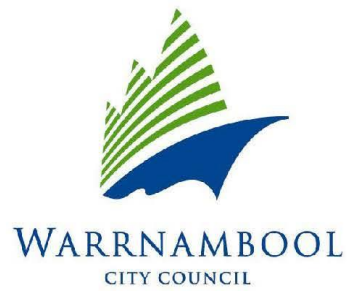
## FINANCIAL

The development of the Bridges Asset Management Plan is undertaken through Council's Assets & Development team and supported by consultants for specialist activities such as detailed bridge condition assessment and valuation.

## RISK

The benefit of adopting a Bridges Asset Management Plan, like all asset management plans is to provide transparency, clarity and governance to the specific asset class and include details pertaining to:

- Levels of service – community engagement & legislative requirements
- Future demand
- Risk management – hazard identification & asset criticality
- Lifecycle management plan – creation, renewal, upgrade, operation, maintenance & disposal
- Financial plan – valuations, forecasts & funding strategies
- Asset management practices – systems, standards & methodologies
- Plan improvement and monitoring

**APPENDIX A****Bridges Asset Management Plan****Amendment Register:**

Issue	Date	Details	Author
V0.01	May 2012	Draft developed from original Roads & Footpaths AMP	
V0.02	April 2013	Draft for comment	
V1.00	June 2014	Redraft to align with MAV STEP Brief AMP template some content deleted.	B. McDonald
V2.00	Sept 2015	Updated quantities and values	B. McDonald
V3.00	March 2017	Updated all sections	M. Stewart

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**1 EXECUTIVE SUMMARY****Introduction**

Warrnambool City Council manages a total of 50 road bridges, footbridges and major culverts which assist in creating a high level of connectivity throughout the municipality. Council recognises that like other infrastructure asset classes, the management of bridge and major culvert infrastructure must be conducted appropriately and responsibly. This plan is a means of outlining the asset management principles and processes such that Council may work towards a more sustainable system of management and delivery.

## Bridge and Major Culvert Asset Summary:

Asset Category	Quantity	Average Condition 0(New)-10(Very Poor)	Replacement Value
Major Culverts	15	2.8 (Good)	\$ 2,406,295
Footbridge	25	3.4 (Good)	\$ 5,830,914
Road Bridge	10	4.1 (Average)	\$ 23,707,382
<b>Totals</b>	50	3.42 (Good)	\$ 31,944,591

Bridges and major culverts are defined as structures with a minimum span of 1.8m and a minimum waterway area of 3m<sup>2</sup>. Structures which are outside of this definition, alongside structures under the ownership and management of private parties, the adjoining municipality or road and rail authorities (VicRoads & VicTrack), are not included in this plan.

Council recognises a wide variety of community stakeholders in bridge and major culvert infrastructure; these include, but are not limited to pedestrians, lightweight private vehicle users, commercial and industrial mid-heavy vehicle users, cyclists, wheelchairs and prams.

**Levels of Service**

The service requirements for Council's bridge and major culvert infrastructure have been developed through the analysis of customer requests, the results from the community satisfaction survey (2016), legislative requirements, design guidelines and standards and requirements developed from the regional asset service project. Community consultation regarding the road and footpath network is planned to occur in late 2017. As a part of the engagement process, consideration will be given to including consultation on service levels and performance targets specific to bridge and major culvert infrastructure. To ensure the effectiveness of the consultation, inclusion of the respective risk and financial consequences to service level performance target amendments shall be ensured.

The service requirements identified form the basis for the community and technical levels of service provided in section 3.3. The community and technical levels of service are evaluated using performance measurements against targets of performance and hence resulting under-performing assets or procedures may be identified. In section 3.4 Council's service level performance is discussed including solutions and expectations for future service performance and monitoring.

### Future Demand

The future demand upon Council's bridge and major culvert assets will be dependent on demographic, environmental, social, economic and technological developments. Table 14 ("Future Demand Forecast and Management") in section 4.1 provides a list of factors expected to influence the future demand in bridge and major culvert infrastructure, alongside their predicted effects and plans of management. The key points to consider, however, are summarised below:

- **Natural Environment** – Changes in the natural environment are predicted to have adverse effects on the structural condition of Council's road assets. Bridges and major culverts will experience an increase in flood damage, increased structural and foundation damage through increased geotechnical effects and more generally an accelerated degradation of materials and structures through increased temperature.
- **Demographics** – The population in Warrnambool is currently increasing at an average rate of 1.4% per annum (Warrnambool City-Wide Housing Strategy). The loading on bridge and major culvert assets is expected to increase proportionally to the rate of population growth.
- **Heavy Vehicles** – According to Freight Futures Victorian Freight Network Strategy, the freight task for the Warrnambool region is currently increasing at approximately 2.6% per annum. In line with this increase, bridge and major culvert infrastructure will be exposed to greater loads both cumulatively and individually as a result of higher mass vehicles.

### Risk Management

The risk management section identifies risks that may affect the ongoing delivery of services from bridge and major culvert infrastructure and details the controls for managing such risks. During the process of identifying significant risks (refer to appendix 3 – Bridge and Major Culvert Risk Register), assets which present a high consequence of failure were highlighted as "critical assets" such that they may potentially receive greater consideration during the formulation of works programs, with respect to their overall risk rating. The critical assets identified are listed below.

Condition	Critical Asset	Risk Rating
A structure which is the only access to a dwelling or business for emergency services	Skuses Road Bridge	Medium
	Swinton Street Bridge	Low
	Hopkins Point Road Bridge	Low
A structure with a detour greater than 20km	Hopkins Point Road Bridge	Low
A structure located on a link road or footpath with high usage	Stanley Street Bridge (Merri River)	Medium
	Harris Street Bridge (Merri River)	Low
	Tooram Road Major Culvert	Low
	Wangoom Road Major Culvert (East of Wrights Rd)	Low
	Wollaston Road Bridge	Medium

Table 2: Critical Assets

**Life Cycle Management Plan**Background Data

In July 2016, Moloney Asset Management Systems conducted a condition inspection of Council's bridge and major culvert assets. The scope of the project included condition assessments, works recommendations and load limit recommendations (where applicable). The data, projections and recommendations provided in this plan have been formulated in accordance with the results from this survey.

**Key asset data facts:**

- Council manages bridge and major culvert structures with a wide spread of ages, however over 50% of assets were constructed post 1990.
- A large number of structures are in good to very good condition; however there are a number of notable structures in poor condition.
- On average, Council's bridges and major culverts were found to be in good condition; however this figure has been influenced by newly acquired assets in excellent condition.
- Since the last audit (2012), the percent of assets with conditions warranting intervention has increased from below 2% to above 7%, a figure which is considered high by industry standards.
- The replacement value of the total asset base has increased since the previous audit, indicating increasing maintenance and renewal requirements.

Maintenance & Operations Plan

Council has adopted VicRoads three levels of inspection, which is detailed in "Road Structures Inspection Manual" - VicRoads, 2014. Following a routine maintenance or condition inspection, the defects identified are listed and ranked to produce a maintenance schedule. In addition, maintenance activities are also generated following the evaluation of customer requests. Defect priority and treatment selection is based upon considerations such as public safety, risk, required levels of service and the extent and severity of the defect.

During the recent condition inspection, maintenance works were identified and ranked to form the current maintenance schedule. The maintenance activities identified total to \$103,000 of works. Given the current level of maintenance funding (\$55,000 p.a.), the schedule forms a 2-year maintenance works program.

## Bridge &amp; Major Culvert Inspection Details:

Inspection Type	Inspection Details	Frequency
Routine Maintenance Inspection	A visual inspection for identifying routine maintenance issues and the potential requirement for further inspection. (refer to appendix 1 for the routine maintenance inspection form)	Annually/Following a significant event
Condition Inspection	A more detailed visual inspection to evaluate the structures condition at the component level. Condition inspections also provide the opportunity to identify required works and the potential need for detailed engineering inspections. (refer to appendix 2 for the condition inspection form).	Typically every 3 years

Detailed Engineering Inspection	A detailed structural inspection followed by structural analysis to identify potential structural issues, the load capacity, the in-service performance and any other information which may not be gathered via visual inspection.	As required
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Table 3: Bridge and Major Culvert Inspection Overview

Asset Renewal Plan

Using the recent bridge condition assessment, a draft 15 year renewal program has been formulated (table 30). The program was structured with recourse to the condition rating assigned during the assessment, expected deterioration, treatment costs (where applicable) or alternatively the full replacement cost using updated unit rate values. Assuming that on average the annual renewal funding is \$365,000 pa, the 15 year renewal program has a funding shortfall of approximately \$570,000.

Approximately 7.6% of the total asset base is in a condition which warrants intervention, however, modelling with consideration for current funding suggests that this value shall reduce to below 6% within 15 years (disregarding new and upgrade project requirements and funding).

Creation/Acquisition/Upgrade Plan

Council is aware of the current difficulty in funding the existing road network, both maintenance and renewals, and therefore gives priority to renewal projects over the creation of new assets, or upgrading existing assets.

New and Upgrade programs may be identified from:

- A relevant Service Strategy,
- Current issues discussions,
- Under-capacity analysis,
- An assessment of future demand, and
- Risk assessments.

Provision of new or upgraded works fall into the following categories depending upon the extent and type of works:

- Council funded, or
- Developer funded as part of subdivisional development, or
- Contribution to the cost by either the developer and/or Council.

The table below outlines the details of the identified new and upgrade projects.

Project/Program Identified/source	Asset	Timing	Total Replacement Cost (\$) <sup>[1]</sup>	Cost of Upgrade Component (\$)
New structures	Bromfield Extension Road Bridge	To be confirmed	\$0 <sup>[2]</sup>	N/A
	Merri river Footbridges (x3)	To be confirmed	\$0 <sup>[2]</sup>	N/A
	Swinton St Footbridge	2018/19 - 2019/20	N/A	\$175,000 <sup>[3]</sup>
Poor capacity/functionality assets	Stanley Street Road Bridge	Upgrade is not currently programmed	\$2,881,008	\$559,283
Total New/Upgrade Cost	\$ 734,283			

Table 4: Identified new and upgrade projects

[1]: Total replacement cost is inclusive of the upgrade component cost.

[2]: The total cost of these projects shall be funded fully by external parties in accordance to the North of the Merri Development Contributions Plan, however current indicative costs suggest that the three footbridges in total shall cost \$510,000.00 and the Bromfield St Road Bridge shall cost \$1,525,568.00.

[3]: Given the lack of detailed costing having taken place at this moment, the cost provided is indicative only.

The following figure demonstrates the predicted effect on asset condition given the current level of funding and the required renewal projects.

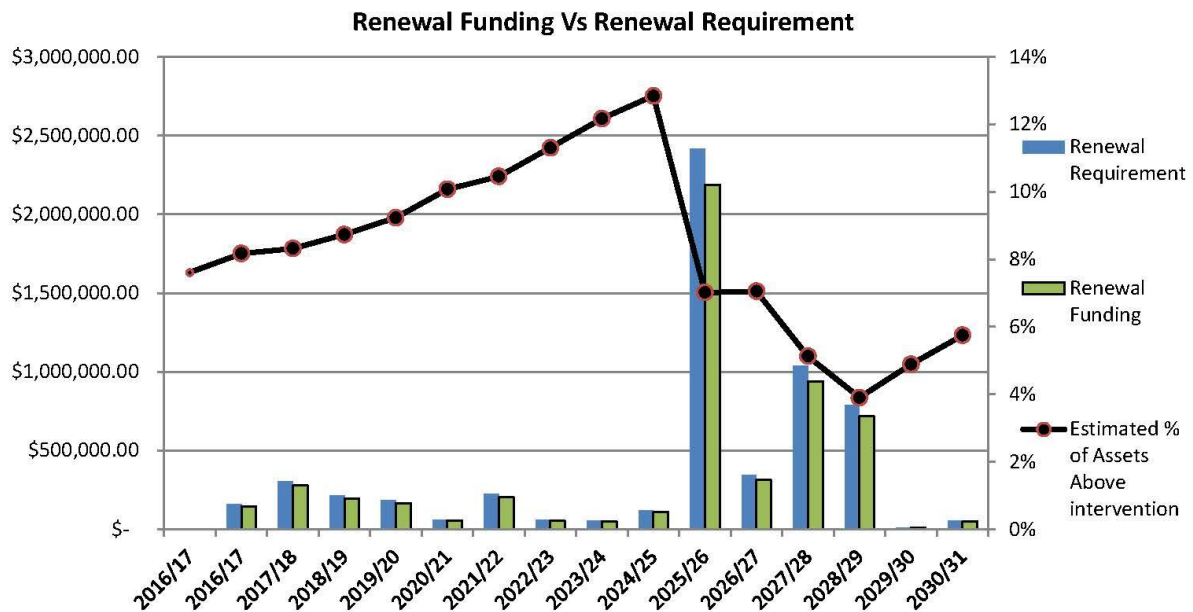


Figure 1: Renewal Funding Vs Renewal Requirement

#### Financial Plan

The table below provides a summary of the key financial parameters

Asset Description	Total Quantity	Average Asset Condition	Average Life (years)	Replacement Value	Written Down Value	Accumulated Depreciation	Annual Depreciation	Date Condition Assessment
Bridges and Major Culverts	50	3.42 (Good)	81.0	\$31,944,591	\$19,065,049	\$12,879,542	\$324,512	July-16

Table 5: Bridge and Major Culvert Key Financial Parameters

**Key funding facts:**

- The 15 year renewal program includes \$6,045,171 of works.
- Council is currently funding 91% of the 15 year renewal program.
- Council's 15 year renewal program funding shortfall is \$570,171.
- Renewal funding meets the annual depreciation for the coming 15 year period.
- Given current renewal funding, the percentage of assets above intervention is predicted to reduce to below 6% in fifteen years' time.
- Council's backlog of works amounts to \$2,432,809 (corresponding to 7.6% of the total asset base).
- Maintenance benchmarking demonstrates that Council's maintenance allocation of \$55,000 is inadequate and that a value between \$90,000 to \$110,000 would be appropriate.
- Acquired assets shall increase the valuation of Council's bridges and major culverts by 8% over the coming 15 years.

The items listed below are the priority improvement actions identified during the development of this plan. Refer to the action plan (Appendix 4) for the full list of actions and further details.

- The current performance in each service level shall be re-evaluated or developed for monitoring capability. This shall also, therefore, provide an opportunity to develop a strategic plan for achieving the service level targets detailed within the plan.
- During the next community consultation on roads, some attention shall be directed towards the community's opinion on the current state of bridges and major culverts such that Council may test its assumptions and confirm or amend levels of service accordingly.
- With the goal of progressing towards an "advanced" approach to risk management, targeted, prioritised and planned responses to the identified hazards in the bridge and major culvert risk register shall be formulated.
- A system of digital reporting on level 1 inspections is required such that Council's asset management department can gain a rigorous understanding of the lower level issues which are identified during these assessments. In addition to this, the report template which is used for these inspections shall be reviewed and amended where necessary.
- A formal process shall be developed for identifying, evaluating and rationalising new and upgrade projects alongside the disposal of existing assets.

## 2 INTRODUCTION

### 2.1 Background

#### 2.1.1 Purpose of this Plan

The Bridges Asset Management Plan (AMP) is a means of structuring and outlining the processes and key elements required for effective management of Council's bridge and major culvert infrastructure. The plan combines management, financial, engineering and technical practices to ensure that the required service levels of bridges and major culverts are met by the most efficient means with consideration for Council's fiscal and resource limitations.

Specifically, the purpose of this plan is to:

- Give effect to asset management and strategic objectives as outlined in related documents
- Demonstrate responsible stewardship of bridge and major culvert infrastructure
- Manage the risks associated with the service delivery of bridges and major culverts
- Provide input into the long term financial planning for bridge and major culvert infrastructure
- Support community engagement to determine suitable service delivery requirements
- Optimise spending on bridge and major culvert infrastructure by taking a whole of life approach
- Guide the development of maintenance practices
- Drive continuous improvement

#### 2.1.2 Asset Management Framework

This plan is part of Council's overall suite of asset management plans as described below:

- Asset Management Policy
  - Asset Management Strategy
    - Roads AMP
    - **Bridges AMP**
    - Buildings AMP
    - Pathways AMP
    - Drainage AMP
    - Sporting Facilities AMP
    - Open Space AMP
    - Information Communication Technologies AMP
    - Plant and Fleet AMP
    - Collections and Heritage AMP
    - Land AMP

### 2.1.3 Related Internal Plans & Strategies

This document supports the strategic objectives of related internal planning documents. The following documents are noted as having significant influence on the strategic direction of bridge and major culvert asset management:

- Municipal Road Management Plan
- Council Plan
- Growth Area Structure Plans
- Warrnambool Municipal Road Hierarchy Review and Traffic Management Plan
- Road User Plan
- Sustainable Transport Strategy
- North Warrnambool Flood Management Plan

### 2.1.4 Scope of this Plan

The Bridges Asset Management Plan covers all those structures under Council's responsibility which are typically located either in the road reserve, or on footpaths in parks and recreation areas. Furthermore, the structure must conform to the following functional definitions of "Bridge" and "Major Culvert" provided by VicRoads.

- Bridge - A structure with the primary purpose of carrying a roadway or pathway over an obstacle with a minimum span of 1.8m or a minimum waterway area of 3 m<sup>2</sup>.
- Major Culvert - A structure with the primary purpose of providing a passageway beneath a road or a path, usually but not necessarily for stormwater, with a minimum span or diameter of 1.8m, or a minimum waterway area of 3 m<sup>2</sup>.

Culverts outside of the definition above (minor culverts) are included as part of the Roads Asset Management Plan.

There are several structures within the road reserve that Council does not have responsibility to maintain. They are often a point of conflict with residents who have an expectation that Council will maintain them as they are within road reserves, parks and recreational areas. The assets which are not managed by council and hence not included in this plan are:

- Structures located on boundary roads allocated to the adjoining municipality. However, in some instances the agreements allow for cost sharing of specified capital works on the roads. Such works will only be carried out with prior agreement of the two municipalities concerned. Refer to the Boundary Agreement for full details.
- Structures on arterial roads (where Council is not designated as the responsible authority).
- Structures on roads not included under Councils Public Road Register
- Private vehicle crossings/driveways
- Floodways not classified as a 'major culvert'
- Structures on roads over irrigation and drainage channels, dams and aqueducts where the rural water authority is responsible (as the relevant infrastructure manager) to the limits of the structure
- Culverts provided for VicTrack infrastructure

**2.1.5 Asset Components Included in the Plan**

The following table lists the various asset components belonging to the asset groups described above whose management is governed via the processes and principles described in this document.

Asset Category	Asset Type	Asset Components/Elements Included
Bridges	Major Culverts	<ul style="list-style-type: none"> <li>• Cell</li> <li>• End wall</li> <li>• Beaching</li> </ul>
	Road Bridges	<ul style="list-style-type: none"> <li>• Beams</li> <li>• Deck</li> <li>• Abutment</li> <li>• Piers</li> <li>• Bearing</li> <li>• Joint</li> <li>• Wingwall</li> <li>• Approach guard rail</li> <li>• Bridge guard rail</li> </ul>
	Footbridges	

Table 6: Asset Components Covered by the Bridges and Major Culverts Asset Management

**2.1.6 Asset Function**

Council's bridge and major culvert infrastructure assist the overall road and footpath network to promote a high level of connectivity throughout the municipality. More specifically, the function and capacity of an individual asset will be largely dependent on the assets location on the road and footpath network. Each road and footpath are classified according to a functional hierarchy which is dependent on the type of traffic experienced, volume of traffic, specific function and potential risk.

**2.1.7 Key Stakeholders in the Plan****2.1.7.1 External & Community Stakeholders**

Stakeholder	Role in this Plan
Private vehicle operators	Customer
Pedestrians	Customer
Users of a range of miscellaneous smaller, lightweight vehicles: cyclists, wheel chairs, prams etc.	Customer
Industrial and commercial operators and other transport services	Customer
Public Transport services	Customer
School Bus services	Customer
Emergency Agencies (Police, Fire, Ambulance, VICSES)	Customer
Utilities (Water, sewerage, gas, electricity, telecommunications);	Other interested party
Road authorities (VicRoads, DELWP)	Other interested party
Glenelg Hopkins Catchment Management Authority	Other interested party
State & Federal government	Other interested party
Land Developers	Other interested party
Military (special use in times of conflict & emergency)	Other interested party
Road safety organisations	Other interested party
Council's Insurer	Other interested party

Table 7: External Stakeholders

**2.1.8 Asset Responsibility****Service Managers**

Service managers are responsible for the planning, controlling and directing of one or more of Council's services. Where a service portfolio includes bridge or major culvert assets, a service manager may hold one or more of the following responsibilities depending on the assets associated extent of delivery:

- Monitoring the risks associated with the respective asset/s
- Providing input into required service levels such as performance, safety, maintenance and aesthetics
- Understanding the service generated from the required asset/s
- Providing guidance on the asset/s future requirements
- Assisting in ensuring the performance of the asset/s meets service level performance targets
- Providing reports and metrics concerning the asset/s service performance

Council's services which include Bridges and Major Culverts within their service portfolio:

Service	Responsibility
Infrastructure Development and Projects	Manager of Infrastructure Services
Parks and Gardens – Botanical Gardens	Team Leader Trees and Botanics
Parks and Gardens – Lake Pertobe	Manager Recreation and Culture
General recreation	Manager Recreation and Culture

Table 8: Bridge and Major Culvert Service Managers

**Asset Managers**

Asset managers are responsible for planning for the delivery and longevity of assets required for Council's services. The asset manager of bridges and major culverts is the Coordinator of Assets and Developments, who is responsible for the following:

- Conducting asset inspections
- Ensuring adequate maintenance of assets
- Monitoring and developing asset service levels
- Meeting the agreed service level performance targets
- Collecting and managing asset data
- Developing asset renewal and upgrade programs
- Assisting service managers in planning for future demand and disposal

**2.2 Goals & Objectives of Asset Ownership****2.2.1 Links to Organisation Vision, Mission, Goals & Objectives**

Document	Section	Strategy/goal
<b>Council Plan 2013-17 (amended)</b>	1. Leading Regional City	Comply with the requirements of Council's Asset Management Plans
		Promote sustainable transport systems.
	2. A Sustainable City	Review and update Council's renewal funding model to ensure Council adequately funds asset replacement and maintenance while considering Council's risks.
	3. A Livable City	Implement the Municipal Road Safety Strategy
	4. A City of Growth	Deliver roads, drainage and community infrastructure commitments as outlined in structure plans for growth areas. Ensure infrastructure development, renewal and maintenance plans address current and forecast community needs.

Table 9: Links to Councils Vision &amp; Objectives

**3 LEVELS OF SERVICE****3.1 Community Engagement and Expectations****3.1.1 Background and Customer Engagement Undertaken**

The following table details the sources and basis from which Council develops the service requirements and standards of bridge and major culvert infrastructure in lieu of targeted and substantial community consultation having taken place.

Audience/ Technique	Needs/comments/outcomes/issues
Community Satisfaction Survey (2016)	<ul style="list-style-type: none"> <li>The community indicated that the overall performance of local streets and footpaths is lower than the amount of importance that the community places on these services.</li> </ul>
Customer Requests (2016)	Refer to table 11 (Customer Requests Review)
Service standards developed from design guidelines (General Service Standards)	<ul style="list-style-type: none"> <li>Access to the municipal road network by heavy vehicles to be limited to roads which are both reasonably necessary and classified as "link" or "Collector" on the road hierarchy (with exceptions for when accessing a site).</li> <li>Minimal conflict between various road user groups/vehicle types (cars, trucks, motorcyclists, bicyclists, pedestrians, children and people with disabilities);</li> <li>Suitable traffic control devices in dangerous locations especially where there is potential conflict between user groups (pedestrian crossings, road and street intersections);</li> <li>Road surfaces that create minimal adverse noise conditions in residential areas, are smooth riding, accessible, safe in all the prevailing local weather conditions and free-draining;</li> <li>All road structures (pavement base, surface, bridges, and traffic devices) to be maintained in a safe, workable condition.</li> </ul>
Service requirements developed from the Regional Asset Service Project (MAV STEP)	<ul style="list-style-type: none"> <li>Require bridges to provide access to my property</li> <li>Bridges should provide all weather access</li> <li>Bridges do not have any load limits where heavy vehicle travel is required</li> <li>Bridges should be wide enough for farm machinery</li> <li>Bridges should be safe to use</li> <li>Bridges should be well maintained</li> <li>Bridges should be able to carry two-way traffic</li> <li>Footbridges will be wide and accessible by wheelchair or pram</li> </ul>

Table 10: Service Requirements and Community Engagement Results

**Bridge and Major Culvert Customer Request Results**

Table 11 summarises the results from reviewing and analysing the customer requests from the past four years in relation to bridges and major culverts.



Asset Type	Amount of Requests	Concern (ranked from highest to lowest request amount)
Bridges (Road and Pedestrian)	High Amount	Material and structural deterioration
		Graffiti
		Surface ride-ability and slip resistance
		Access safety (fencing and handrails)
		Heavy vehicle usage
		Surface defects
		Vegetation intrusion
		Insufficient lighting
		Lack of aesthetic appeal
Major Culverts	High Amount	Blockages
		Structural integrity
		Graffiti
		Surface defects
		Request for inspection
		Insufficient signage and marking
	Low Amount	

Table 11: Customer Requests Review

It is worth noting that the total amount of customer requests in regards to bridges and major culverts within the past four years was 37. Within the context of the total amount of requests concerned with Council managed infrastructure, this amount is considered low, as such it may be presumed that the required community levels of service are not substantially different from those being provided.

**3.1.2 Community Service Level Outcomes**

Asset Type	Customer Needs
Bridges	<ul style="list-style-type: none"> <li>Located to provide all-weather access to dwellings and properties</li> <li>No unreasonable load restrictions on access</li> <li>Bridges should be able to carry traffic safely and without impedance</li> <li>Bridges should be well maintained</li> </ul>
Footbridges	<ul style="list-style-type: none"> <li>Located to separate road use by vehicles and pedestrians</li> <li>Safe to use in regards to signage, trip hazards, hand railing and lighting</li> <li>Allows access by a wheelchair or pram</li> </ul>
Major Culverts	<ul style="list-style-type: none"> <li>Structures should be free of blockages</li> <li>Major Culverts should be well maintained</li> <li>Major Culverts should be free of visible offensive graffiti</li> </ul>

Table 12: Service Level Outcomes Derived from Community Demand

*Note: Many of these needs (or slight variations) were identified as being applicable to all asset types, as such, this is reflected in the levels of service table (section 3.3)*

**3.1.3 Community Engagement Plan**

Community consultation regarding the road and footpath network is planned to occur in late 2017. As a part of the engagement process, consideration will be given to including consultation on service levels and performance targets specific to bridge and major culvert infrastructure. To ensure the effectiveness of the consultation, inclusion of the respective risk and financial consequences to service level performance target amendments should be ensured.

**3.2 Legislative Requirements**

In addition to providing service standards which are at a level agreed with the community, Council must also formulate the service requirements of infrastructure with consideration for related codes of practice, standards and legislative requirements.

The following table details the codes of practice, standards and legislative requirements which have been taken into consideration in the development of bridge and major culvert service standards:

Reference	Description
<b>Road Management Act (2004)</b> (alongside associated Regulations and Codes of Practice)	In summary, the act: <ul style="list-style-type: none"> <li>Establishes a new statutory framework for the management of the road network which facilitates the coordination of the various uses of road reserves for roadways, pathways, infrastructure and similar purposes.</li> <li>Establishes the general principles which apply to road management.</li> <li>Provides for the role, functions and powers of a road authority.</li> <li>Provides for the construction, inspection, maintenance and repair of public roads.</li> <li>Sets out the road management functions of road authorities.</li> <li>Sets out the road management functions of infrastructure managers and works managers in providing infrastructure or conducting works.</li> </ul>
<b>Local Government Act (1989)</b>	Details the functions of Council in regards to the provision services and facilities for the community, alongside principals of
<b>Road Safety Act (1986)</b>	Details the safety requirements relating to the use and operation of the road network.
<b>Disability Discrimination Act (1992)</b>	Details the liabilities for provisions of access for persons with disabilities.
<b>Catchment and Land Protection Act (1994)</b>	Sets the framework of management for catchments, including the functions and powers of Council.
<b>Austroads Road Design Guidelines</b>	Provides guidelines for design of roads, pedestrian and cyclist areas, drainage structures, ancillary areas and structures.
<b>Australian Rainfall and Runoff</b>	Provides the guidelines for flood estimation in design.
<b>AS 5100 – Bridge Design</b>	Details the guidelines and standards for design of all bridge structures.

Table 13: Legislative requirements

## 3.3 Community and Technical Levels of Service

Bridge and Major Culvert Service Levels						
Service Demands	Service Indicator	Community Levels of Service		Technical Levels of Service		
		Community Measure	Community Target	Technical Measure	Current Performance	Technical Target
Located to allow access during all typical weather events	Accessibility	Accessibility during all typical weather events.	The transport network including required structures remains serviceable during all typical weather events.	Trafficable surface levels in references to flood levels.	Currently 96% of road structures above the 20% Annual Exceedance Probability (AEP).  Further investigation required to accurately understand the structures below the 1% AEP level.	100% of road structures above the 20% Annual Exceedance Probability.  100% of critical assets above the 1% AEP, except for where heritage status is the only driver for criticality.
No unreasonable load restrictions on access	Accessibility	Accessibility of required vehicles.	Structures are to allow access for all required vehicles.	Number of structures with a load limit below what is reasonably required.	Currently 98% of structures with either no load limit or a reasonable load limit.	100% of structures have either no load limit or a load limit outside of the functional scope of the asset
Structures should allow safe travel without impedence	Safety & Serviceability	Freedom and safety of travel.	All bridges should allow for safe travel without disturbance of the flow.	- Sight distance - Gradient - Trafficable width	Currently 98% of structures are adherent.	100% Adherence to relevant contemporary design standards and guidelines.
Structures should be provisioned sufficiently in regards to signage, lighting, hand/guard railing and surfacing.	Safety & Serviceability	Amount of accidents per year resulting from insufficient signage, lighting, hand/guard railing and surfacing.	No accidents per year resulting from insufficient signage, lighting, hand/guard railing and surfacing.	Level of adherence to relevant contemporary design standards and guidelines.	90% of structures are adherent.	100% Adherence to relevant contemporary design standards and guidelines.

Non-vehicular travel should be adequately separated from vehicular travel	Safety & Serviceability	Amount of structures which do not offer separation of vehicles and pedestrians (including cyclists)	All structures should provide separate spaces for vehicular and pedestrian travel (including cyclists).	Level of adherence to relevant contemporary design standards and guidelines.	Currently 98% of assets provide sufficient and compliant separation of pedestrian and vehicular travel.	100% Adherence to relevant contemporary design standards and guidelines.
Pedestrian travel along the transport network should allow for access by wheelchairs and prams	Accessibility	Amount of structures along the transport network which do not allow sufficient access and mobility.	All structures along the transport network allow for full access and mobility.	Level of adherence to relevant contemporary design standards and guidelines on access and mobility.	86% of all structures are adherent.	100% adherence to relevant contemporary design standards and guidelines on access and mobility.
Structures should be well maintained	Safety & Aestheticism	Amount of notable defects on structures.	Structures should be free of notable defects.	Level of adherence to inspection regime and level of responsiveness to identified defects	Level of adherence is currently unknown. As such, developing monitoring procedures forms part of the improvement actions.	90% adherence to inspection regime and defect allocated response times.  100% adherence to routine maintenance inspections (compliance with RMP).
Structures should be cleared of blockages and debris within the waterway area	Safety & Serviceability	Amount of instances where a structures waterway area is blocked.	Structures should be consistently free of blockages.	Level of adherence to reactive and proactive inspection regime and level of responsiveness to blockages	Level of adherence is currently unknown. As such, developing monitoring procedures forms part of the improvement actions.	90% adherence to inspection regime and response time for the clearance of blockages.  100% adherence to routine maintenance inspections (compliance with RMP).

Table 14: Bridge and Major Culvert Community &amp; Technical Service Levels

### 3.4 Service Level Consequences and Development Plan

The following table discusses the service level consequences of bridge and major culvert funding for the coming 15 years.

It's projected that Council's service level targets will not all be met during this period; however Council should make some progress in achieving them. Moving forward, future community engagement regarding road and pathway service demands shall assist in forming Council's direction in asset and service planning.

Service Level	Discussion
Structures are located to allow access during all typical weather events.	Consideration has been given to upgrading the Bromfield Street and Queens Road Major Culvert over Russel's Creek, it was concluded that upgrades would not provide a positive cost benefit outcome for the community at this time.
No unreasonable load restrictions on access.	The Stanley Street Road Bridge is programmed for pile rehabilitation works this financial year (2016/17), following the works, a detailed structural analysis shall be undertaken to gauge the increase in the structures load carrying capacity. At this time the load limit imposed on the structure may be amended in line with the structural improvements.
Structures should allow for two-way travel safely and without impedance.	In an attempt to address Stanley Street Road Bridges inadequate trafficable width an upgrade project was scoped and costed at approximately \$2.9M. The project would be a full replacement and extension to address the structures poor condition, width inadequacy and load limit. An alternative and substantially cheaper treatment option was costed at \$162,000. This treatment would address only the piles on the bridge (the component with the worst condition) and is estimated to prolong the structures life by 20 years. In the interest of sound financial management, the lower order treatment has been chosen in lieu of the more costly full replacement.
Structures should be provisioned sufficiently in regards to signage, lighting, hand/guard railing and surfacing.	A recent maintenance funding benchmarking analysis shows that Council allocates a relatively low amount of funding for bridge and major culvert maintenance. The analysis suggests that Council should be allocating between \$90,000 pa to \$110,000 pa. Council will not be able to achieve this service level target without increasing the maintenance funding from \$55,000 pa to an amount which is consistent with the extent of structures that Council manages. Council has formulated a maintenance works program containing \$103,000 of works which would address the structures failing this service level.
Non-vehicular travel should be adequately separated from vehicular travel.	Council shall meet its performance target in this service level once the Swinton Street Footbridge is constructed. This project is expected to go ahead in 2019/20.
Pedestrian travel along the transport network should allow for access by wheelchairs and prams.	Currently Council does not have a sufficient amount of funds to allow the upgrade of all non-compliant structures. Once non-compliant assets reach their natural end of life, consideration shall be given to the upgrade of these structures.
Structures should be well maintained.	Improvement of this service level shall be achieved by enabling performance monitoring (refer to the action plan).
Structures should be cleared of blockages and debris within the waterway area.	Improvement of this service level shall be achieved by enabling performance monitoring (refer to the action plan).

Table 15: Service Level Consequences and Discussion

**4 FUTURE DEMAND****4.1 Demand Forecast and Management Plan**

A crucial factor in planning for future community demands and technical requirements for infrastructure is to accurately understand how a wide variety of social, economic, environmental and technological changes will influence the operating environment. Furthermore, it is necessary to develop a plan to manage said changes appropriately. The following table lists various areas of potential change alongside their expected impacts and approach to management.

Factor	Description	Expected Impact	Management Plan
<b>Natural Environment</b>			
Climate Change	A notable risk is posed by climate change through increasing storm surges, sea level rise, increased ground and foundation movement, groundwater changes, temperature and solar radiation and frequency and intensity of extreme rainfall events.	Bridges and major culverts will experience an increase in flood damage, increased structural and foundation damage through increased geotechnical effects and more generally an accelerated degradation of materials and structures through increased temperature and solar radiation.	Continue to monitor developments in this space such that the projected climate change and effects on infrastructure may be estimated. Appropriate measures may then be taken to account for these effects in asset management practices, infrastructure planning and material and design standards.
<b>Demographics and Land Use</b>			
Increasing Dwelling Density	One of the recommendations of the Warrnambool City-Wide Housing Strategy is that housing densities should be expected to increase in many parts of Warrnambool.	Areas of increased housing density can be expected to have increased volumes of use on the Councils road and footpath network.	Monitor population and traffic count data in developing areas alongside continuing to developing works programs with consideration of zonal requirements.
Ageing Population	Population forecasting indicates there will be increases in all age groups between 2011 and 2026. The largest proportional increase (relative to population size) will be in the 60 to 79 (43%) and 20 to 39 age groups (20%) (Warrnambool City-Wide Housing Strategy).	With a large relative proportion of the population moving into the 60 to 79 age group an increased demand upon the pathway network (including footbridges) may be expected. In addition, increases in the 20-39 age group shall produce increases in demand on the road network.	Continue to monitor age trends with a focus on potential infrastructure effects, alongside continuing to gather traffic count data.
Population Changes	Population in Warrnambool is currently increasing at an average rate of 1.4% per annum (Warrnambool City-Wide Housing Strategy)	An increased load on bridge and major culvert assets can be expected proportional to the increase in population.	Monitor population and traffic count data alongside continuing to develop works programs with consideration of population trends.

<b>Technology</b>			
Technology Improvement Utilisation	Increases in available technology for the management, construction, design and maintenance of bridge and major culvert infrastructure.	Possible opportunities for cost savings across all fields involved in the service. Improvements in the structural integrity, life and aesthetics of bridge and major culvert infrastructure. Improvements in asset management capability and data analysis.	Continue to monitor developments in this space such that Council may adopt available new and improved technology in a timely manner with the vision of improving the operating environment of bridge and major culvert infrastructure delivery.
Vehicle Automation	It is predicted that from between 2020-2030 to 2040-2050 the amount of automated vehicles comprising the total vehicle traffic on road networks will increase from 1-4% to 30-50% according to the Victoria Transport Policy Institute (Autonomous Vehicle Implementation Predictions – Implications for Transport Planning, 2015)	Possible necessary improvements required for roadway infrastructure to enable autonomous vehicle technology.	Continue to monitor developments in this space and begin to identify areas in which Council will be expected to institute changes to the road network to allow for an effective and safe application of the technology.
<b>Heavy Vehicles</b>			
Increasing Legal Load Limits	In recent years, Container Transport Alliance Australia and other organisations have been advocating for increases in the legal load limits for heavy vehicles (notably an increase of 20% in 2015). Thus there is a reasonable expectation of increased load regimes at some point in the future.	Bridge and major culvert infrastructure will be exposed to greater loads in proportion to the load limit increases which can be expected to cause deterioration at rates larger than expected.  The potential for substantial failure increasing in number across infrastructure that is currently insufficient to carry the required loads.	Work is currently being done to develop an official freight network through the municipality; to that end, increasing freight effects may be limited to certain areas such that planning may be more effective.  Consideration will be given to possible increasing load limits when developing bridge and major culvert works programs.
Increasing Freight Task	Freight Futures suggests that freight volumes in the Warrnambool region are expected to increase from 30 million tonnes to 50 million tonnes from 2000 to 2020.	Bridge and major culvert infrastructure will be exposed to greater volumes of heavy vehicle traffic in proportion to the increase of the freight task which can be expected to cause deterioration at rates larger than expected.	Work is currently being done to develop an official freight network through the municipality; to that end, increasing freight effects may be limited to certain areas such that planning may be more effective.
<b>Finance and Economics</b>			
Unit Rate Cost Changes	Unit rate costs may potentially increase in rates which differ from those expected.	Changes in unit rates will effect Council's utilisation of renewal and capital expenditure.	Conduct annual review of unit rates including benchmarking, project reviews and industry research.
Economic effects on willingness to pay	Potential strengthening/weakening of the macro-economy could potentially affect the willingness to pay of the community	Shifting levels of willingness to pay within the community will create changes in service level demand.	Continual and progressive community engagement surrounding service level requirements and associated costs.

Table 16: Future Demand Forecast and Management

Refer to the action plan (Appendix 4) for a plan of progression and development of the management and control measures for the areas of impact.

**5 RISK MANAGEMENT****5.1 Risk Identification**

Event	Cause	Area of Impact	Controls
Collapse or damage to structure or road approach	<ul style="list-style-type: none"> <li>Overloading, oversize/injury</li> <li>Poor structural condition</li> <li>Lack of maintenance</li> <li>Severe weather event</li> <li>Waterway users</li> </ul>	Public health & safety	<ul style="list-style-type: none"> <li>Condition survey undertaken and renewal works programmed.</li> <li>Bridges assessed for load limits.</li> <li>Maintenance inspection and works programming.</li> </ul>
Bridge run-off accident	<ul style="list-style-type: none"> <li>Vehicle conflict</li> <li>Obstruction (fallen limbs)</li> <li>Surface condition (timber decks, road interface)</li> <li>Inadequate drainage</li> <li>Inadequate signage, delineation</li> <li>Poor sight distance</li> </ul>	Public health & safety	<ul style="list-style-type: none"> <li>Maintenance inspection and works programming.</li> <li>Risk assessment of bridges and bridge guard rail renewal/upgrade.</li> </ul>
Delays from bridge closure or diversions	<ul style="list-style-type: none"> <li>Bridge collapse</li> <li>Bridgeworks</li> <li>Load limits</li> <li>Width restrictions</li> <li>Flooding</li> </ul>	Service Delivery  Financial	Condition survey undertaken and renewal works programmed. Level of service for: <ul style="list-style-type: none"> <li>Load Limits</li> <li>Flooding access</li> </ul>
Pedestrian accident with road user	<ul style="list-style-type: none"> <li>No path present, walking on road</li> <li>Inappropriate, missing signage</li> <li>Inadequate protection</li> <li>Inappropriate use</li> </ul>	Public health & safety	<ul style="list-style-type: none"> <li>Level of service for provision of path appropriate for level of use.</li> <li>Level of service for provision of footpath, and barriers appropriate for location and use.</li> </ul>
Pedestrian fall	<ul style="list-style-type: none"> <li>Rough uneven surface</li> <li>Inappropriate, missing signage</li> <li>Slippery surface, water</li> </ul>	Public health & safety	<ul style="list-style-type: none"> <li>Defect inspection frequency</li> <li>Street lighting</li> </ul>

Table 17: Risk Management

*Refer to the Infrastructure Risk Register for Bridges and Major Culverts for more information (Appendix 3)*

**5.2 Asset Criticality****5.2.1 Critical Assets**

Critical assets are those which would result in a high consequence of failure, as such, Council understands the importance of identifying critical bridges or major culverts, to the effect that maintenance, investigative and capital expenditure plans may be refined in light of critical areas.

The table below gives asset descriptions (along with the assets which fit the description) which hold in them the implication of high consequence of failure along with the appropriate actions that Council will make to minimise the risk of such failures occurring.

Description Assets with high consequence (Major or Catastrophic) of failure	Area of Impact	Actions to Address	Critical Assets
A structure that is the only access to a dwelling or business for emergency services	Customers & Community Public Health & Safety	Greater consideration in capital works programs	<ul style="list-style-type: none"> <li>Skuses Road Bridge</li> <li>Swinton Street Bridge</li> </ul>
A structure with a detour > 20km <sup>1</sup>	Customers & community	Greater consideration in capital works programs	<ul style="list-style-type: none"> <li>Hopkins Point Road Bridge (Hopkins River)</li> </ul>
A structure located on a Link road or footpath with high usage.	Customers & Community	Greater consideration in capital works programs	<p>Road Bridges and Major Culverts (Link Roads)<sup>2</sup>:</p> <ul style="list-style-type: none"> <li>Hopkins Point Road Bridge (Hopkins River)</li> <li>Stanley Street Bridge (Merri River)</li> <li>Harris Street Bridge (Merri River)</li> <li>Tooram Road Major Culvert</li> <li>Wangoom Road Major Culvert (East of Wrights Road)</li> <li>Wollaston Road Bridge</li> </ul> <p>Footbridges (Category 1 Footpaths):</p> <ul style="list-style-type: none"> <li>Not currently applicable</li> </ul>
Heritage Structures	Cultural and Historical Significance	Greater Consideration in capital works programs	<ul style="list-style-type: none"> <li>Wollaston Road Footbridge</li> <li>Ziegler Parade Road Bridge</li> <li>Stanley Street Road Bridge</li> <li>Hopkins Point Road Bridge</li> <li>Plummer's Hill Road Masonary Arch Culvert</li> </ul>

Table 18: Asset Criticality

[1]: The detour value of 20km was chosen after concluding that this was both functionally unreasonable and potentially highly consequential in an emergency situation since a detour greater than 20km corresponded to a travel delay of approximately 20 minutes (under normal travel conditions).

[2]: Whilst the Ziegler parade Road Bridge is on a link road, it's inclusion as a critical asset has been withheld since Garabaldi Lane (in close proximity) acts as an adjacent means of access. As such, the consequence of stifled access has been deemed to be low.

## 6 LIFECYCLE MANAGEMENT PLAN

### 6.1 Background Data

#### 6.1.1 Asset Quantities

Asset Component	Number	Deck Area (m <sup>2</sup> )
Road Bridges	10	4,574 m <sup>2</sup>
Footbridges	25	1,138 m <sup>2</sup>
Major Culverts	15	736 m <sup>2</sup>

Table 19: Asset Overview

*Note: Quantities are correct only at the time of the development of this plan. Up to date information is obtained from the asset register. Quantities as of 29/07/2016*

#### 6.1.2 Asset Ages (Distribution of Construction Decade)

The following graph illustrates the distribution of construction decades within Council's bridges and major culverts. As shown, the majority of Council's assets were constructed within the past three decades.

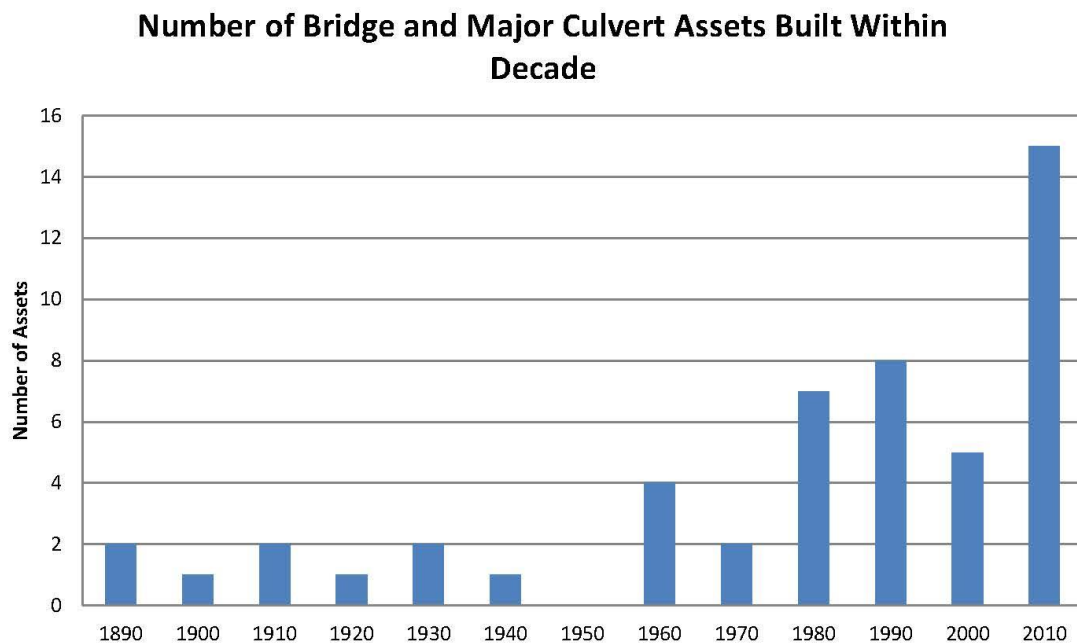


Figure 2: Asset Construction Decade Distribution

**6.1.3 Current Issues**

Issue	Comment
Recommendation for instituting a load limit upon various structures (MAMS survey July 2016)	<ul style="list-style-type: none"> <li>Wellington St Road Bridge (25t)</li> <li>Daltons Rd Road Bridge (20t)</li> <li>Skuses Rd Road Bridge (30t)</li> </ul>
Management systems for controlling access to the network by over-weight / over-dimensional vehicles	A system of management is required to ensure adherence to instituted load limits given the exposure to risk generated from heavy vehicles accessing structures not suited to their access.
Structures identified for further investigation during MAMS survey July 2016.	<ul style="list-style-type: none"> <li>Viaduct Rd</li> <li>Wollaston Rd Footbridge</li> <li>Wollaston Rd Road Bridge</li> <li>Harris St Road Bridge</li> <li>Russell's Creek Footbridge 1 (Sth of Glenbane Ct)</li> </ul>

Table 20: Current Issues

*Note: Refer to the action plan for more information.*

**6.1.4 Asset Classification and Functional Hierarchy**

Bridge and major culvert infrastructure is classified via their construction standard and location on the road and footpath functional hierarchy.

**Classification by Design and Construction**

Asset Group	Classification by Design Life	Classification by Construction
Major Culvert	Short Life	N/A
	Long Life	Masonry
		Precast Reinforced Concrete
		Steel
Road Bridge	Short Life	Full Timber Construction
		Reinforced Concrete with at least one major timber structural element
	Long Life	Masonry and Steel
		Full Reinforced Concrete
Footbridge	Short Life	Reinforced Concrete and Steel
		Footbridges of low construction standard
	Long Life	Foot bridges of medium construction standard
		Footbridges of high construction standard

Table 21: Classification by Design and Construction

**Classification by Road and Footpath Functional Hierarchy**

Classification	Description
<b>Road Network</b>	
<b>Arterial</b>	Arterial roads are the principle routes of movement to and from the municipality and are <u>controlled and maintained by VicRoads</u> .
<b>Link</b>	Links carry high volumes of traffic and are the principle routes for traffic flow in and around the municipality (including freight movement).
<b>Collector</b>	Collectors are streets which carry higher volumes of traffic; they connect accesses and access streets through and between neighbourhoods.
<b>Access</b>	Access streets provide local residential access where traffic is subservient, speed and volume of traffic are low and pedestrian and bicycle movements are facilitated.
<b>Lane</b>	Lanes carry local traffic and typically provide secondary access to properties with more than one road frontage
<b>Footpath Network</b>	
<b>Category 1</b>	CBD and those pathways within the vicinity of schools, hospitals and aged care centres
<b>Category 2</b>	Selected medium use pathways in prominent areas other than described above and routes to schools.
<b>Category 3</b>	Pathways in residential, commercial and industrial areas other than as described above.

Table 22: Classification by Road and Footpath Functional Hierarchy

**6.1.5 Asset Capacity/Performance****Assets Under-Capacity**

The following table lists the assets which are not meeting their service level requirements. The upgrade of these assets may now be investigated with the goal that the project would provide a positive cost-benefit outcome for the community.

Level of Service	Service Target Status	Assets Under-Capacity	Reasoning
Located to allow access during abnormal weather events	4% of assets under capacity.  Further investigation required to accurately understand the structures below the 1% AEP level.	<ul style="list-style-type: none"> <li>Queens Road Major Culvert<sup>[1]</sup></li> <li>Bromfield Street Major Culvert<sup>[1]</sup></li> </ul>	These structures have been closed due to flooding during 20% AEP events.
No unreasonable load restrictions on access	2% of assets under capacity.	Stanley Street Road Bridge (20t)	Structure would be reasonably required for vehicles greater than 20t (waste vehicles).
Structures should allow for safe travel without impedance	2% of assets under capacity.	Stanley Street Road Bridge	Structure provides inadequate trafficable width for two way travel on a link road (6m total).
Structures should be provisioned sufficiently in regards to signage, lighting, hand/guard railing and surfacing.	10% of assets under capacity.	<ul style="list-style-type: none"> <li>Wollaston Road Road Bridge</li> <li>Wollaston Road Footbridge</li> <li>Lake Pertobe Footbridge (6)</li> <li>Lake Pertobe Footbridge (4)</li> <li>Lake Pertobe Footbridge (5)</li> </ul>	Structures have been found to be insufficient in one or more instances with regards to signage, lighting, hand/guard railing and surfacing.

Level of Service	Service Target Status	Assets Under-Capacity	Reasoning
Non-vehicular travel should be adequately separated from vehicular travel	2% of assets under capacity.	Swinton St Road Bridge	The Swinton Street crossing of the Merri River provides no travel space for non-vehicular movement, hence forcing travel to occur on the road.
Pedestrian travel along the transport network should allow for access by wheelchairs and prams	12% of assets are under capacity.	<ul style="list-style-type: none"> <li>• Jubilee Park (Woodford) Footbridge (Merri river)</li> <li>• Lake Pertobe Footbridge (9)</li> <li>• Lake Pertobe Footbridge (4)</li> <li>• Lake Pertobe Footbridge (5)</li> <li>• Lake Pertobe Footbridge (6)</li> <li>• Ziegler Parade Road Bridges</li> </ul>	One or more access and mobility issues with these structures gradients, approaches, surfaces, railings and widths have been identified.
Structures should be well maintained	Currently unknown	Not applicable (Refer to Appendix 4 – “Action Plan” for service level monitoring development plan)	N/A
Structures should be cleared of blockages and debris within the waterway area	Currently unknown	Not applicable (Refer to Appendix 4 – “Action Plan” for service level monitoring development plan)	N/A

Table 23: Assets Currently Under Capacity

*[1] A cost-benefit analysis for the upgrade of Bromfield St and Queens Rd Major Culverts has revealed that there is a negative community benefit from upgrading these assets. This is since no property damage is expected from a 20% AEP event and there is multiple alternative routes for access. Thus, upgrading these assets is currently thought to not be necessary.*

#### 6.1.6 Asset Condition

##### Condition Rating

In accordance with the VicRoads Level 2 inspection procedure each structure is assessed at component, sub-component and element level (Council’s inspection policy is further described in section 6.2.1).

The overall structure is assessed and rated with a score of 0 (new) to 10 (poor) taking into account certain criteria. In assessing the condition rating, the consultant may take into account a range of factors, including but not limited to:

- **Structural performance**
  - Loss of effective section (corrosion/spalling/rot/splitting)
  - Failure
  - Cracking
  - Fatigue
- **Structural integrity**
  - General wear and tear/ deterioration
  - Severity/ extent defects
  - Movement/ displacement/ subsidence/ deformation
- **Structural durability**
  - Water penetration
  - Exposure

**Asset Condition Data**

Asset Component	Previous Condition/Current Condition Survey Results 0(New)-10(Very Poor)			Comments/Trend
	2009	2012	2016	
Road Bridges	4.0 = Average Condition	4.4 = Average Condition	<u>4.1 = Average Condition</u>	<i>Stable</i>
Footbridges	3.7 = Good Condition	4.7 = Average Condition	<u>3.4 = Good Condition</u>	<i>Improving</i>
Major Culverts	5.7 = Average Condition	3.5 = Good Condition	<u>2.8 = Good Condition</u>	<i>Improving</i>
<b>Average Condition</b>	<b>4.5 = Average Condition</b>	<b>4.2 = Average Condition</b>	<b><u>3.4 = Good Condition</u></b>	<i>Improving</i>

Table 24: Asset Condition Data

*Note: Newly acquired assets will contribute to an improved average condition alongside the renewal of existing assets.*

**Asset Age and Condition Profile**

The figure below is based on Moloney's 2016 condition survey data; refer to the Conquest Asset Management System for current data. The wide spread of age/condition values demonstrates how the standard of construction influences the deterioration of an infrastructural asset. For example, the Russel's Creek footbridge (1) is a low standard timber footbridge which has deteriorated to a condition of 6/10 within 14 years, whereas Plummer's Hill Road Masonry Culvert has only deteriorated to a condition of 3/10 in 116 years.

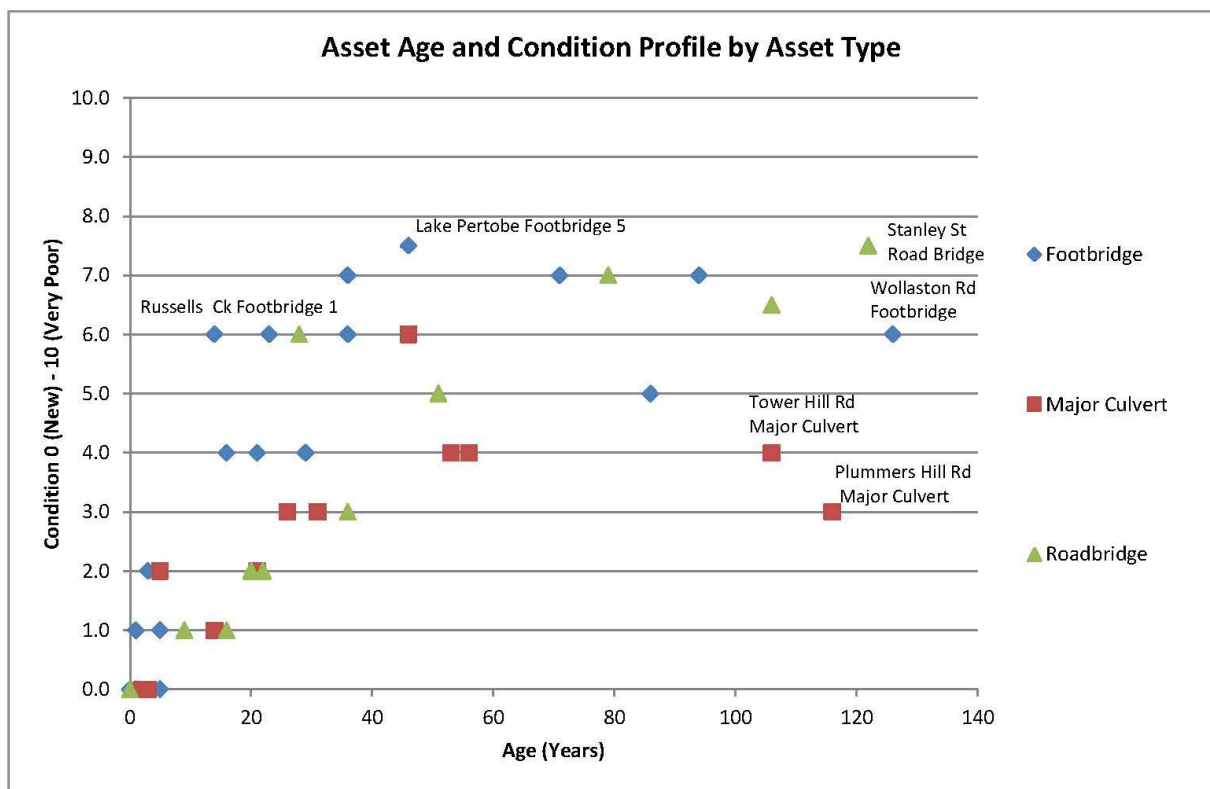


Figure 3: Asset Age and Condition Profile

**6.1.7 Asset Valuations and Useful Lives**

Table 24 summarises the valuations of each bridge and major culvert construction type. The formulation of these values is derived from the replacement project costing of each individual asset, alongside their respective condition and useful lives.

BRIDGE/CULVERT TYPE	TOTAL VALUATION		Accumulated Depreciation	Annual Depreciation	Asset Type Physical Life (years)	Asset Type % of Value
	Replacement Value	Written Down				
Bridge - Masonry and steel construction	\$345,384.00	\$64,759.50	\$280,624.50	\$2,302.56	150	1.08%
Bridge - Full reinforced concrete construction	\$15,954,284.00	\$11,915,686.86	\$4,038,597.14	\$127,634.27	125	49.94%
Bridge - Steel and/or reinforced concrete design	\$3,818,880.00	\$2,162,862.00	\$1,656,018.00	\$30,551.04	125	11.95%
Bridge - Reinforced concrete with at least one major structural timber element.	\$1,267,110.00	\$402,333.75	\$864,776.25	\$18,101.57	70	3.97%
Bridge - Timber design	\$2,321,724.00	\$145,107.75	\$2,176,616.25	\$33,167.49	70	7.27%
Major culvert - Precast reinforced concrete box units	\$142,085.00	\$78,501.25	\$63,583.75	\$1,776.06	80	0.44%
Major culvert - Precast reinforced concrete units	\$1,214,159.00	\$1,068,323.75	\$145,835.25	\$12,141.59	100	3.80%
Major culvert - Masonry construction	\$60,793.00	\$37,995.63	\$22,797.37	\$303.97	200	0.19%
Major culvert - Precast RC pipe culverts	\$989,258.00	\$592,172.00	\$397,086.00	\$12,365.73	80	3.10%
Major culvert - Steel culvert (corrugated galvanised)	\$0	\$0	\$0	\$0	80	0%
Footbridge - High level design	\$3,902,418.00	\$1,288,257.75	\$2,614,160.25	\$39,024.18	100	12.22%
Footbridge - Medium level design	\$1,285,447.00	\$975,679.38	\$309,767.62	\$25,708.94	50	4.02%
Footbridge - Low level design	\$643,049.00	\$333,369.38	\$309,679.62	\$21,434.97	30	2.02%
<b>Totals</b>	<b>\$31,944,591.00</b>	<b>\$19,065,049.00</b>	<b>\$12,879,542.00</b>	<b>\$324,512.36</b>	<b>N/A</b>	<b>100 %</b>

Table 25: Current Asset Valuation

*Note: Values are correct only at the time of the development of this plan. Up to date information is obtained from the asset register. Values as of 30 June 2016*

**Assumptions in the Valuation Process**

- Structures will deteriorate with respect to their estimated “physical life” and require replacement; upon reaching the end of the structures estimated “useful life”;
- Structures of the same class/construction standard will deteriorate at the same rate;
- Unit rates for renewal are reflective of industry construction rates.

## 6.1.8 Historical Valuation Trend

ASSET TYPE	YEAR OF VALUATION	TOTAL VALUATION					
		Replacement Value \$	Change from last Valuation %	Written Down \$	Change from last Valuation %	Accumulated Depreciation \$	Annual Depreciation \$
	2009	\$9,249,128.00	N/A	\$7,047,006.20	N/A	\$2,202,121.80	\$79,725.92
Road Bridges	2012	\$9,284,128.00	0%	\$ 6,463,287.76	-8%	\$2,820,840.24	\$80,013.42
	2016	\$23,707,382.00	+155%	\$ 14,690,749.86	+127%	\$9,016,632.14	\$211,756.93
	2009	\$ 1,039,840.00	N/A	\$446,345.60	N/A	\$593,494.40	\$12,642.95
Footbridges	2012	\$ 1,241,328.00	+19%	\$483,693.41	+8%	\$757,634.59	\$16,095.31
	2016	\$5,830,914.00	+370%	\$2,597,306.50	+437%	\$3,233,607.50	\$86,168.09
	2009	\$1,296,240.00	N/A	\$843,623.50	N/A	\$452,616.50	\$16,031.96
Major Culverts	2012	\$1,372,120.00	+5%	\$821,128.82	-3%	\$550,991.18	\$16,785.04
	2016	\$2,406,295.00	+75%	\$1,776,992.63	+116%	\$629,302.37	\$26,587.35

## Valuation Trends

It is clear that a substantial change in valuation has occurred between the two most recent surveys, the reason for this is twofold:

- The 2016 survey includes a total increase of 22 structures which were either built after 2012 or are being recognised as bridges or major culverts for the first time.
- The replacement rates for bridges and major culverts were updated for the 2016 survey to better reflect the current costs associated with replacement, thus providing a greater capability in planning.

## 6.1.9 Historical Asset Consumption/Renewal

Annual Consumption & Renewal (% of asset value)	Year		
	2009	2012	2016
Asset Consumption <i>(Asset Depreciation / Replacement Value)</i>	0.94%	0.95%	1.02%
Asset Renewal <i>(Renewal expenditure / Replacement Value)</i>	0.82%	1.60%	1.15%
Amount of Asset Depreciation Funded	87.64%	168.30%	113.09%

Table 27: Historical Asset Consumption/Renewal Rates

Although annual asset consumption has been slightly rising over this seven year period (due to the construction of relatively lower life footbridges), average asset renewal expenditure has increased dramatically from 2009 to 2012. The reason for this is two-fold; firstly, the previous level of expenditure on bridge renewal was inadequate in meeting the required renewal demand. Secondly, this shortfall in funding had the effect of accumulating a significant backlog of renewal works to be completed. The current renewal expenditure is beginning to slowly address this backlog of works, which is presently comprised of many large scale projects (refer to table 29), whilst attempting to address the annual asset depreciation.

## **6.2 Maintenance & Operations Plan**

### **6.2.1 Maintenance/Condition Inspections**

Council has adopted three levels of inspections derived from the VicRoads Road Structures Inspection Manual - April 2011:

- Routine Maintenance Inspection.
- Condition Inspection.
- Detailed Engineering Inspection and Analysis.

#### **Routine Maintenance Inspection**

Routine maintenance inspections are undertaken once every year for the entire bridge and major culvert network. The general serviceability of the structure for the safety of road users is checked, and any problems are identified. This type of inspection will also include checking the signage, approaches, waterways, vandalism, graffiti and all visible structural components.

Structures will also be subject to a routine maintenance inspection following a major accident or environmental event which would warrant concern regarding the structures serviceability and condition. In addition to this, structures with relatively high risk ratings and/or components warranting further interrogation will be referred to an alternative inspection regime, which shall take into consideration the structures condition and criticality (refer to appendix 5).

All data obtained from the routine maintenance inspection is to be recorded on the Bridge Inspection Form included in the Appendices.

#### **Condition Inspection**

Condition inspections are carried out typically every 3 years or as required based on the results on the results of a routine maintenance inspection. Condition inspections are currently carried out by Council's Civil Engineer or contractors with proven experience and qualifications.

The performance of critical structures against their previous survey results are checked by council staff with suitable bridge design and/or construction experience on a more frequent basis given their higher risk status.

#### **Engineering Inspection & Analysis**

A detailed engineering inspection involves a combination of field inspection and theoretical analysis to more accurately assess the structural performance of the bridge or major culvert. Detailed engineering inspections typically will be conducted by qualified contractor given the significant resources required.

A detailed engineering inspection will be conducted as required following a routine maintenance or condition inspection.

**Current Inspection Schedule**

Asset Category	Inspection Type	Inspection Output	Frequency	Responsibility
Bridges & Major Culverts	Routine Maintenance Inspection	Refer to Bridge Maintenance Inspection Form (Appendix 1)	Annually/According to the alternative asset inspection regime (Appendix 5)/Following a significant event	Coordinator Asset Management and Development
	Condition Inspection	Refer to Bridge Condition Inspection Form (Appendix 2)	Typically every 3 years	Coordinator Asset Management and Development
	Detailed Engineering Inspection	Detailed field inspection report and structural analysis.	As recommended from a routine maintenance or condition inspection.	Coordinator Asset Management and Development

Table 28: Current Inspection Schedule

**6.2.2 Maintenance Works Formulation**

Following a routine maintenance, condition or detailed engineering inspection, the defects identified which require maintenance are listed and ranked to produce a maintenance schedule. In addition, maintenance activities are generated reactively following the evaluation of customer requests. Maintenance activities are completed with regard to the Maintenance Work Practices Manual – Road Reserves (2009). The priority and details of response for defects are calculated based upon considerations such as public safety, risk, required levels of service and the extent and severity of the defect.

**6.2.3 Current Maintenance Works Schedule**

As a result of the recent condition assessment (July 2016) of Bridges and Major Culverts completed by Moloney Asset Management Systems, a list of proposed maintenance works (refer to the figure below) was generated and forms the basis of the maintenance schedule for the present financial year (2016-2017).

BRIDGE GENERAL DETAILS							
ROAD NAME	REFERENCE CHAINAGE (00 AL)	Insp Cond (0-10)	Sub Asset	DESCRIPTION OF EXISTING ASSET	DETAILS OF PROPOSED ASSET WORKS DESCRIPTION OF PROPOSED WORKS		
					Def Urg 0-10	Est. Cost \$	
Lake Pertobe Res F/B 5	Nth of Pertobe Rd	7.5	Hand Rail	2 No Steel wire ropes with drop chains at 900 cts	10	2,000	Reduce gap in Handrails - If bridge remains in service
Harris St Road Bridge	at McDonalds St	2.0	Stringer	7 No 500 Deep x 1700 wide precast RC T-Beams - Vary extensive and severe cracking underneath	10	8,000	Investigate reason for severe cracking of RC T-Beam underneath
Lake Pertobe Res F/B 4	Nth of Pertobe Rd	6.0	Hand Rail	Single 90 x 45 Timber rail on Diagonal Cross braced frame	9	1,000	Reduce gap in Handrails - If bridge remains in service
Lake Pertobe Res F/B 6	Nth of Pertobe Rd	7.0	Hand Rail	Single 100 Dia Timber rail on timber posts with cross bracing	8	800	Reduce gap in Handrails - If bridge remains in service
Russells Ck F/B 1	Sth of Glenbane Ct	6.0	Other No1	NP	8	3,000	Investigate repair - Replacement options
Lake Pertobe Res F/D 1	Nth of Pertobe Rd	2.0	Stringer	2 No 300 x 130 Laminated timber arch beams on main span - Early signs of delamination	8	2,500	Provide protective coating to laminated timber main beams
Lake Pertobe Res F/D 2	Nth of Pertobe Rd	0.0	Stringer	2 No 585 x 140 Laminated timber arch beams with 190 x 50 IWD beams at 450 Cts on approach spans	8	2,500	Provide protective coating to laminated timber main beams
Lake Pertobe Res F/B 3	Nth of Pertobe Rd	1.0	Stringer	2 No 300 x 130 Laminated timber arch beams at 1500 cts on main span	8	2,000	Provide protective coating to laminated timber main beams
Russells Ck F/B 2	East of Dunlop Ct & Moonal Sis Inter	4.0	Dock	In 2 Layers 25 x 150 Treated Pine on top of older rotten Hardwood deck	7	3,000	Provide protective coating to timber dock and Handrails
Wollaston Rd Road Bridge	Mortlake Rd	5.0	Deck	Cast in Place RC deck slab over Steel U-Beams - Vary extensive Cracking and Weathering and high deflection under load	7	8,000	Investigate the need to strengthen the RC deck
Mortlake Rd F/B West Side	Nth of Moor St	6.0	Hand Rail	2 No 50 mm Dia Water pipe rails on pipe posts at 1650 Cts	7	1,200	Repair handrail and reduce gap
Russells Ck F/B 1	Sth of Glenbane Ct	6.0	Hand Rail	Single 90 x 45 Top rail with Large spaced diagonal Bracing in fills - Vary extensive rotting	7	4,000	Repair and paint - preserve handrail and reduce gap
Wollaston Rd foot Bridge	Mortlake Rd	6.0	Other No1	2 No Timber Trusses supported on steel cables also acting as handrails - Extensive rot in timbers	7	10,000	Undertake investigations into the most appropriate method to preserve and repair the major timber components of the bridge
Skuses Rd	Dallimores Rd	3.0	Signs	NP	7	1,500	Place 4 No Chevron and 2 No Narrow Bridge signs
Viaduct Rd	Stanley St	7.0	Stringer	Single Cast in Place RC Tee Beam approx 700 Deep - Vary extensive Cracking and Spalling	7	10,000	Investigate concrete repair options and if this is considered to be a viable rehabilitation consideration

Figure 4: Current Maintenance works Schedule

**6.2.4 Standards and Specifications**

Maintenance activities are undertaken to a standard that returns the asset to a safe, useable, fit for purpose condition and must be in compliance with the standards described in section 6.3.4.

**6.2.5 Maintenance Funding**

Maintenance activities listed in the general ledger are:

Activity	Account	Budget
Routine Inspection & Maintenance	228000-1234	\$55,000
<b>Total</b>		<b>\$55,000</b>

Table 29: Maintenance Funding

Council's annual maintenance allocation has been found to be insufficient in treating Council's assets optimally. A benchmarking analysis revealed that a more appropriate level of funding for bridge and major culvert maintenance would be between \$90,000 to \$110,000.

**6.3 Renewal Plan**

Renewal works are undertaken generally when an asset has reached the end of its service life, and restoring the structure to its original capacity remains appropriate given the present and projected service requirements. Renewal works may be identified at the component or sub-component level (renewal of elements is generally considered maintenance) during routine maintenance, condition or detailed engineering inspections or following the evaluation of customer requests. Condition assessments, however, typically form the basis for the bridge renewal program. The priority ranking of renewal projects is justified by recourse to the assets performance, condition, associated risks and the economic efficiency of renewal.

Whilst council's bridge and major culvert infrastructure has experienced a general improvement in condition since the previous survey in 2012, it is clear that there still exists a significant backlog of bridges with conditions which warrant consideration for renewal/replacement (Table 29).

Large value individual assets such as road bridges and some major buildings may be unable to be effectively funded in any single year as the average renewal amount contains part of the asset over a number of years. The actual renewal profile of high cost assets has large peaks in renewal requirement and some years where very little renewal is required.

**Draft 15 year Renewal Program**

BRIDGE/CULVERT DETAILS				TOTAL VALUATION		PROGRAM
Road Name	Location	Asset Type	Asset Condition	Replacement Value	Cumulative Replacement Value	Year of Replacement
Stanley Street	Pertobe Road	RB	7.5	\$161,500.00 (Partial Replacement)	\$161,500.00	2016/17
Jubilee Park (Woodford)	North of the end of Victoria Street	FB	10	\$206,338.00	\$367,838.00	2017/18
Wollaston Road Footbridge	McGennan Street	FB	6	\$100,000.00 (Partial Replacement)	\$467,838.00	2017/18
Lake Pertobe Reserve F/B 5	North of Pertobe Road	FB	7.5	\$112,292.00	\$580,130.00	2018/19
Ziegler Parade	Princes Highway	RB	7	\$100,000.00 (Rehabilitation works)	\$680,130.00	2018/19
Stephens Street	Denman Drive	FB	7	\$183,924.00	\$864,054.00	2019/20
Lake Pertobe Reserve F/B 6	North of Pertobe Road	FB	7	\$61,579.00	\$925,633.00	2020/21
Russells Creek F/B 1	South of Glenbane Court	FB	6	\$224,640.00	\$1,150,273.00	2021/22
Mortlake Rd F/B West Side	North of Moore Street	FB	6	\$58,968.00	\$1,209,241.00	2022/23
Carrolls Road	East of Tooram Road	MC	6	\$55,177.00	\$1,264,418.00	2023/24
Lake Pertobe Reserve F/B 4	North of Pertobe Road	FB	6	\$90,558.00	\$1,354,976.00	2024/25
Jubilee Park (Allansford)	Riverbank Walk	FB	4	\$30,885.00	\$1,385,861.00	2024/25
Ziegler Parade	Princes Highway	RB	7	\$2,416,354.00	\$3,802,215.00	2025/26
Daltons Road	Ardlie Road	RB	6.5	\$345,384.00	\$4,147,599.00	2026/27
Wellington Street Road Bridge	McGennan Street	RB	6	\$1,038,960.00	\$5,186,559.00	2027/28
Viaduct Rd	Stanley Street	FB	7	\$791,154.00	\$5,977,713.00	2028/29
Lake Pertobe F/B 9	West of Maze	FB	4	\$12,000.00	\$5,989,713.00	2029/30
Russells Creek F/B 3	East of Wares & South of Whites	FB	4	\$55,458.00	\$6,045,171.00	2030/31

Table 30: Draft 15 Year Renewal program

It should be noted that individual replacement costs may not necessarily be equal to the actual project cost of replacement due to the long list of variables, the required activities and the agreed scope of a renewal project (multiple of these assets are likely to require replacement or rehabilitation of specific components only). Considering these points, as individual projects are fully costed amendments to the renewal plan, including generated service level and risk consequences, may need to be undertaken.

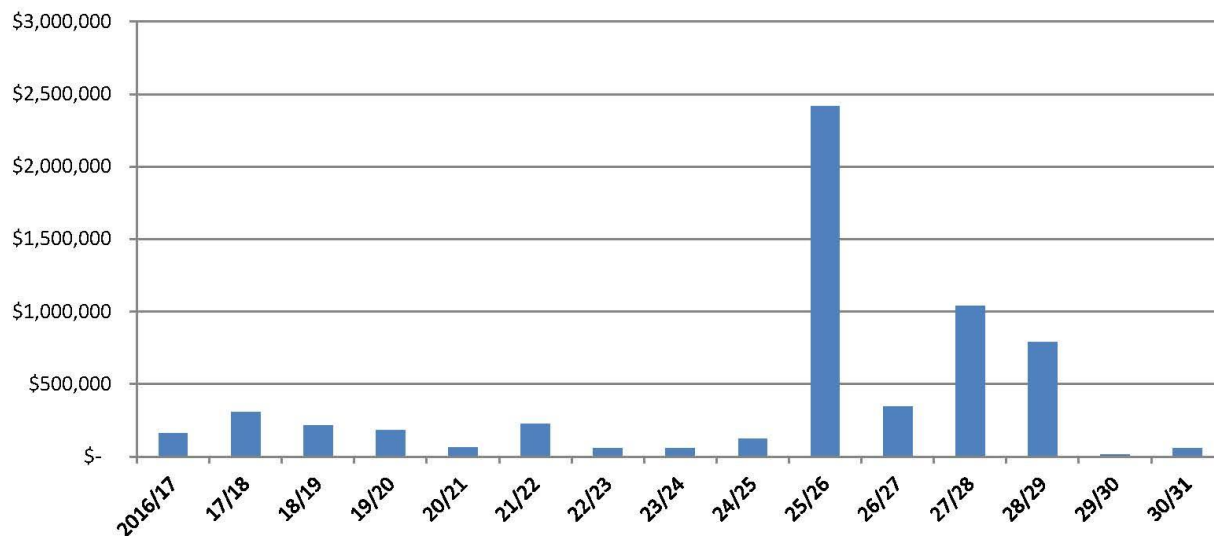
**6.3.1 Renewal Requirement****Bridge and Major Culvert 15 Year Capital Renewal Requirement**

Figure 5: Annual Renewal Expenditure Requirement

**6.3.2 Basis for Future Renewal Costs**

The following unit rate values have been developed from a recent valuation (December 2016) of all Council's bridges and major culverts. The valuation was triggered in response to renewal project estimates substantially differing from previous unit rate values. As such, the updated figures below are thought to accurately represent industry renewal rates.

Code	Description	Replace rate (\$/m <sup>2</sup> )
B/M/S	Bridges with masonry and steel construction	\$6,055.00
B/RC(/S)	Bridge of reinforced concrete (may contain steel components)	\$5,393.00
B/RC/T	Bridge of reinforced concrete with a major timber component	\$5,393.00
B/T	Bridge of timber construction	\$5,393.00
C/M	Masonry culvert all sizes	\$5,477.00
C/PIPE	Precast RCP culverts of any size	\$3,901.00
C/S	Steel culvert - corrugated galv. plated steel culverts of any size	N/A <sup>[1]</sup>
F/HIGH	All Footbridges of high construction standard	\$3,855.00
F/MED	All Footbridges of medium construction standard	\$3,572.00
F/LOW	All Footbridges of low construction standard	\$3,254.00

Table 31: Asset Renewal Rates

[1]: Council currently manages 0 steel culverts.

**6.3.3 Renewal Funding****Historic Renewal Funding**

Year	Expenditure
2015-2016	\$366,548.00
2014-2015	\$33,266.00
2013-2014	\$693,699.00
<b>Average</b>	<b>≈ \$365,000.00</b>

Table 32: Historic Renewal Expenditure

The averaged figure above shall be used as the basis for an indicative amount of funding over the next 15 years for the purpose of renewal gap calculation and deterioration modelling.

**6.3.4 Renewal Gap**

Figure 5 illustrates the cumulative total renewal gap for all bridge and major culvert Infrastructure, which is the difference in actual expenditure and the required expenditure for asset components over intervention.

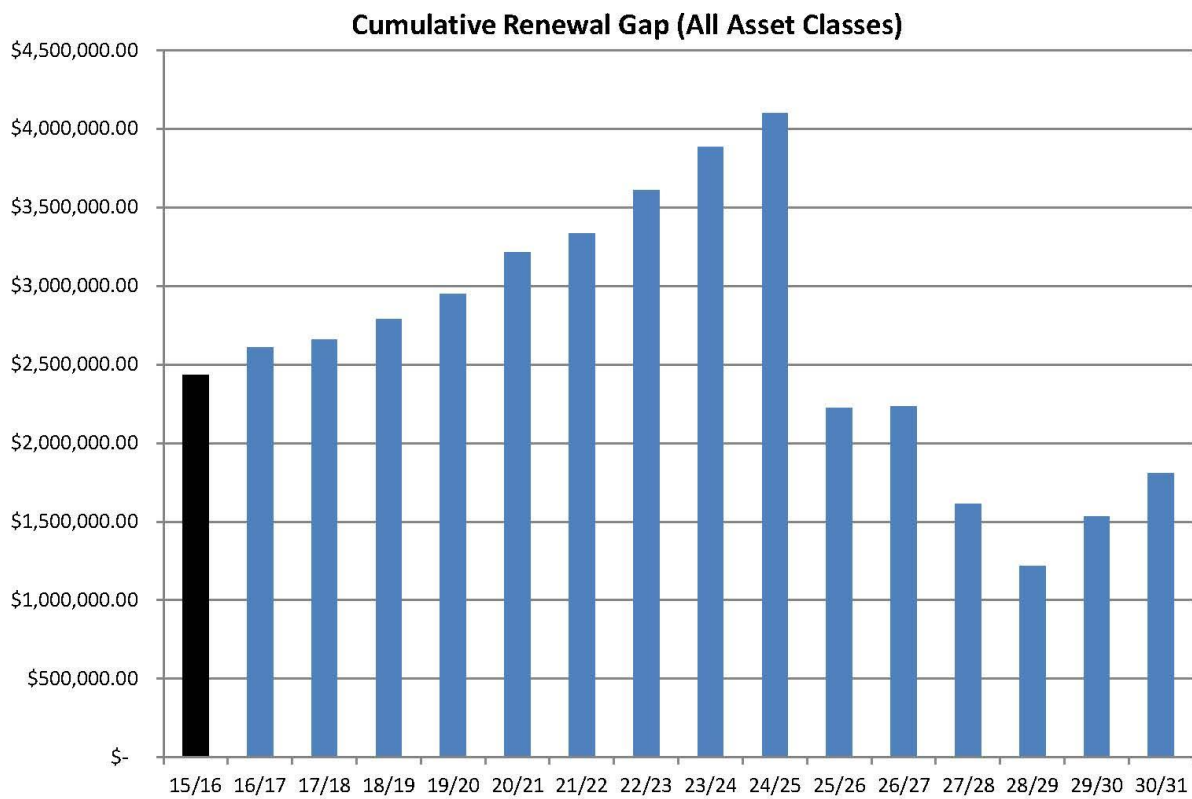


Figure 6: Cumulative Renewal Gap (Bridges and Major Culverts)

### 6.3.5 Standards and Specifications

Waterway design shall be completed in accordance with *Guide to Road Design Part 5: Drainage design* (Austroads, 2013). Bridge design shall be completed in accordance to Austroads *Guide to Bridge Technology* (2009) and Australian Standards 5100. In addition, the specifications of design should also be in accordance with the requirements of the Infrastructure Design Manual (2015).

### 6.4 Asset Creation/Acquisition/Upgrade Plan

Council is aware of the current difficulty in funding the existing road network, both maintenance and renewals, and therefore endeavors to prioritise renewal projects over the creation of new assets, or upgrading existing assets.

Provision of new or upgraded works fall into the following categories depending upon the extent and type of works:

- Council funded, or
- Developer funded as part of subdivisional development, or
- Contribution to the cost by either the developer and/or Council.

Where possible, developers of new subdivisions are required, as part of the development approvals process, to provide the basic road infrastructure to the standard appropriate for that development.

In addition, as Council acquires new assets through the subdivision development process it is important that the consequential costs are established and allowed for in future budgets. Costs of maintaining these assets should be funded by rate income from the properties within the development.

It is not reasonable to expect that these costs will be absorbed into existing budgets without an increase. To do so is to effectively reduce the current levels of service to some or all of the municipal area.

New and Upgrade programs may be identified from:

- A relevant Service Strategy,
- Current issues discussions,
- Under-capacity/function analysis,
- An assessment of future demand, and
- Risk assessments.

**6.4.1 Required Future New and Upgrade Projects**

The table below outlines the details of the identified new and upgrade projects:

Project/Program Identified/source	Asset	Timing	Total Replacement Cost (\$) <sup>[1]</sup>	Cost of New/Upgrade Component (\$)
New structures	Bromfield Extension Road Bridge	To be confirmed	\$0 <sup>[2]</sup>	N/A
	Merri river Footbridges (x3)	To be confirmed	\$0 <sup>[2]</sup>	N/A
	Swinton St Footbridge	2018/19 - 2019/20	N/A	\$175,000 <sup>[3]</sup>
Poor capacity/functionality assets	Stanley Street Road Bridge	Upgrade is not currently programmed	\$2,881,008	\$559,283
Total New/Upgrade Cost		\$ 734,283		

Table 32: Identified new and upgrade projects

[1]: Total replacement cost is inclusive of the upgrade component cost.

[2]: The total cost of these projects shall be funded fully by external parties in accordance to the North of the Merri Development Contributions Plan, however current indicative costs suggest that the three footbridges in total shall cost \$510,000.00 and the Bromfield St Road Bridge shall cost \$1,525,568.00.

[3]: Given the lack of detailed costing having taken place at this moment, the cost provided is indicative only.

**6.4.2 Standards and Specifications**

The standards and specification of design for new assets shall be in accordance with those documented in section 6.3.4.

**6.5 Disposal Plan**

In order to achieve a holistic approach for infrastructure financial sustainability, Council must ensure that resources are not spent on maintaining or renewing assets which no longer serve a genuine community demand. Disposal of assets, therefore, serves as a tool for achieving optimal use of the available resources. Generally speaking, most road bridges, footbridges and major culverts are considered to be essential to the connectivity of Warrnambool's road and footpath network, therefore demand for disposals is usually low.

The disposal of bridge and major culvert infrastructure may occur under the following conditions:

- A request is made by the community which is approved by council;
- Following a study of demand, it is demonstrated that an asset receives low or no usage and thus continual expenditure on maintaining the asset is not justified; or
- An asset is handed over to a private interest or other authority.

Council owns and manages a number of bridges and major culverts which have unconfirmed service requirements. There is a potential for disposal to be a solution in these cases if the confirmed service demands are sufficiently minimal for disposal to provide a positive financial result. Structures which require investigation into the ongoing service requirements are:

- Ziegler Parade Road Bridge
- Stephens Street Footbridge

**7 FINANCIAL PLAN****7.1 Current Financial Position****7.1.1 Current Asset Valuations**

The tables below present a summary of the overall asset quantities and valuations of Council's bridges and major culverts. Annual depreciation should be regarded as an accounting figure which may vary from the actual renewal demand annually. As such, Council's actual expenditure on renewal will vary from year to year based upon annual renewal liability.

**Latest Survey Valuations**

Asset Description	Total Quantity	Weighted Av. Asset Condition	Av. Asset Life in Years	Replacement Value	Written Down Value	Accumulated Depreciation	Annual Depreciation	Date of Condition Assessment
Bridges and Major Culverts	50	3.42 (Good)	81.0	\$31,944,591	\$19,065,049	\$12,879,542	\$324,512	July-16

Table 33: Current Asset Valuations

**7.1.2 Current Levels of Renewal Expenditure and Depreciation****Current Renewal Expenditure vs. Average Long-term Demand**

Present total Annual Capital Renewal Expenditure	Annual Depreciation or Average Long-term Annual Demand	% of Annual Depreciation Being Met	% of Renewal Requirement funded
\$365,000	\$324,512	113.09%	91.06%

Table 34: Current Renewal Expenditure vs. Average Long-term Demand

NB: The annual depreciation is a long-term figure whereas the present annual renewal expenditure is a short term indicative figure, as such, the "% of annual depreciation being met" is expected to be dynamic over the short term as large scale projects are required/not-required.

## 7.2 Financial Forecasting

The renewal demand is currently a relatively high figure considering the general good condition of bridge and major culvert assets. Figure 7 shows the predicted effect of the current renewal expenditure (\$365,000 pa) on the amount of assets above the intervention level. If Council maintains its current spending on renewal, the proportion of assets above intervention will rise from 7.6% to over 12% in the next 9 years. Following the completion of some large renewal projects in the concluding 5 years of the coming 15 year period, this figure is predicted to fall to below 4% and conclude below 6%.

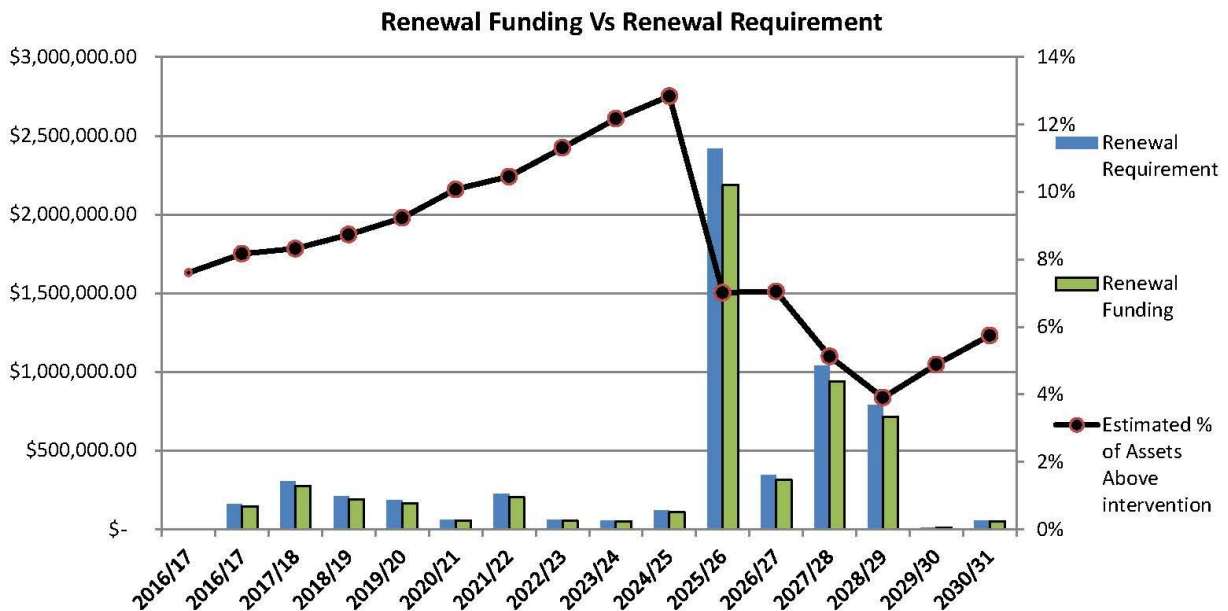


Figure 7: Renewal Funding Vs Renewal Requirement

The projects constituting Council's current renewal gap are programmed within the figure above through distributing the backlog renewal projects throughout the 15 years, some of the renewal gap shall be addressed via component replacement or rehabilitation (where deemed acceptable). The year with the largest renewal requirement corresponds to the full replacement of the Ziegler Parade Road Bridge.

## 7.3 Funding Strategy

Bridge and major culvert works expenditure is funded from the following sources:

- Rates
- Federal and State Government Grants

The total replacement cost of Council's Bridges and Major Culverts has increased significantly since 2009 (as illustrated in section 6.1.8). This increase in the asset base corresponds with a higher maintenance demand though with stagnant levels of annual funding for maintenance Council may expect both higher rates of structural deterioration and faltering levels of service generally. A recent maintenance unit rate and funding benchmarking analysis suggests that appropriate levels of funding would be within the range of \$90,000 - \$110,000 (\$55,000 being the present level of annual maintenance funding).

Bridge and major culvert annual asset renewal requirements will tend to vary significantly. As a result of this, the funding requirements in many years shall be greater than the indicative amount of actual funding. In response Council shall effectively manage the funds from years where actual funding is greater than the renewal requirements such that periods with large renewal requirements may still be funded.

#### 7.4 Valuation Forecasts

Figure 8 details that the total valuation of bridge and major culvert assets will increase by approximately 8% over the coming 15 years due to acquired assets. The inclusion of these assets into Councils management brings forth additional operational/maintenance and renewal requirements proportional to the total increase in valuation, as such future levels of funding should have consideration for the increasing asset base, as well as potential influencing market forces. Presently speaking, Council has limited knowledge of bridge and major culvert assets which are to be acquired post 2024/25. As this information becomes available it shall be included within this plan.

##### Total Valuation Forecasting

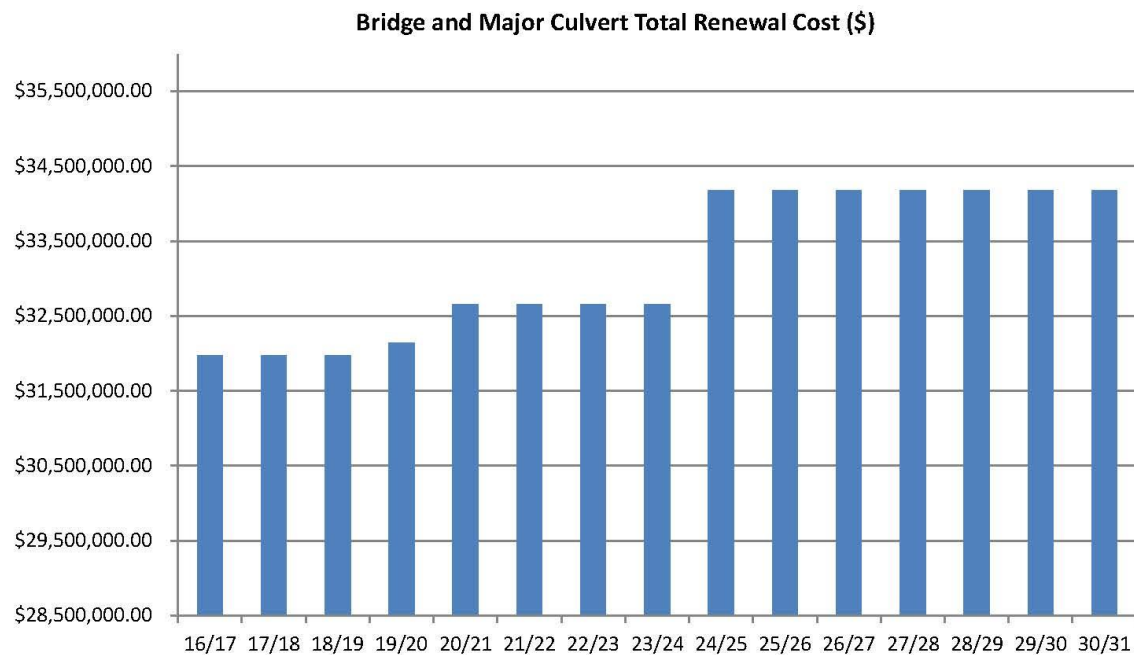


Figure 8: Forecasted Asset Valuation

#### 7.5 Key Assumptions Made in Financial Forecasting

The key assumptions made in conducting the financial forecast for bridge and major culvert assets are:

- Structures will deteriorate with respect to their estimated “physical life” and require replacement upon reaching the end of the structures estimated “useful life”;
- Structures of the same class/construction standard will deteriorate at the same rate;
- Annual funding of \$365,000 for renewal is a valid future figure;
- Present service level requirements shall remain reasonably consistent; and
- Unit rates for renewal are reflective of actual present industry construction rates.

## **8 ASSET MANAGEMENT PRACTICES**

### **8.1 Asset Management Systems**

The conquest asset management system contains the asset register for road bridges, footbridges, major culverts and all assets generally. The register currently contains fields regarding the structures location, description, dimensions, condition, function, capacity, replacement cost, written down value, useful life, construction date and more. Conquest has the capacity for integration with Councils Geographical Information System (MapInfo), as such; all bridge and major culvert assets have been mapped.

### **8.2 Information flow**

The key input information for this asset management plan is:

- Related council strategies which guide the provision of new assets and the management of existing assets;
- Asset data; including condition, age and cost values;
- Typical asset useful lives and unit rate costs for different construction standards;
- Projections and modelling of renewal requirements;
- Documented service levels;
- Future demand projections and factors affecting future demand;
- Forecasted works programs.

The key output information from this asset management plan is:

- Forecasted medium and long term renewal expenditure requirements to meet renewal demand.
- 15 year proposed renewal expenditure profile alongside the renewal demand and cost implications of the profile.
- A clear definition of the current value, type, service levels and condition concerning bridge and major culvert assets, which enables the community and stakeholders to participate in balancing service levels with the available resources.
- The activities identified for the improvement of this plan and the overall management of bridge and major culvert assets.

### **8.3 Standards & Guidelines**

- Infrastructure Design Manual (2015)
- Standard Specifications for Roadworks & Bridgeworks – VicRoads 1993
- Road Structures Inspection Manual – VicRoads April 2011
- Bridge Maintenance Repair & Strengthening Guidelines – VicRoads 2001
- Local Road Bridge Management Manual – ARRB 2000
- Traffic Engineering Manual – Volume 2, Signs & Markings – VicRoads 2001
- AS 5100 Bridge Design – Australian Standards 2007
- Guide to Bridge Technology – Austroads 2009
- Guide to Road Design Part 5: Drainage Design – Austroads 2013
- IPWEA International Infrastructure Management Manual 2015

## 9 PLAN IMPROVEMENT AND MONITORING

### 9.1 Improvement Actions

#### Levels of Service

- The current performance in each service level shall be re-evaluated or developed for monitoring capability. This shall also, therefore, provide an opportunity to develop a strategic plan for achieving the service level targets detailed within the plan.
- During the next community consultation on roads, directing attention towards the community's opinion on the current state of bridges and major culverts should be considered such that council may confirm or amend levels of service accordingly.

#### Future Demand

- It was noted during the development of the future demand for Bridges and major culverts in Warrnambool that many of the expected areas of impact lack reliable figures from which an effective management plan may be developed. It would be useful to use this information to develop various scenarios of future demand and their respective implications.
- An extensive evaluation of the service requirements of Ziegler Parade Road Bridge is required. The structure is in poor condition and is fit for intervention. The extent of works, however, must be formulated with regard to the future service demands of this structure. Possible solutions may range from disposal, partial replacement, partial rehabilitation, full replacement and full replacement and upgrade.

#### Risk Management

- With the goal of progressing towards an "advanced" approach to risk management, targeted, prioritised and planned responses to the identified hazards in the bridge and major culvert risk register shall be formulated.
- The process for managing critical assets shall be formally developed with respect to various management approaches, asset risk ratings and asset life-cycle.

#### Life Cycle Management Plan

- A system of digital reporting on routine maintenance inspections is required such that Council's asset management department can gain a rigorous understanding of the lower level issues which are identified during these assessments. In addition to this, the report template which is used for these inspections shall be reviewed and amended where necessary.
- A formal process shall be developed for identifying, evaluating and rationalizing new, upgrade projects alongside the disposal of existing assets.

### 9.2 Monitoring and Review Procedures

The Bridges Asset Management Plan is a dynamic document, as such regular review of this document is required so that the plan remains relevant and in accordance with asset management best practice. It is planned that this document shall be reviewed annually, in accordance with Councils asset management strategy.

Following a network wide condition inspection, a substantial review and revision shall take place to reflect the change in asset knowledge. The review of the plan shall reflect changes in the condition of bridge and major culverts, disposed and created assets, new technologies effecting management and service delivery, community requirements and funding. Additionally, following any formal community engagement relating to Bridge Infrastructure, a review of the service levels and service level consequences within this document shall be undertaken.

**10 REFERENCES**

- VicRoads Road Structures Inspection Manual - April 2011
- IPWEA International Infrastructure Management Manual 2015
- Autonomous Vehicle Implementation Predictions – *Implications for Transport Planning*, 2015
- Road Structures Inspection Manual – VicRoads April 2011

**11 APPENDICES**

- 1 – Routine Maintenance Inspection Form
- 2 – Condition Inspection Form
- 3 – Bridge and Major Culvert Risk Register
- 4 – Bridge and Major Culvert Asset Management Action Plan
- 5 – Alternative Asset Inspection Regime
- 6 – Bridge and Major Culvert Asset Register
- 7 – Bridges and Major Culverts Managed by Other Authorities

**11.1 Routine Maintenance Inspection Form**

Bridge Name:	Location on map:
Bridge ID No.:	
Road No/Name:	
Inspector:	
Inspection Date:	

TASK		CHECKED	NEEDS REPAIR	LEVEL 2 INSPECTION REQUIRED	NOTES
Cleaning & Clearing	Clean deck, footway, expansion joints				
	Clean scuppers & down-pipes				
	Clean superstructure of dirt build-up				
	Clean substructure of dirt build-up				
	Clear vegetation in or around bridge				
Running or wearing surface	Repair asphalt/granular surface				
	Replace running planks				
	Repair wearing surface				
Minor repairs or painting	Repair spalled post/parapets				
	Repair or tightening railing				
	Painting railing				
Stream maintenance	Drainage approaches				
	Embankments				
	Remove debris in and around bridge				
	Minor scour repairs				
Signs & bridge furniture maintenance	Replace bridge signs				
	Replace bridge markings				
	Additional signs required				
	Install/replace bridge ID plate				
Vandalism repair	Removal of graffiti				
	Repairs needed due to vandalism				

Wind speed:	Wind direction:	Poison:
<b>COMMENTS</b>		

## 11.2 Condition Inspection Form

Bridge Name:	Warrnambool City Council
Bridge ID No:	Location on Map:
Road No/Road Name:	km from/to:
Crossing:	
Inspection Date:	Inspected By:

Number of Spans:	Type and Number of Beams:
Type of Piers:	Type of Abutments:
Foundation:	Movement:

Original Structure ☐Widening Left ☐Widening Right ☐

COMPONENT	TYPE				Cond 1	Cond 2	Cond 3	Cond 4
<b>On Deck</b>								
Road Approaches	Bumpy	Bitumen						
Footpath	Bitumen	Concrete	Timber					
Deck	Concrete	PC*	Steel	Timber				
Arch	Steel							
Arch hangers	Steel							
Kerbs	Concrete	Timber						
Parapets	Concrete	Steel	Timber	Masonry				
Railings	Concrete	Steel	Timber					
Guard Rails	Concrete	Steel	Timber					
Expansion Joint	Steel							
Joint Seal								
<b>Abutment</b>								
Abutment	Concrete	Timber	Masonry					
Wing walls	Concrete	Timber	Masonry					
Retaining Walls	Concrete	Timber	Masonry					
Embankments and Fill	Piled	Stone	Gabions	Rip-Rap				
<b>Superstructures</b>								
Underside of Deck	Concrete	PC*	Steel	Timber				
Beam or Girders	Concrete	PC*	Steel	Timber				
Cross beams/floor beams	Steel	Timber						
Long/cross decking	Timber							
Trusses	Steel	Timber						
Bracings	Steel	Timber						
Diaphragms	Steel	Concrete						
Cables and Hangars	Steel							
Spandrel or Barrel Arch	Concrete	Steel						
Side Walls of Arch	Concrete	Steel						
<b>Substructures</b>								
Crossheads (not integral**)	Concrete	PC	Steel	Timber				
Crossheads (integral**)	Concrete							
Piers	Concrete	Steel	Timber					
Pile Cap	Concrete							
Piles	Concrete	Steel	Timber					
<b>Bearings</b>								
Bearings								
Bearing pedestals/pads	Concrete							

\*PC = Prestressed or Post-tensioned Concrete; \*\*integral with superstructure; \*\*\*Conditions 1-4 represent 'good' to 'severely damaged'

Inspectors General View of Bridge Condition:      Good      Fair      Poor      (please circle one)

## 11.3 Bridge and Major Culvert Risk Register

RISK IDENTIFICATION								RISK ANALYSIS			
Risk No.	Asset at Risk	What can happen?	When can it occur?	Possible cause	Existing controls	Is risk credible?	Likelihood	Consequences	Risk rating	Action required	
1	Bridges and Major Culverts	Collapse or damage to structure or road approach	Anytime now	Overloading structure	Condition and load limit assessments	Yes	Unlikely	Major	Medium	Planned action required	
2	Bridges and Major Culverts	Collapse or damage to structure or road approach	Anytime now	Poor current structural condition	Condition assessments and renewal works programming	Yes	Unlikely	Major	Medium	Planned action required	
3	Bridges and Major Culverts	Collapse or damage to structure or road approach	Anytime now	Lack of maintenance	Level 1 maintenance inspections and works programming	No	N/A	N/A	N/A	N/A	
4	Bridges and Major Culverts	Collapse or damage to structure or road approach	Anytime now	Severe weather event	Level 1 inspections required following a significant event	Yes	Likely	Major	High	Prioritised action required	
5	Bridges and Major Culverts	Collapse or damage to structure or road approach	Anytime now	Waterway users	Nil	No	N/A	N/A	N/A	N/A	
6	Bridges and Major Culverts	Delays from bridge closure or diversion	Anytime now	Bridge Collapse	Condition assessments and renewal works programming	Yes	Rare	Major	Medium	Prioritised action required	
7	Bridges and Major Culverts	Delays from bridge closure or diversion	Anytime now	Bridgeworks	Works planning	Yes	Possible	Minor	Medium	Planned action required	

RISK IDENTIFICATION							RISK ANALYSIS			
Risk No.	Asset at Risk	What can happen?	When can it occur?	Possible cause	Existing controls	Is risk credible?	Likelihood	Consequences	Risk rating	Action required
8	Bridges and Major Culverts	Delays from bridge closure or diversion	Anytime now	Load Limits	Renewal/ Upgrade planning	Yes	Almost certain	Minor	High	Prioritised action required
9	Bridges and Major Culverts	Delays from bridge closure or diversion	Anytime now	Width Restrictions	Design standards	No	N/A	N/A	N/A	N/A
10	Bridges and Major Culverts	Delays from bridge closure or diversion	Anytime now	Flooding	Nil	Yes	Likely	Moderate	High	Prioritised action required
11	Bridges and Major Culverts	Pedestrian accident with road user	Anytime now	No separation of pedestrian and vehicular travel	Renewal/ Upgrade planning	Yes	Rare	Moderate	Medium	Planned action required
12	Bridges and Major Culverts	Pedestrian accident with road user	Anytime now	Inappropriate or missing signage	Level 1 maintenance inspections and works programming	No	N/A	N/A	N/A	N/A
13	Bridges and Major Culverts	Pedestrian accident with road user	Anytime now	inadequate or inappropriate guard rail provisions	Level 1 maintenance inspections and works programming	Yes	Rare	Minor	Low	Manage by routine procedures
14	Bridges and Major Culverts	Pedestrian accident with road user	Anytime now	Poor sight distance	Design standards	Yes	Unlikely	Moderate	Medium	Planned action required
15	Bridges and Major Culverts	Vehicular accident causing injury and/or structural damage	Anytime now	Vehicle conflict	Design standards & inspections	Yes	Unlikely	Major	Medium	Planned action required

RISK IDENTIFICATION							RISK ANALYSIS			
Risk No.	Asset at Risk	What can happen?	When can it occur?	Possible cause	Existing controls	Is risk credible?	Likelihood	Consequences	Risk rating	Action required
16	Bridges and Major Culverts	Vehicular accident causing injury and/or structural damage	Anytime now	Road obstruction	Level 1 bridge inspections & customer request actioning	Yes	Unlikely	Major	Medium	Planned action required
17	Bridges and Major Culverts	Vehicular accident causing injury and/or structural damage	Anytime now	Surface condition	Routine defect inspections and maintenance works	No	N/A	N/A	N/A	N/A
18	Bridges and Major Culverts	Vehicular accident causing injury and/or structural damage	Anytime now	Inadequate drainage	Level 1 bridge inspections & customer request actioning	Yes	Unlikely	Major	Medium	Planned action required
19	Bridges and Major Culverts	Vehicular accident causing injury and/or structural damage	Anytime now	inadequate signage and/or delineation	Level 1 bridge inspections & customer request actioning	Yes	Unlikely	Major	Medium	Planned action required
20	Bridges and Major Culverts	Vehicular accident causing injury and/or structural damage	Anytime now	Poor sight distance	Design standards	Yes	Unlikely	Major	Medium	Planned action required

## 11.4 Action Plan

Related Section/Topic	Action	Responsible Officer	Timeline
Levels of Service – Community Engagement	During the road management plan review consultation period, consideration shall be given for the inclusion of consulting on the service level targets for bridges and major culverts.	Assets Planning Officer	During the consultation period for the RMP review
Levels of Service – Current Performance	For each level of service, the performance measures shall be re-evaluated and the monitoring procedures currently absent shall be developed. Once this is done, a subsequent plan shall be developed targeting those levels of service in which the performance targets are currently not being met. The plan may include but not limited to, amending levels of service, changes in operations and maintenance policy and capital works planning.	Assets Planning Officer	Prior to the annual review
Future Demand – Natural Environment	For each environmental change anticipated which shall impact on the life of bridge and major culvert infrastructure, research shall be conducted on the projected quantifiable change. Once these values have been sourced, subsequent research shall take place on the formulaic relationships between environmental conditions and specific infrastructural life. Once this research is completed, an accurate value for the expected environmental impact shall be calculated and thus an effective and targeted management plan may be developed.	Assets Planning Officer	Prior to the annual review
Future Demand – Demographics and Land Use	Further work shall be completed to quantify the total effect resulting from demographic and land use developments. The results of these developments are represented through the characteristics of travel throughout the network, as well as the total traffic loading. Once an accurate predicted total change is produced, implications for the road hierarchy and design standards shall be identified.	Assets Planning Officer	Prior to the annual review
Future Demand – Technology	Given the expected increase in automated vehicles on roads over the coming decades, the consequences of loading and requirements in technology shall be sourced and planned for.	Assets Planning Officer	Prior to the annual review

Related Section/Topic	Action	Responsible Officer	Timeline
	Improvements in technology which may increase the efficiency and sustainability of the management and delivery of bridge and major culvert infrastructure (and council infrastructure generally) shall be actively identified and applied where practical.	All staff either directly involved in the management of assets or in fields affecting the management of assets.	Regularly (as required)
Future Demand – Heavy Vehicle Loading and Freight Task	Once the finalised freight network is adopted, the structures affected by the continual increase in the freight task shall be identified and assessed for any potential structural issues that may ensue from the increasing load. Plans for each structure may then be developed.  The potential for increasing load limits shall be evaluated and planned for when necessary.	Assets Planning Officer	Prior to the annual review
Future Demand – Finance and Economics	The macro-economic effects of willingness to pay shall be measured through changes in service level demands (assuming that consequences of service level change are effectively demonstrated). During the community engagement on the road and footpath network, this phenomenon shall be measured and planned for in conjunction with unrelated service level changes.  The predicted changes in unit rate cost shall be sourced through industry research literature and by the analysis of the local change in previous years.	Assets Planning Officer	Prior to the annual review
Risk Management – Hazard Responses	For each hazard with a risk rating of high or very high, options for mitigating the risks shall be developed including the cost, time and residual risk of each option. Once a list of options has been developed for each hazard, they may be compared and ranked to formulate a plan of risk management for those hazards which present unacceptable risk.	Assets Planning Officer	Prior to the annual review
Risk Management – Critical Asset Priority	A formal system of managing the priority of critical assets shall be developed. There is various approaches to achieving this end, the most appropriate shall be decided on during the development of the system. Prioritising critical assets must, however, have respect for the overall risk rating for the individual structures.	Assets Planning Officer	Prior to the annual review

Related Section/Topic	Action	Responsible Officer	Timeline
Life Cycle Management – Level 1 Inspections	To improve the current approach for recording the results from a level 1 bridge assessment, the process and outputs of the existing system shall be reviewed. Following this review, the assessment template shall be modified where and if required. A process shall then be devised for recording the results in the Conquest asset information system.	Assets Planning Officer & Assets Officer	Prior to the annual review
Life Cycle Management – Useful Life Values	Bridge and major culvert condition and replacement data shall be evaluated against the current useful life values to estimate the conjunction/disjunction between the actual and projected useful life of each construction type. Once the performance data has been evaluated, design literature and other regional council documents shall be researched to conclude on potential amendments to useful life values.	Assets Planning Officer	Prior to the annual review
Life Cycle Management – Planning for Disposals	A plan for the disposal of bridge and major culvert assets (with the potential of extending the plan to cover all civil infrastructure) shall be developed. The plan should have regard for the service provided, the current demand upon the asset, the future demand which shall effect the asset, the condition rating, the risk exposure, the replacement cost and the ongoing maintenance and operational costs.	Assets Planning Officer:	Prior to the annual review
Life Cycle Management – Planning for New and Upgrade Projects	A detailed process shall be developed for rationalising of new and upgrade projects. This process should make inclusion for evaluating an assets service performance, condition, operational and maintenance costs, replacement and upgrade costs as well as the current and future demand.	Assets Planning Officer:	Prior to the annual review
Stanley Street Road Bridge structural assessment (post pile rehabilitation)	The Stanley Street Road Bridge currently is limited for access by vehicles below 20t in mass. The load carrying capacity of the structure is limited by the deteriorating piles. Following pile rehabilitation works, a structural analysis of the bridge shall be undertaken to determine whether the imposed load limit may be amended.	Manager Infrastructure Development and Projects	Action completed within X months of completion of works.
Access risk assessments of non-compliant bridges	Risk and service assessments shall be undertaken on structures which provide non-compliant access. These assessments shall be timed for when a structure has reached an end of life condition.	Coordinator Asset Management and Development	Prior to the replacement of the respective structure

Related Section/Topic	Action	Responsible Officer	Timeline
Load limit investigations (structural analysis)	The most recent condition assessment (July 2016) identified a number of structures which may potentially require a load limit. Investigation into the load carrying capacity of the following structures is thus required: <ul style="list-style-type: none"> <li>Wellington Street Road Bridge</li> <li>Daltons Road Road Bridge</li> <li>Skuses Road Road Bridge</li> </ul>	Manager Infrastructure Development and Projects	Prior to the next bridges condition assessment
Load management and enforcement	The ongoing structural integrity of the Ziegler Parade Road Bridge and the Stanley Street Road Bridge shall be ensured, in part, through adherence to the imposed load limits. Potential methods shall be investigated to gauge the level of adherence to the load limits, alongside potential methods for enforcement where and if due.	Manager Infrastructure Development and Projects	Prior to the annual review
Investigation of defect causes and repair options	Further investigation is required into the causes and options for repair of various defects in the following structures: <ul style="list-style-type: none"> <li>Viaduct Road Footbridge</li> <li>Wollaston Road Road Bridge</li> <li>Wollaston Road Footbridge</li> <li>Harris Street Road Bridge</li> <li>Russel's Creek Footbridge (South of Glenbane)</li> </ul>	Coordinator Asset Management and Development	Prior to the annual review
Investigation into critical structures which are below the 1% AEP	Current flood modelling has been deemed inconclusive as to the accuracy of Road Bridge flood levels. Further investigation shall be undertaken to confirm which critical structures are below the 1% AEP.	Assets Planning Officer	Prior to the annual review
Asset service requirements investigation	The Ziegler Parade Road Bridge and the Stephens Street Footbridge are in poor condition and are required for works within the next 15 years. The scope of these works, however, shall need to depend on the service requirements for these structures, which are currently unconfirmed. Therefore, an investigation shall be undertaken to confirm the future service demands of these structures.	Assets Planning Officer	Prior to the programmed replacement of the respective structure

**11.5 Alternative Asset Inspection Regime**

Asset	Level 1 Inspection Regime	Level 2 Inspection Regime	Level 3 Inspection Regime	Condition Rating	Comments and Key Considerations
Stanley Street Road Bridge	Bi-annually	Every 3 years	As required	7.5	Sub-structure has a considerable amount of rot causing a loss of structural capability.
Stephens Street Footbridge	Bi-annually	Every 3 years	As required	7.0	Abutments have rotated considerably and a pile has visibly settled by a significant amount. Beams have large cracking and corrosion.
Viaduct Road Footbridge	Bi-annually	Every 3 years	As required	7.0	Piers and columns have large amount of cracking and spalling. Reinforcement has corroded considerably.
Ziegler Parade Road Bridge	Bi-annually	Every 3 years	As required	7.0	Extreme spalling on longitudinal beams, piers and cross-beams. Reinforcement extensively exposed in multiple locations.
Daltons Road Road Bridge	Bi-annually	Every 3 years	As required	6.5	Cracking present in the deck. Stone abutments are cracking and damaged in multiple locations.
Wellington Street Road Bridge	Bi-annually	Every 3 years	As required	6.0	Recent replacement of deck segment and extension of steel beams. Steel beams beginning to corrode and timber sub-structure rotting.
Wollaston Road Footbridge	Bi-annually	Every 3 years	As required	6.0	Deck and handrails are extensively rotted. On the heritage register.

## 11.6 Bridge and Major Culvert Asset Register

BRIDGE LOCATION DETAIL												
ROAD NAME	LOCATION in m	REFERENCE CHAINAGE	STREAM NAME	Bridge or Major Culvert	Total Width m	Total Length m	Deck Area m <sup>2</sup>	Construction Standard	Condition 0-10	Construction		GENERAL DESCRIPTION
										Date	M/Y	
Botanic Gardens Warrnambool	40	South of Botanic Rd	N/A	Footbridge	1.7	19.0	32.3	Footbridge High Standard	5.0	1930		Ornamental stone and RC arch bridge in Botanic Gardens
Daltons Rd	20	Ardlie St	Russells Ck	Footbridge	2.5	20.2	50.5	Footbridge High Standard	0.0	2016		Large 3 span high construction standard footbridge with laminated timber main beams
G.G. Payne Reserve: stormwater outlet	30	West of The Esplanade	N/A	Footbridge	1.2	2.4	2.88	Footbridge Medium Standard	2.0	2012		Twin cell 1200 x 600 Precast RC bow culverts as pedestrian footbridge
Goodwin Ave	10	Cleveland St	N/A	Footbridge	2.2	3.5	7.7	Footbridge Low Standard	0.0	2011		Small footbridge across drain in middle of road
Jubilee Park (Allansford): River bank walking trail	200	East of Jubilee Park Rd	N/A	Footbridge	3.0	8.1	24.3	Footbridge Low Standard	4.0	2000		Three span timber footbridge of all timber construction
Jubilee Park (Woodford)	50	West of Park Car Park	Merri River	Footbridge	2.6	18.9	49.14	Footbridge Low Standard	1.0	2011		Large 5 span footbridge
Jubilee Park (Woodford)	130	North of the end of Victoria St	Merri River	Footbridge	1.5	38.9	58.35	Footbridge Medium Standard	0.0	2015		Long timber footbridge with some steel members
Lake Pertobe Reserve Footbridge 9	20	West of Maze	N/A	Footbridge	1.6	4.8	7.68	Footbridge Low Standard	4.0	1995		Small 3 span low construction standard Timber Arch type footbridge
Lake Pertobe Reserve Footbridge 1	100	North of Pertobe Rd	N/A	Footbridge	2.8	34.3	96.04	Footbridge Medium Standard	2.0	2013		Full Timber footbridge with Laminated timber main beams

Lake Pertobe Reserve Footbridge 2	160	North of Pertobe Rd	N/A	Footbridge	2.8	24.4	68.32	Footbridge Medium Standard	<b>0.0</b>	2015	Full Timber footbridge with Laminated timber main beams
Lake Pertobe Reserve Footbridge 3	120	North of Pertobe Rd	N/A	Footbridge	2.8	20.7	57.96	Footbridge Medium Standard	<b>1.0</b>	2015	Full Timber footbridge with Laminated timber main beams
Lake Pertobe Reserve Footbridge 4	110	North of Pertobe Rd	N/A	Footbridge	1.5	16.7	25.05	Footbridge Low Standard	<b>6.0</b>	1980	Full Timber footbridge Within Lake Pertobe Reserve with laminated arch main beams
Lake Pertobe Reserve Footbridge 5	120	North of Pertobe Rd	N/A	Footbridge	1.5	20.6	30.9	Footbridge Low Standard	<b>7.5</b>	1970	Timber suspension bridge in Lake Pertobe Reserve with two short approach spans and one large suspension span
Lake Pertobe Reserve Footbridge 6	160	North of Pertobe Rd	N/A	Footbridge	1.8	9.5	17.1	Footbridge Low Standard	<b>7.0</b>	1980	Full Timber Triple span footbridge Within Lake Pertobe Reserve
Mortlake Rd East Footbridge Side	80	North of Moore St	Russells Ck	Footbridge	2.5	8.1	20.25	Footbridge High Standard	<b>0.0</b>	2016	Abutments only in place at time of inspection in July 2016
Mortlake Rd West Footbridge Side	80	North of Moore St	Russells Ck	Footbridge	1.7	9.5	15.675	Footbridge High Standard	<b>6.0</b>	1993	Single span large timber footbridge
Russells Ck Footbridge 1	95	South of Glenbane Ct	Russells Ck	Footbridge	2.5	24.8	62	Footbridge Medium Standard	<b>6.0</b>	2002	Large 7 span timber footbridge of medium construction Standard
Russells Ck Footbridge 2	100	East of Dunlea Ct & Moonal Sts Intersection	Russells Ck	Footbridge	2.3	17.2	39.56	Footbridge High Standard	<b>4.0</b>	1987	Large single span Footbridge of high construction standard
Russells Ck Footbridge 3	50	East of Wares and 70 South of Whites	Russells Ck	Footbridge	2.4	6.2	14.88	Footbridge Medium Standard	<b>4.0</b>	1995	Timber footbridge with inadequate main beam
St James Park	70	Wollaston Rd Suspension Bridge	N/A	Footbridge	2.8	4.2	11.76	Footbridge Low Standard	<b>2.0</b>	2013	Small Full timber Footbridge within a reserve
Stephens St	20	Denman Dr	Merri River	Footbridge	1.4	30.0	42	Footbridge High Standard	<b>7.0</b>	1922	Large old RC footbridge in very poor condition

Viaduct Rd	330	Stanley St	Merri River	Footbridge	2.4	76.2	179.07	Footbridge High Standard	<b>7.0</b>		1945	Large high profile footbridge with RC sub structure and Timber deck
Wellington Footbridge	75	McGennan Street	Merri River	Footbridge	2.5	22.4	56	Footbridge High Standard	<b>0.0</b>		2015	Large single span high construction standard Foot Bridge
Wollaston Footbridge	440	Mortlake Rd	Merri River	Footbridge	4.2	37.6	157.92	Footbridge High Standard	<b>6.0</b>		1890	Very old single span historic suspension bridge now used as footbridge
Aberline Rd	100	Whites Rd	Russells Ck	Major Culvert	11.2	8.2	91.84	Precast RC Crown Units	<b>0.0</b>		2014	5 Cell Slab Linked 1500 x 1500 Precast RC Crown Units
Bromfield St	70	North of Barbers Lane	Russells Ck	Major Culvert	13.8	3.1	42.78	Precast RC Pipe	<b>4.0</b>		1970	Six cell 600 Diameter Precast RC Pipes
Carrolls Road	75	East of Tooram Rd	N/A	Major Culvert	8.3	1.1	9.13	Reinforced Concrete and Steel Culvert	<b>6.0</b>		1970	Single cell 1100 Diameter Corrugated Galvanised Steel Culvert
Garden St	210	North of Moore St	Russells Ck	Major Culvert	18.9	4.8	90.72	Precast RC Pipe	<b>4.0</b>		1960	Four Cell 1200 Diameter Precast RC Pipes
Horne Rd	200	North of Rodgers Road	Russells Ck	Major Culvert	14.7	12.5	183.75	Precast RC Crown Units	<b>0.0</b>		2014	Four cell 3000 x 1500 Precast RC Slab Linked crown units
Lake Pertobe Pedestrian Underpass	20	East of Maze and under Pertobe Rd	N/A	Major Culvert	21.1	3.0	63.3	Precast RC Crown Units	<b>3.0</b>		1985	Single cell 3080 x 2600 Precast RC Crown unit as pedestrian underpass
Plumbers Hill Rd	210	Bridge Rd	N/A	Major Culvert	11.1	1.0	11.1	Masonry Culvert	<b>3.0</b>		1900	900 x 1500 Old Dressed Stone Arch Culvert - Extended in 2011
Plumbers Hill Rd	710	Bridge Rd	Yarp Turk Ck	Major Culvert	12.5	2.4	30	Precast RC Pipe	<b>2.0</b>		2011	Twin Cell 1200 Diameter Precast RC Pipe
Queens Road	120	North of Botanic Rd	Russells Ck	Major Culvert	20.0	2.4	48	Precast RC Pipe	<b>4.0</b>		1963	Twin Cell 1200 Diameter RC Pipes with cast in Place RC deck slab both sides as pedestrian extensions

Skuses Rd (215m east of Dallimores Rd)	215	East Dallimores Rd)	N/A	Major Culvert	16.4	0.9	14.76	Precast Pipe	RC	<b>2.0</b>		1995	Single cell 900 Precast RC Pipe	Diameter
Tooram Rd	550	Zeigler Parade	N/A	Major Culvert	11.1	2.1	23.31	Precast Pipe	RC	<b>1.0</b>		2002	Single Cell 2100 Precast RC Pipe	Diameter
Tower Hill Rd	270	East Conns Lane	N/A	Major Culvert	13.8	1.2	16.56	Precast Crown Units	RC	<b>4.0</b>		1910	Old Stone arch culvert with 1200 x 900 RC Box culvert extensions both sides	
Wangoom Rd	260	East Wrights Rd	N/A	Major Culvert	14.5	1.8	26.1	Precast Crown Units	RC	<b>3.0</b>		1985	Twin Cell 900 x 900 ,Precast Arc Box culverts	
Whites Rd	135	Aberline Rd	Russells Ck	Major Culvert	22.2	1.4	31.08	Precast Crown Units	RC	<b>3.0</b>		1990	Single Cell 1350 Precast RC Pipe	Diameter
Whites Rd	450	Aberline Rd	Russells Ck	Major Culvert	22.5	2.4	54	Precast Pipe	RC	<b>3.0</b>		1990	Twin Cell 1200 Precast RC Pipe Culvert	Diameter
Daltons Rd	20	Ardlie Rd	Russells Ck	Road Bridge	9.2	6.2	57.04	B/M/S		<b>6.5</b>		1910	Old stone Abutment single span bridge extended around 1970	
Harris St Road Bridge	10	at McDonalds St	Merri River	Road Bridge	11.6	33.8	392.08	Full Reinforced Concrete		<b>2.0</b>		1995	Large 3 Span full RC Road Bridge	
Hopkins Point Rd	30	Hickford Pde	Hopkins River	Road Bridge	14.5	168.4	2441.8	Full Reinforced Concrete		<b>1.0</b>		2000	Large 11 span full RC Road Bridge - With cantilevered Ped. Walkways attached both sides	
Skuses Rd	500	Dallimores Rd	N/A	Road Bridge	5.8	9.5	55.1	Reinforced Concrete and Timber		<b>3.0</b>		1980	Single span road bridge with timber deck	
Stanley St Road Bridge	30	Pertobe Rd	Merri River	Road Bridge	8.5	35.5	301.75	Timber Construction		<b>7.5</b>		1900	Large 5 Span full Timber Road Bridge - Foundations being the weakest link does not warrant works – Replace	
Swinton St Road Bridge	830	Kennedy Street	Merri River	Road Bridge	9.2	21.5	197.8	Reinforced Concrete and Steel		<b>2.0</b>		1994	Large 2 Span RC bridge with Steel Stringers	

Wares Rd	90	Whites Road	Russells Ck	Road Bridge	10.8	12.6	136.08	Reinforced Concrete and Steel	<b>1.0</b>	1995	Large single span RC road bridge with Steel stringers
Wellington Road Bridge	75	McGennan Street	Merri River	Road Bridge	8.1	22.2	179.82	Reinforced Concrete and Timber	<b>6.0</b>	1950	Old 3 Span road bridge with some major timber components
Wollaston Road Bridge	440	Mortlake Rd	Merri River	Road Bridge	9.0	46.5	418.5	Reinforced Concrete and Steel	<b>5.0</b>	1965	Large 3 Span RC Road Bridge with steel Stringers
Ziegler Pde	80	Princess Hwy	Hopkins River	Road Bridge	7.7	51.2	394.24	Full Reinforced Concrete	<b>7.0</b>	1937	Large old 6 Span RC Road Bridge on bluestone foundations

**11.7 Bridges and Major Culverts Managed by Other Authorities****Assets not Included in this Plan**

<b>Asset Location</b>	<b>Asset Type</b>	<b>Responsible Authority</b>
Mortlake Road (Botanic – Roslyn) (Steel Single Cell)	Major Culvert	VicRoads
Mortlake Road (Botanic – Roslyn) (Twin-Cell RC)	Major Culvert	VicRoads
Princes Highway (Garabaldi – Allansford-Wangoom)	Road Bridge	VicRoads
Princes Highway (Illowa – Esplanade)	Road Bridge	VicRoads
Princes Highway (Drummond – Lindsay)	Road Bridge	VicRoads
Princes Highway (Illowa – Esplanade)	Major Culvert	VicRoads
Princes highway (Staffords – Jubilee Park Rd)	Major Culvert	VicRoads
Princes Highway (Staffords – Aitken)	Major Culvert	VicRoads
Pertobe Road (Merri – Surf Club)	Road Bridge	VicTrack
McMeekin Road (Albert – Koroit)	Road Bridge	VicTrack
Bostock Road (Gladstone – Maxwell)	Road Bridge	VicTrack
Hopkins Point Road (Kinnear - Tooram)	Major Culvert	Glenelg Hopkins Catchment Management Authority
Buckleys Rd (Dallimores – Hugh)	Major Culvert	Glenelg Hopkins Catchment Management Authority

**5.8 TENDER NO. 2017038 ROAD PAVEMENT REHABILITATION****PURPOSE*****To consider Tender No. 2017038 – Road Pavement Rehabilitation.*****EXECUTIVE SUMMARY**

- Council has sought tenders for Road Pavement Rehabilitation.
- The proposed works are at Albert Street, Coghlan's Road and Wannon Street Warrnambool, and involve the use of Foamed Bitumen Stabilisation. This process involves mixing bitumen to the existing road material to form a product similar to a deep asphalt layer ideal for industrial areas.
- A total of three companies have provided tender submissions for the construction of these works.
- Following a detailed evaluation of each of the submissions, it is considered that the tender submission of Stabilised Pavements of Australia is preferred.

**MOVED: CR. ANDERSON**  
**SECONDED: CR. OWEN**

**That Council:**

1. **Accept the tender submission from *Stabilised Pavements of Australia* for Tender No. T2017038 – Pavement Rehabilitation for the fixed lump sum of \$541,800.82 exclusive of GST.**
2. **Sign and seal the contract documents.**

**CARRIED – 7:0****REPORT****Background**

The delivery of Council Road Rehabilitation program is made up of various treatments and delivery methods. Occasionally the type of treatment requires specialist contractors to undertake (i.e. stabilisation).

The proposed works are at Albert Street, Coghlan's Road and Wannon Street Warrnambool and involve the use of Foamed Bitumen Stabilisation.

Tenders for the Road Pavement Rehabilitation were invited via public advertisement on the Council Web Site, in Warrnambool Standard, and in The Melbourne Age on Saturday 18 February 2017.

At the close of tenders on Friday 10 March 2017, three tender submissions had been received.

**Discussion**

The tender submissions received were evaluated by a panel consisting of:

Justin Hinch	Manager Infrastructure Projects and Development
Paul Cugley	Coordinator Design and Road Safety (Chair)
Ian Couper	Acting Manager Infrastructure Services

**Comparative Criteria**

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

<b>Criteria</b>	<b>Weighting</b>
Management Capability	15%
Capability to undertake the works	35%
Capacity to complete the works (Resources)	20%
Experience of contractor	30%
	100%

Tenders were assessed for compliance with conformity requirements. Conformity assessment included the following.

- Statements on Conformance
- Conflict of Interest declaration
- Receipt of Addenda

The above requirements must confirm compliance and absence of conflicts of interest. Failure to provide the above information or to confirm compliance or an absence of unresolved conflicts of interest may result in the tender being rejected.

Those tenders that passed all conformances were assessed against the comparative criteria and a “total weighted score” was determined.

A “value for money” ratio was then determined for each passing tender, taking into account the “total weighted score” and tender price submitted.

#### ***Environmental Implications***

All works under this contract are to conform to the submitted Environmental Management Plan, and are to be managed through the contract documentation.

#### ***Financial Implications***

The funding for this project will be drawn from the Capital Works Budget – Local Roads Rehabilitation and Resheets.

#### ***Policy/Legal/Statutory Implications***

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

#### ***Officer Direct or Indirect Interest***

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

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

#### ***Risk Assessment***

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

#### ***Social Considerations***

There are no social implications that will arise from the acceptance of this tender.

#### ***Communications***

There are no communication issues associated with the acceptance of this tender. Council's representative will liaise with affected community groups and stakeholders.

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**5.9 PETITION (JOINT LETTER) - FOR COUNCIL TO IMPROVE PUBLIC TOILETS & CHANGE FACILITIES AT MCGENNAN'S CAR PARK**

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**PURPOSE**

*To receive the petition (joint letter) which requests Council improves public toilet and change facilities in McGennan's car park.*

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**EXECUTIVE SUMMARY**

- A petition (joint letter) has been received with over 73 signatures requesting that Council improve the public toilet and change facilities in McGennan's car park.
- In accordance with Local Law L.1 Governance the petition (joint letter) is received, and referred to the Chief Executive for consideration and response.

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**MOVED: CR. NEOH**  
**SECONDED: CR. HULIN**

**In accordance with Local Law L1 Governance, the joint letter is received and referred to the Chief Executive for consideration and response.**

**CARRIED – 7:0**

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**BACKGROUND**

Council has received a joint letter signed by 73 signatories asking that Council improve the public toilet and change facilities in McGennan's Car Park.

**ISSUES**

The public toilets and change facilities in the McGennan's and Lake Pertobe areas are maintained by Council as part of its open space and foreshore areas.

In forming a response consideration will be given to what actions will be taken and when.

**CONSULTATION / COMMUNICATION**

The Chief Executive has contacted the joint letter organiser to inform them of the Council process and will also inform them of subsequent recommendations.

## APPENDIX A

Jill Exell  
28 Roxburgh Court  
WARRNAMBOOL VIC 3280

11 January 2017

Warrnambool City Council	
27 FEB 2017	
Ref N*	
Officer	
Scanned Yes / No	Ch:

Kylie Gaston, Mayor  
Warrnambool City Council  
Liebig Street  
WARRNAMBOOL VIC 3280

Dear Kylie and Councillors

With tourism being a prominent industry in our city we applaud the Warrnambool City Council for its works and maintenance in the beach area including the beautiful playground picnic facilities of Lake Pertobe, the beach showers and bike racks along the foreshore.


However, whilst the surf club has change rooms and toilets and there is a great facility provided near Middle Island, there is an ongoing need for a similar facility to be provided at McGennan's carpark. Whilst we realise that swimming safety flags are provided at the surf club, one only has to visit the beach at McGennan's on any warm day during January and February to understand that there are as many people frequenting this part of the beach. The antiquated toilet block near Pertobe Road is simply not appropriate for visiting or residential families or individuals to change for their swim.

It must also be noted that on nearly every morning over summer and some winter mornings there are groups of middle aged people who body board at McGennan's who have to change in their cars ....not a pretty sight for anyone walking the promenade!!

To this end we ask that a suitable facility like the one at near Middle Island on Viaduct Road or the unisex cubicles being used in many beaches around Australia, be provided at McGennan's carpark on the vacant land opposite the outdoor shower.

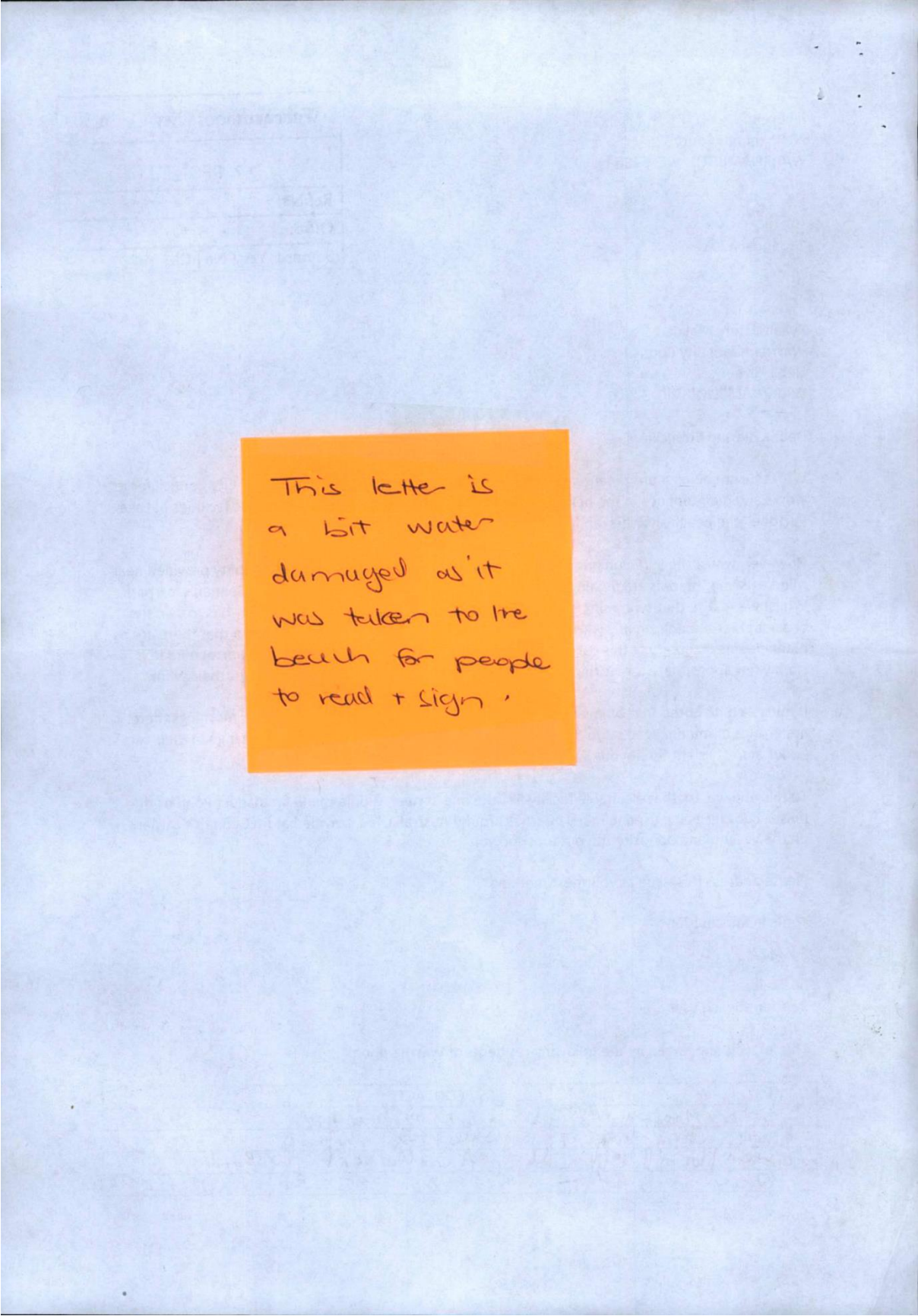
Please address this issue at your next meeting

Yours in anticipation

  
Jill Exell  
Resident Beach user

This letter is supported by the following residents of Warrnambool.....

NAME	ADDRESS / CONTACT
JEANICA MRODANY J.M.D.	4 ROXBURGH CRT W'BOOL
MICHAEL PAGE MICHAEL PAGE	151 WHITEY RD W'BOOL
Ewen Horwill Ewen Horwill	Annette crt W'BOOL
Debra Scott	HOPKINS PT RD W'BOOL



This letter is  
a bit water  
damaged as it  
was taken to the  
beach for people  
to read + sign.

Request for change room / toilet facility to be provided at McGennan's carpark  
(see attached letter)

NAME	ADDRESS / CONTACT
JENNY JOHNSON	26 ROXBURGH CRT, W'BOOL
BRIAN PARKINGHORN	3/205 LIEBIG ST W'BOOL
Patricia M'Gennan	11 Pecten Ave W'bood
Gelby Gibbons	29 ROXBURGH CRT W'BOOL
Peter Gibbons	" " " "
Pamela Haberfield	353 Caramut Rd Warrnambool
Michelle Lyons	44 BOSTON STREET WARRNAMBOOL
George Wylke	" " " "
Andrea Lyon	27 BRETON ST, W'BOOL
Jerome Steel	31 BLACK & KEROIT
Dorothy Rooney	19 ROXBURGH CRT W'BOOL
Relinda Marthey	26 MINELVA DR. W'BOOL
DAVID BERTON	4 HOPKINS PT RD - W'BOOL
Aunette Stevens	55 HENNA ST. W'BOOL
CATHY HARPER	298 MIKE VIEW RD, KEROIT
Debbie Borton	36 JAMES ST. W'BOOL
Van Adrian Walker	2 BAILEY CR W'BOOL
ANNA BOULDEN	4 JOINT WAY, WOODMAN
A. PARKER	4 JOINT WAY, WOODMAN
Val Ryan	4/17 HICKFORD ST W'BOOL
M. Ryan	5 BROWN RD W'BOOL
R. SAMRAI	265 BRIDGE RD, WOODMAN
RAE SAMRAI	265 BRIDGE ROAD, WOODMAN
Mison Packer	6-6 CRIBBO ST W'BOOL
Garrah Packer	8 MILLER PLACE
Anne Packer	" " "
Paul McIVERN	6 JEDBURGH WAY
BEV McIVERN	6 JEDBURGH WAY
Margaret COPE	15 ARMYtage AVE
Gemma Sheldon	78 JAPAN STREET
James McGenniskien	103 Glenferrie Rd Harrow
Elyse McGenniskien	523 Archers Rd Byadok Nth
Brianna M'Genniskien	3 Skipton Street Ballarat
Davidson Jill Davidson	54 Ryot St Warrnambool
Jo DOVER	5 Carvers Mews - Warrnambool
Maureen Bayard	7 HAWICK PLACE WARRNAMBOOL
VICKI DRYER	4 JEDBURGH WAY, WARRNAMBOOL
Morag Boes	1 HAWICK PLACE WARRNAMBOOL
Joni Jenkins	12 ROXBURGH CRT WARRNAMBOOL
LAN DAVIDNETT	7 MILLER PL, WARRNAMBOOL
JODIE FLEMING	12 ROXBURGH CRT WARRNAMBOOL
	20 ROXBURGH CRT W'BOOL

Jill Exell  
28 Roxburgh Court  
WARRNAMBOOL VIC 3280

11 January 2017

Kylie Gaston, Mayor  
Warrnambool City Council  
Liebig Street  
WARRNAMBOOL VIC 3280

Dear Kylie and Councillors

With tourism being a prominent industry in our city we applaud the Warrnambool City Council for its works and maintenance in the beach area including the beautiful playground picnic facilities of Lake Pertobe, the beach showers and bike racks along the foreshore.

However, whilst the surf club has change rooms and toilets and there is a great facility provided near Middle Island, there is an ongoing need for a similar facility to be provided at McGennan's carpark. Whilst we realise that swimming safety flags are provided at the surf club, one only has to visit the beach at McGennan's on any warm day during January and February to understand that there are as many people frequenting this part of the beach. The antiquated toilet block near Pertobe Road is simply not appropriate for visiting or residential families or individuals to change for their swim.

It must also be noted that on nearly every morning over summer and some winter mornings there are groups of middle aged people who body board at McGennan's who have to change in their cars ....not a pretty sight for anyone walking the promenade!!

To this end we ask that a suitable facility like the one at near Middle Island on Viaduct Road or the unisex cubicles being used in many beaches around Australia, be provided at McGennan's carpark on the vacant land opposite the outdoor shower.

Please address this issue at your next meeting

Yours in anticipation

Jill Exell  
Resident Beach user

This letter is supported by the following residents of Warrnambool.....

NAME	ADDRESS / CONTACT
ADRIAN JACOBS	133 CONNOR ST W'BOON
Wendy Frederick	25 Hallam St "
Jenny Douie	118 Skene St
Clare Vaughan	46 HICKTORD Rd W'BOON

[illegible]

**5.10 PETITION - FOR COUNCIL TO IMPROVE THE AMENITY OF E.J.KING RESERVE****PURPOSE**

*To respond to the petition received on the E.J. King Reserve.*

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**EXECUTIVE SUMMARY**

- Council received a petition at the 6 March 2017 Council meeting which requested that it improve the amenity and appearance of the E.J. King Reserve – Refer **Appendix A**.
- Council staff have met on site with the first signatory of the petition and another representative to discuss the concerns outlined in the petition.
- A proposed action plan outlining works on ground and likely timeframes will be developed and presented to the first signatory as the spokesperson for the petitioners.

---

**MOVED: CR. HERBERT**  
**SECONDED: CR. ANDERSON**

**That Council:**

- 1. Refer this matter to the CEO for action and response as it relates to an operational matter.**
- 2. Note that officers will develop an action plan in consultation with the first signatory to address maintenance aspects outlined in the petition.**

**CARRIED – 7:0**

---

**BACKGROUND**

Council has received a petition signed by 18 signatories for Council to improve the amenity and appearance of the E.J King Reserve - **Refer Appendix A**.

**ISSUES**

The E.J King Reserve is maintained by Council as part of its open space network maintained by Parks and Gardens.

An action plan will be developed in consultation with the first petitioner as spokesperson for the petitioners. The action plan will outline what actions are able to be undertaken and the likely timeframes.

**CONSULTATION / COMMUNICATION**

The Chief Executive will delegate to relevant officers to liaise with the petitioners via the petition organiser (first signatory) to inform them what actions are proposed and when.



## Signatories and their addresses to this letter.

Peter and Christine Hayes	6 Snell Court
Peter and Barbara Marriott	9A Snell Court
Murray and Telma Smith	12 Snell Court
David and Fran Crooks	13 Snell Court
Lana McLaren	15 Ferguson Street
Robert and Jenny McLaren	1 Snell Court
Mark and Dawn Mischkulnig	2 Snell Court
Stephen and Nicki Thompson	3 Snell Court
Helen Osbourne	4 Snell Court
Pearl Wong	8 Snell Court
Mehul Patel	2 Wickling Place
Les and Jenny Burchel	3 Wickling Place
Ray and Jenny Hall	5 Wickling Place
Luke and Chris Pontonio	6 Wicking Place
Bruce and Jean Harkness	7 Wicking Place
Martin and Judy Fraser	40 Simpson Street
Ashley and Judy Zanker	38 Simpson Street
Faye Chenoweth	36 Simpson Street

**5.11 DISABILITY ACCESS AND INCLUSION POLICY****PURPOSE**

***To inform Councillors of the proposed Disability Access and Inclusion Policy.***

---

**EXECUTIVE SUMMARY**

- Council has both legislative responsibilities and community service responsibilities to people with a disability.
- Council is required to ensure access and inclusion in the local community for people with a disability.
- Council does not currently have a specific policy regarding disability access and inclusion.

---

**MOVED: CR. CASSIDY**

**SECONDED: CR. NEOH**

**That Council adopts the Disability Access and Inclusion Policy.**

**CARRIED – 7:0**

---

**BACKGROUND**

Local Government, as a key planner, developer and provider of physical and social infrastructure, is committed to lead by example in ensuring access and inclusion for all people in their local community including people with a disability. This commitment is underpinned by community service responsibilities, and by legislative responsibilities as outlined under the Commonwealth Disability Discrimination Act 1992 and the Victorian Disability Act 2006.

Under the Commonwealth Disability Discrimination Act 1992 it is illegal to directly or indirectly discriminate against a person on the basis of their disability.

The Victorian Disability Act 2006 provides a framework to enable people with a disability to more actively participate in the life of the community.

It is the objective of Council to progressively put in place the necessary steps to ensure the removal of all barriers that restrict the access of any individual to Council-controlled facilities, services, events and information.

According to the Australian Bureau of Statistics' Survey of Disability, Ageing and Carers in 2015, 4.3 million Australians (18.3%) of the population self-reported as having a permanent disability. This equates to approximately 6,200 Warrnambool residents currently living with a disability. This data also shows the incidence of disability increasing from 3.4% for the 0-4 age group, to 23.4% for the 55-59 age groups, to 85.4% for the 90+ age group.

With the most prevalent forms of disability being hearing loss, vision loss, restricted mobility and chronic disease, it is expected that the majority of the population will acquire some form type as they age in place.

In 2011 the number of people in Warrnambool over the age of 65 was 5,151 (15.7%); by 2026 this will increase to 7,920 or 19.5% of the population. It is therefore in the interest of the broader community that we achieve full access and inclusion.

**CURRENT STATUS**

Whilst disability access and inclusion is implied in the Council Plan and the Warrnambool Health and Wellbeing Plan, Council does not have a specific policy in place.

*“Council will ensure all people in our community have equal access to services, facilities and involvement in decision making.” (Council Plan 2013-2017)*

*“The Warrnambool Health and Wellbeing Plan will seek equity, access, safety and inclusion for all.” (Warrnambool - A Healthy City 2013-2017).”*

**COMMUNITY IMPACT**

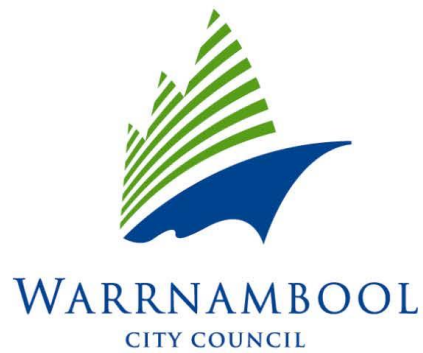
By adopting this policy Council can demonstrate to the community its commitment and leadership in ensuring that local facilities, services and opportunities are accessible and inclusive of all people.

**FINANCIAL IMPACT**

In the 2016/17 budget Council allocated \$50,000 to complete prioritised works that improve disability access at specific Council sites. Once the policy is in adopted a project bid will be prepared in order to map and assess the current barriers and improvements and put in place a long term action plan to progressively remove barriers over the next 10 years.

**ATTACHMENT**

Draft Disability Access and Inclusion Policy – refer **Appendix A**.

**APPENDIX A**

# **DISABILITY ACCESS AND INCLUSION POLICY**

POLICY TYPE: COUNCIL

APPROVAL DATE: MMM 2017

REVIEW DATE: MMM 2020

**DISABILITY ACCESS AND INCLUSION POLICY**

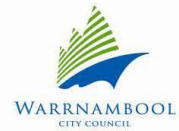
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**DOCUMENT CONTROL**

<b>Document Title:</b>	<i>Disability Access and Inclusion Policy</i>
<b>Policy Type:</b>	<i>Council</i>
<b>Responsible Branch:</b>	<i>Community Development Directorate</i>
<b>Responsible Officer:</b>	<i>Director Community Development</i>
<b>Document Status:</b>	<i>Draft</i>
<b>Approved By:</b>	<i>Council</i>
<b>Adopted Date:</b>	<i>MMM/2017</i>
<b>Review Date:</b>	<i>MMM/2020</i>

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**DISABILITY ACCESS AND INCLUSION POLICY****1. INTRODUCTION****1.1. Purpose**

The purpose of the Warrnambool City Council Disability Access and Inclusion Policy is to outline Council's commitment to access and inclusion for residents, employees and visitors that live with a disability. The policy is intended to assist Council to comply with the *Disability Discrimination Act 1992*, the *Disability Act 2006* and the relevant *Australian Standards*; and with the removal of barriers that prevent people living with disability from fully participating in community life.

**1.2. Scope**

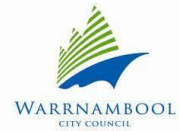
The Warrnambool City Council Access and Inclusion Policy applies to the work of all areas across Council, to ensure a consistent, whole-of-Council approach to disability access and inclusion.

**1.3. Definitions**

Term	Definition
Access	The term 'access' refers to the ability of a person with disability to use a service or facility. Access is improved when barriers are removed.
Barrier	The term 'barrier' refers to an obstacle which prevents a person with disability from fully participating in community life. Barriers can include the physical environment, attitudes and awareness, communication and transport.
Disability	The term 'disability' refers to any permanent or temporary condition which affects a person's bodily or mental function. A disability may arise from a sensory, physical, intellectual, psychiatric, cognitive or neurological condition. Some conditions that cause disability are present from birth, while others are acquired later in life.
Discrimination	'Discrimination occurs when a person is denied the opportunity to participate freely and fully in normal day-to-day activities' (Human Rights Commission, 2006).
Inclusion	An inclusive community is '... a place where diversity is embraced and celebrated, and where everybody has the same opportunities to participate in the life of the community, and the same responsibilities towards society as all other citizens' ( <i>Victorian State Disability Plan 2002-2012</i> ).

**1.4. References**

Commonwealth Disability Discrimination Act (DDA) 1992  
 Australian Standards AS1428 and AS2890  
 Disability (Access to Premises – Buildings) Standards 2010  
 Victorian Disability Act 2006  
 Victorian Charter of Human Rights and Responsibilities Act 2006  
 Victorian Equal Opportunity Act 2010  
 Victorian State Disability Plan 2017-2020

**DISABILITY ACCESS AND INCLUSION POLICY****2. POLICY****2.1. Policy Statement**

Warrnambool City Council will work both internally and with stakeholders in the community to progressively deliver its objectives of access and inclusion for people living with a disability, as outlined in the Council Plan 2013-2017 and the Health and Wellbeing Plan 2013-2017.

'Council will ensure all people in our community have equal access to services, facilities and involvement in decision making.' (Council Plan 2013-2017)

'The Warrnambool Health and Wellbeing Plan will seek equity, access, safety and inclusion for all.' (Warrnambool a Healthy City 2013-2017)

**2.2. Policy Implementation****2.2.1. Policy Compliance**

Council Officers will refer to key relevant legislation and standards to ensure compliance with the Disability Access and Inclusion Policy. Council Officers may also need to consult with other Council branches and key stakeholders as appropriate.

**2.2.2. Access and Inclusion Training**

Council staff will have access to training on improving access and inclusion for people with disability annually. This training will be inclusive of training on Council's policy environment as it relates to people with disability.

**3. GOVERNANCE****3.1. Owner**

Director Community Development

**3.2. Review**

The Director Community Development will review the policy for any necessary amendments no later than three years after its formulation or after the last review.

**3.3. Compliance Responsibility****3.3.1. Management Executive Group (Chief Executive and Directors)**

- Will reference the Disability Access and Inclusion Policy to guide decision-making.

**3.3.2. Managers and Supervisors**

- Are required to have knowledge of the Disability Access and Inclusion Policy to ensure compliance.

**3.3.3. All Employees**

- Are required to have knowledge of the Disability Access and Inclusion Policy to ensure compliance.

**3.4. Charter of Human Rights Compliance**

It is considered that this policy is supportive of implementing rights identified in the Charter of Human Rights Act (2007).

## **DISABILITY ACCESS AND INCLUSION POLICY**

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### **4. RELATED COUNCIL PLANS, POLICIES, PROCEDURES AND DOCUMENTS**

Warrnambool City Council Plan 2013-2017  
Warrnambool, A Healthy City 2013-2017  
Equal Opportunity Policy and Procedure 2014  
Recruitment and Selection Policy and Procedure 2014  
Staff Code of Conduct 2014  
Accessible Playgrounds Policy 2007  
Footpath Trading Policy 2015

### **5. APPENDICES**

Nil.

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**5.12 PETITION – FOR COUNCIL TO INCREASE THE OPENING HOURS OF THE WARRNAMBOOL LIBRARY**

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**PURPOSE**

*To present options to Council to consider in responding to a request to increase opening hours at the Warrnambool Library.*

---

**EXECUTIVE SUMMARY**

- Council at its meeting on 6 March 2017 received a petition with 360 signatures to increase the opening hours of the Warrnambool library.
- In accordance with Council's Local Law L1 Governance, the petition was referred to the Chief Executive for consideration and response.
- The petition specifically requests Council provide additional operating hours on weekends for the library.
- The library currently opens for 42.5 hours per week, including 2 hours Saturday mornings. There is some anecdotal demand for additional opening time on Saturdays.
- The Corangamite Regional Library Corporation has proposed three options for additional weekend hours, and recommends introducing an additional two hours on Saturday from 12 noon to 2.00pm as a twelve month trial to test demand and use.
- The proposed trial would cost Council an additional \$22,900 per annum, with the resultant estimated cost of the library service to Council in 2017/18 being \$835,329 (a 2.8% increase from the 2016/17 budget) .

---

**MOVED: CR. OWEN**  
**SECONDED: CR. CASSIDY**

**That Council refer the proposal to increase Saturday opening hours at the Warrnambool Library by two hours, at an estimated annual cost of \$22,900, to the 2017/18 Budget for consideration.**

---

**CARRIED – 7:0**

---

**INTRODUCTION**

Council at its meeting on 6 March 2017 received a petition with 360 signatures to increase the opening hours of the Warrnambool library. A copy of the petition covering letter is attached as **Appendix A**.

In accordance with Council's Local Law L1 Governance, the petition was referred to the Chief Executive for consideration and response.

**BACKGROUND**

Council is a member of the Corangamite Regional Library Corporation (CRLC) that provides library services to four south west councils. Council makes an annual contribution to the CRLC that has responsibility to operate the library service on a day to day basis, providing all staffing, the collection, equipment and other resources. Council is responsible for providing and maintaining the facility used by the CRLC to deliver library services, and payment of facility and other minor operating costs.

Based on the above arrangement, and without any increase in weekend operating hours, the total recurrent cost of the library service to Council in the draft 2017/18 Council Budget is estimated to be \$812,429 (a 1.1% increase from the 2016/17 budget).

Council has a service level agreement with the CRLC that documents the level of service it receives, including the opening hours offered. Current operating hours for the Warrnambool branch library are as follows:

Day	Open	Close	Hours per Session
Monday	9.30am	5pm	7.50
Tuesday	9.30am	5pm	7.50
Wednesday	9.30am	6pm	8.50
Thursday	9.30am	6pm	8.50
Friday	9.30am	6pm	8.50
Saturday	10am	12noon	2.00
<b>TOTAL</b>			<b>42.50</b>

## THE PETITION

The petition covering letter outlines the importance of the library service to the Warrnambool community. The covering letter, and petition itself, request Council to increase the branch library opening hours on weekends, specifically Saturday afternoons and Sundays.

## OPTIONS TO INCREASE HOURS

Advice was sought from the CRLC regarding options to increase the opening hours of the Warrnambool library.

In providing the advice, the CRLC notes:

- A typical Saturday morning sees around 150-220 people visit the library, with an average being 175, based on figures from the last 12 months. Anecdotally, staff report that it is difficult to close the doors at 12 on Saturdays and typically they would not be ready to leave for at least 15 minutes after the nominated closing time.
- The Victorian Local Authorities Award and the CRLC Enterprise Agreement allows that “normal hours” for library staff include all time worked up until 12 noon Saturday. Hours after 12 noon Saturday incur penalty overtime rates:
  - First 2 hours after 12noon on Saturday paid at time and a half, additional hours after that paid at double time.
  - All Sunday opening hours paid at double time.
- Three staff are required to operate the library on a Saturday. Two staff are also allocated 30 minutes outside opening hours to prepare the library for opening and closing.

Based on the above, the CRLC has presented three options to increase weekend opening hours at the Warrnambool branch library. Note information in table below is based upon introducing any change in operating hours from 1 July 2017, in line with new CRLC/Council budgets.

Option	Additional hours	Additional annual cost to Council \$	Estimated 2017/18 recurrent cost of library service to Council \$	Increase in Council contribution from 2016/17 budget %
Open Saturdays 12 Noon – 2.00pm	2	22,900	835,329	2.8
Open Saturdays 12 Noon – 4.00pm	4	47,950	860,379	5.9
Open Sundays 1.00pm – 4.00pm	3	41,700	854,129	5.2

The recommendation from the CRLC is to extend the existing Saturday opening hours until 2pm in order to gauge interest and uptake. A trial period of 12 months would be adequate to determine if there is additional demand or whether current usage is being spread across the extra hours.

**APPENDIX A**

24/2/2017

Milla Darmanin  
11 Bridge view Court Warrnambool  
dar0059@warrnamboolps.vic.edu.au  
0488 366 110 (my mums mobile)

To Kylie Gaston,

I'm Milla Darmanin, an 11 year old from Warrnambool Primary school who believes our town library's opening hours should be extended!

The town library offers many benefits to members of the community, both young and old. I often use the library to borrow books, hangout with friends and family, but most importantly to READ. In my regular visits to the library, I get to see just how many people frequently use the library and its facilities. The library isn't just a place for reading and borrowing books; the very young can engage in story times, whilst others can enjoy knitting sessions. Furthermore, free internet access means that young people can complete their study without the hassle of worrying about costs or going over their data limits, and extending the library's hours would only encourage students, teachers and parents to utilize such a valuable resource.

Unlike the Warrnambool Library, other towns have longer opening hours. Such as Echuca which only has a population of 12,613, but still manages to stay open from 10am to 1pm on Saturday and from 2pm to 4:30pm on Sunday! There's also Pakenham, which has a population of 32,911, and stays open from 10am to 4pm on Saturday and from 2pm to 5pm on Sunday. Moe, with a population of 15,292, is open from 9am to 12pm on Saturday and from 10am to 2pm on Sunday! Traralgon with a population of 24,590, is open from 9am to 12pm on Saturday and from 3pm to 6pm on Sunday. I could go on for ever and EVER, but I figure that all these hours compared to our LOUSY two would be enough to convince you that Warrnambool's library hours need to be similar with other regional centers.

I have recently discovered that there is a community-based collaboration called 'Beyond the Bell'. This initiative aims to improve young people's chances in Year 12 and to ultimately better prepare them for a successful transition into the next stage of their lives. Beyond the bell is one of the most concerted efforts the community has ever made to tackle the Great South Coast's low Year 12 attainment rates and to promote support for the young from conception to adulthood.

To my absolute shock I found out that in our region only 57% of young people achieve Year 12 or equivalent whilst the state average is almost 75%!

I met with the Lisa Macdonald the library Manager on Friday the 17th and discussed the possibilities of having the library open longer on the weekends. She said that she found it easy to get people to work on Saturday because she rosters them on a month early so they can plan their holidays in advance. Speaking with the library Manager and looking at all the numbers its obvious that WE NEED THE LIBRARY OPEN LONGER!!!!

Please find attached a petition of 35 signatures in support of my proposal to have the town library's opening hours extended. These signatures were collected at Graze (a local coffee shop), Warrnambool Primary School, Woodford, outside the Warrnambool Library, Warrnambool College, Warrnambool Special Development School and other local community groups between the 10th and the 19th of February. It is clear that the residents of Warrnambool seek council to take action on this issue. I hope that this petition is successfully submitted to council, however, if there are any further measures that need to be taken to ensure this happens, please let me know.

I hope that you agree and will consider my proposal that the current weekend opening hours are unacceptable for the WHOLE community YOUNG AND OLD!!! I can be reached by my mail, phone or email should you have any further enquiries or request any additional information.






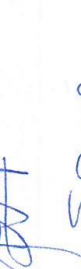






Yours Sincerely



Milla Darmanin and my team which includes:

Dominic Darmanin  
Arwen Bounds  
Jasmine Anderson  
Dayna Haberfield  
Madelaine Bryant  
Ella Bryant  
Natalie Wong  
Tjula Holder  
Simran Agarwal

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️



Name:	Age:	Address:	Signature:
ELIN FOX	36	Lansdowne Road, W'bool	
KRISTEN HILL	29	Hyland St, Warrnambool	
Ebony Jarry	26	Merrivale drive	
Brooke Price	23	Hyland st, Warrnambool	
Sarah murray	42	Hyland St, Warrnambool	
Alison Fraser	30	Hyland St W'bool	
Jo Roche	42	Hopkins Highway Grassmere	
Sue Boyle	52	Samers Rd. W'bool	
Abbie Sheridan	30	Tolman St W'bool	
JAN BOLLEN	52	Hyland St. W'bool	
Sarah Noonan	39	Hyland St. W'bool	
Leigh Wells	40	Hyland St W'bool	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Anita Bounds	30+	Bushfield	<i>[Signature]</i>
Mia Copland	12	Warrnambool	<i>[Signature]</i>
Stephanie	22	Warrnambool	<i>[Signature]</i>
Brecha	12	Warrnambool	<i>[Signature]</i>
Celina Brown	50	WARRNAMBOOL	<i>[Signature]</i>
Chloe Hammond	24	Warrnambool	<i>[Signature]</i>
Leanne Smith	30+	Warrnambool	<i>[Signature]</i>
Dianne Gable		Warrnambool	<i>[Signature]</i>
Kathy Stacey	60+	W'Bool	<i>[Signature]</i>
Lochlan Abbott	17	W'Bool	<i>[Signature]</i>
<del>Tessa</del> Aiden Morley	18	W'Bool	<i>[Signature]</i>

28 FEB 2016













Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️

Name:	Age:	Address:	Signature:
TIM OSULLIVAN	17	35 EVELYN CRES	
Kelke Phillips		Warrnambool	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Denna Lamb	21+	4 Abbey lane W'bool	Denna Lamb
Julia Mahoney	35	1 Mentmore Drive	Julia Mahoney
<del>Warrnambool</del>	32	Furnin	Warrnambool
Michael Carter	39	Warrnambool	M. Carter
Lauren Colwell	37	Warrnambool	Lauren Colwell
Kay Dodd	70	Caroville Dr. W'bool	Kay Dodd
PETER UMBERS	55	16 SOMERS ROAD WARRNAMBOOL	Peter Umbers
Shamaus Walsh	31	1 Somers Road W'bool	Shamaus Walsh
Zoe Moroni	32	1 Somers Road, W'bool	Zoe Moroni
RAEEN	32	11 Somers Road, W'bool	Raeen
TESSY JOSEPH	37	11 Somers Road, W'bool	Tessy Joseph
Mary Tobin	40	51 Banyan St	Mary Tobin

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
J. Nesbitt	over 18.	W'bool	
A. Johannesen	46	W'bool	
Kate Dammanin	38	11 Bridgview crt W'bool	
PAUL CONHEADY	49	9 BRIDGEVIEW CRT W'Bool	
CORAK ROBERTS	68	1 BRIDGEVIEW CRT W'Bool	
IAN COWLING	52	6 BRIDGEVIEW CRT W'bool	
KEN GIBSON	62	8 BRIDGEVIEW CRT W'bool	
Carol Parsons	64	12 BRIDGEVIEW CRT W'Bool	
Ella Bryant	<del>49</del> 50+	Warrnambool	
Peter Bryant	50+	18 Somers Rd. W'bool	
Ian Hedra	60+	18 Somers Rd W'bool	
Edwina Medwa	40+	18 Somers Rd. W'bool	












Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
TIM DARMANIN	39	11 BRIDGEVIEW CRT WBOO	T. Darmanin
JANE KEMPTON	60	17 SOMERS RD WBOO	J. Kempton
RONALD SINKAR	65	15 SOMERS RD. W'BOO.	R. Sinkar
ALISON SINGH	60	15 SOMERS RD WBOO	A. Singh
MARCIA NELSON	47	77 BOTANIC RD	M. Nelson
MAX COOMER	70	6 SOMERS ROAD	Max Coomer
NICOLE MADDERN	37	39 TOM WHITE	N. Maddern
HELEN COOMER	65	6 SOMERS RD	H. Coomer
MARYANNE MILLS	25+	16 Reginald Grove Warrnambool	M. Mills
DEBBIE LAWRENCE	25+	99 VERDON ST WARRNAMBOOL	D. Lawrence
ASSA WATERFALL	41	1 FAIR FAX AVE	A. Waterfall
GATE MARTIN	37	4 REGINALD GROVE	G. Martin



Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
LORRANE O'BRIEN	63	220 HOPKINS BINT RD W'BOOL	Lorraine O'Brien
TAMARA SMITH	44	70 JAPAN ST W'BOOL	Tamara Smith
Fiona Lee	47	15 Patterson st W'BooL	Fiona Lee
Ruth Alger	42	19 Beavert Drive, W'BooL	Ruth Alger
BILL RYAN	45	239 Russell STREET	Bill Ryan
Susan Morris	47	5 Flinders St	Susan Morris
Pat Morris	70	15 Ryok St W'bool	Pat Morris
Jodie Hill	40	16 Makinaw ct, Port Fairy	Jodie Hill
Leanne Pickett	44	25 Stanley St W'bool	Leanne Pickett
Daniel Roachie	45	4 Michelle ct W'bool	Daniel Roachie
Kirsty Ryan	41	239 Russell st	Kirsty Ryan
Katherine McDavitt	28	6 Whiteread ct W'bool	Katherine McDavitt













Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️

Name:	Age:	Address:	Signature:
Rob Smyth	51	57 canterbury Rd	
Davey Smyth	26	" "	
Elaine Gome	46	61 Canterbury Rd	
Ailsa Gome	11	61 canterbury Rd	
Jack Gome	14	" "	
Matthew Gome	16	" "	
Lachlan Gome	7	" "	
Cara Harry	16	65 canterbury Rd	
Sophie Harry	13	65 canterbury Rd	
Jane R Gorman	67	67 Canterbury Rd	
Louise Jennie	54	83 Botanic Rd	
R. Jennie	87	60 CANTERBURY Rd	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️

Name:	Age:	Address:	Signature:
BARRY BROOKS	72	56 CANTERBURY RD	
CHAD RIDOLE	71	37 CANTERBURY RD	
PAULINE RIDOLE	73	37 CANTERBURY RD	Phuddle













Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Kiesha Fenton	11	<del>Warrnambool</del>	
William Owen	12	Warrnambool	
Logan McFadyen	11	Warrnambool	
Chancebelly	11	Warrnambool	
Eli Cross	11	Warrnambool	
Joshua Marini	9	Warrnambool	
Te Tai	9	Warrnambool	
Cameryn	9	Warrnambool	
Matilda Lenehan	9	Warrnambool	
Calder	9	Warrnambool	
Gie	10	Warrnambool	
Maddison Flynn	9	Warrnambool	













Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🇺🇸🇺🇸🇺🇸

Name:	Age:	Address:	Signature:
Talia Stewart	12	Warrnambool	Talia Stewart
Issabelle Lenehan	11	Warrnambool	Issabelle Lenehan
Timothy Speed	10	Warrnambool	tim speed
Zac Dyson	12	Warrnambool	ZD
Letia Archetti	57	W'bool	Letia Archetti
Rayton	10	Warrnambool	Rayton, N
Breanna Coppin	11	Warrnambool	Breanna
Hayne Porter	11	Warrnambool	Hayne Porter
Georgia Turner	11	Warrnambool	Georgia Turner
Rylan	11	Warrnambool	Rylan
Ethan Saunders	11	Warrnambool	Ethan Saunders
Riley Finley	11	Warrnambool	Riley Finley

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Finn Roche	18	1351 Hopkins Hwy	
Stephanie Fedley	52	Hyland St. W'bool	
Carol Bousman	54	cl- Hyland St W'bool	
Amber Sharp	39	Hyland St W'bool	
Jane Swaggin	42	Breten St, W-bool	
R-Hawkins	39	10 mitchell street	
Angela Sally	21	Moore St W'bool	
Nicole Dittmann	27	236 Liebig St W'bool.	
Harrison Lee	39	22 Macannan St W'bool	
Julie Hampshire	31	Wingslow	
KEERIE POPE	38	Wingslow	
Daniel Towardshaw	47	Wingslow	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Aidan Nicolson	35	16 Donnan Drive	
Lisa Radcliffe	47	4 Boyle Close	
SONIA BARNETT	39	17 HETDON AVE	
Anja Shelds-Jorgensen	30	1/2 Perth Rd	
Sue Gall	50	45 Couch St	
Daniel Barling	26	21 Latrobe St	
Deanie Squires	43	5 Wendy Place	
Wesley Isles	21	Unit 2, 7 Timor St.	
Cherie Geyer	37	115 Laverock rd	
Lisa Lee	45	22 McGinnon St	
Louise Blackwood	45	11 Hallowells Rd	
Lisa Shepherd	50	P.O. Box 5305, Warrnambool	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Angus Gardiner	10	Warrnambool	Angus
Cadel Howie	11	Warrnambool	Cadel
Clara Forth Bligh	12	Warrnambool	Clara
Bailey Jervies	11	Warrnambool	Bailey
Hamish Morrow	12	Warrnambool	Hamish
Ebony Wilson	9	Warrnambool	Ebony
Cathy Gleeson	21+	c/o Warrnambool Primary School	Gleeson
Erin MacSweeney	21+	Warrnambool	MacSweeney
Julie Giblin	21+	Warrnambool	Giblin
Gina Mills	21+	"	Gina Mills
Jacob Duggan	12	Warrnambool	Jacob
Riley Fitzgibbon	11	Warrnambool	Riley

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️












Name:	Age:	Address:	Signature:
Lynne Nelson	21++	Boona Place W'bool	Lynne Nelson
Bec Ranta	21+	W'Bool	
John Pattison	62	13 Lancefield st Warrnambool	John Pattison
Colleen Morphett	50	47 Jamieson st W'bool	Colleen Morphett
Gaye Welsh	50+	10 Steeple Crk Warrnambool	Gaye Welsh
Jemma Boylan	11½	24 Warrnambool	Jemma Boylan
Anita Carey	27	W'bool	Anita Carey
Pearl Clements	21++	W'bool	Pearl Clements
Donna Dixon	21++	Killarney	Donna Dixon
Seth Wallace	11	Warrnambool	Seth Wallace
Lidia Allen	39	Warrnambool	Lidia Allen
Anna Gore	38	Warrnambool	Anna Gore

(Free Wifi) ★♡













Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Emilia Leung	73	W'Bool	Emilia Leung
Mara Padden	82	W'Bool	Mara Padden
Joseph Daly	25	W'Bool	Joseph Daly
Ali Smith	36	Warrnambool	Ali Smith
Paul Ford	54	W'Bool	Paul Ford
J McCrecheon	49	W'Bool	J McCrecheon
Ben	22	W'Bool	Ben
M. Stanley	32	W'Bool	M. Stanley
Ben Wohlers	40	W'Bool	Ben Wohlers
Tina Bryant	28	W'Bool	Tina Bryant
Mara Kuipers	31	W'Bool	Mara Kuipers
DES PADDEN	69	W'Bool	DES PADDEN

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Joy Cowie	56	W'Boat	
Daniel Gardner	27	W'Boat	
Suey Hunt	53	W'Boat	
MICHAEL WHITTON	33	W'Boat	
L. Wilson	80	W'Boat	
A. Philpot	45	W'Boat	
J. Philpot	12	W'Boat	
D. Crabbe	45	" "	
I. Johansson	11	W'Boat	
S. Johnson	64	W'Boat	
V. Bartlett	87	W'Boat	
A. Bunt	21	W'Boat	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️



Name:	Age:	Address:	Signature:
Adele Barber	30	4/68 Chandler Rd Pike Park	
Olivia Howitt	21	"	
Rita Bu	60	9/23 Campbell St Port Fairy	
Melissa Birt	44	Caramut Rd Mildosford	
J. M. Hamel	81	Warrnambool	
J. Bowman	70	Woods Thorpe	
E. Ewerson	41	Warrnambool	
Sloa.	56	Warrnambool	
Debbie McKenzie	42	Warrnambool	
John Carey	40	Warrnambool	
Tina Gartham	43	Camperdown	
Jess Knight	22	Warrnambool	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️

(Free Will)

Name:	Age:	Address:	Signature:
Kate Anderson	39	Warrnambool	K Anderson
Madeline Good	27	Warrnambool	Clifford
Kellie McConnell	29	Warrnambool	Phillie Mann
Pranny Jasy	11	Warrnambool	Pranny
Luca Florie	11	Warrnambool	Luca
Blair Sextus	11	Warrnambool	Blair
Levi Martini	12	Warrnambool	Levi
Izaak Agnew	11	Warrnambool	Izaak
Cara Wheatley	11	Warrnambool	Cara
Sienna Clifford	11	Warrnambool	Sienna
Rebecca Pike	37	Warrnambool	Rebecca D. Pike
Cassie	8	Warrnambool	Cassie

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️







Name:	Age:	Address:	Signature:
Elizabeth Macatanao	10	Warrnambool	Elizabeth
Asha Guld	11	Warrnambool	
Mr Papa.	21+	"	AP
Jasmine Prakash	11	Warrnambool	Jas.P
Isabella Waterfall	12	Warrnambool	Bella.W
GEORGIA BOLDEN	48	Warrnambool	S.B
Arley Street	12	Warrnambool	Arley Street
Madeline B.	11	Warrnambool	Maddie
Stephanie Hann.	46	Warrnambool P.S.	
Evelyn Baulch	50	Warrnambool P.S.	Evelyn Baulch
Maddy Welch	10	Warrnambool P.S.	Maddy
Danielle Toone	43	Warrnambool	Danielle

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🇺🇸🇦🇺🇳🇵

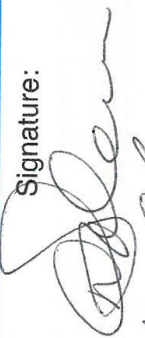

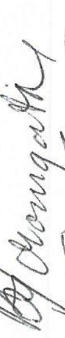









Name:	Age:	Address:	Signature:
Abbey oneill	10	Warrnambool	akly
Natalie Wong	11	Warrnambool, Vic	Natalie Wong
Amelia Pram	10	Warrnambool	Amelia
Jasmine Anderson	11	Warrnambool	Jasmine
Dayna Haberfield	11	Warrnambool	Dayna
Michelle Rea	21+	Warrnambool	Michelle Rea
Tjula Hslder	11	warrnambool	Tjula Hslder
Simran Agarwal	11	Warrnambool, Vic	Simran A
Miguel Tejar	11	Warrnambool	M.T
Georgia Gilmour	10	Warrnambool, vic	Georgia
Anne Davis	11	Warrnambool vic	Anne Davis
Ryla Miller	10	Warrnambool, vic	Ryla

The Library is only open 2hrs on Saturday!!

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Dominic Dormanin	11	Warrnambool	
Milla Dormanin	11	Warrnambool	Milla
Jacinta Lenahan	27	Warrnambool	
MOIRA ABERNETHY	38	WARRNAMBOOL	
PAZ RILEY	39	W'Bool.	PRR
MAKÉE LANE.	39.	W'Bool.	
emma mahony	43	w'bool	emma mahony
MARCIA MCCARTHY	21	w'Bool	M McCarty
JEANETTE BROWN	21	W'Bool	Jeanette Brown
Linda O'Neil	37	W'Bool	L O'Neil
Olivia Morgan	35	W'Bool	
Kath Greene	58.	W'Bool	






Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Deb Solomon	56	69 Warriston Rd W'boor	
Georgina Block	48	152 Cotters Rd Warrnambool	
B Monaghan	70	St Georges Drive W'boor	
C. W. W.	37	Campbell Road	
Jo Clarke	32	8 Ashlee Drive W'boor	
Jo Davies	38	Warrnambool	
Tanya Barker	30	36 Church St Warrnambool	
Amanda Wlame	32	23 Cotters Lane, Grassmere	
Diane Keane	67	65 Whiles Rd W'boor	
GLENN MCKENZIE	37	160A BAYVIEW ST W'BOOR	
Sarah McVilly	35	171 Tynys Road Warrnambool 3268	
James O'Leary	39	8 Anthony St, W'boor	

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Name:	Age:	Address:	Signature:
Taleah	9	367 Framling RD	Taleah
Grace	8	28 Roger place	Grace
Elli	9	234 Liebig Street	Elli
Jane	49	43 James St, Port Fairy	Jane
Lila	8	a the hill court	Lila
E Liza	8	111 Rosethorn	E Liza
Kate	8	6 Clara ct Woodford	Kate
Lucy	10	5 Climey cres Woodford	Lucy
Emma	11	5 Lila court Woodford	Emma
Mackenzie	12	420 Tower hill road	Mackenzie
Mia M	9	14 St Josphes Drive	Mia M
Evie K	10	11 Markwells RD wa R	Evie K




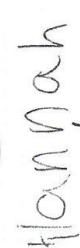








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Name:	Age:	Address:	Signature:
Arwen Bounds	11	46 Bridge rd Bushfield VIC 3281	
David Atkinson	35	23 Evans rd Bushfield 3281	
Niamh Stoddart	12	75 Dobsonway	Niamh
Jessica Keast	10	103 barriers rd bushfield	Jessica
Bridie <del>Hayreares</del> Hayreares	11	5 Meliora crt woodford	BH
Laura Watson	11	111 Roseneath road Grassmere	
Abbey Titmus	11	3280 <del>3280</del> 3280 Road Bushfield	
Maggie McGowan	11	1 Reddie Road 3281 vic	mjm
Annabelle Barker	11	46 Bellmans road bushfield	Annabelle
Kiara Mufett	11	367 fraalingham RD	K B Mufett
Amelia Nutting	11	Woodward the Hill court 3281	AN
Taylah Kidd	11	2 Clara court Wf	

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Name:	Age:	Address:	Signature:
Gabrielle	11	651-655 Towerhill RD	GH
Annamelke	11	63 mc Kenzies RD	Ale
Ben Logan	31	Warrnambool, 3280	Bjorn Holden
Holli Sansz	<del>12</del>	35 Mitchell st	<del>12</del>
Grace Watt	10	Bryanolyn RD	GH
Alexandra	10	18 bridge rd lushild	ATTZ
Abby-Jane clark	10	76 merri view Road <sup>Woodford</sup>	ATC
Gracen	11	melesfat	GM
Daniel watson	40	Reeneath Rd Curamere	Ree
Poppy Brown	11	6 Wight st Krait	Poppy
Charlotte	10	6 clara ct Woodford	CH
Mia Doukas	10	30 Russeil Road	Mia's Awesome

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Name:	Age:	Address:	Signature:
Andrew	10	111 Rose Nath Road	
Lachie P. Pirle	10	86 Barries Road Bushfield	
Willie	10	19 Cillmave cres	
Hannah Taneah	10	60 <sup>th</sup> Foresters Road Bushfield	
Imogen	9	50 Gate way Taneah	
Monte Ramus	6	14 humphrys street Invergen	
Arjay	6	65 L. A Road NO NTQ.	
Billy Pat	11	71 Wimmers Rd Narnmore	
Amelia Gardner	11	56 Gate way road Arjay	
	11	Horn &	
	10	9 the Hicx-Walky	
	40!	6 Clavact.	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Signature:

Address:

Age:

Name:

Jacinta Skilbeck	40-	52 Foster St, W'beed.	Jacinta Skilbeck
Jacinta Gardner	36	56 Foster St, W'beed	Jacinta Gardner
Kerrie Hutchings	35	41 Merrivale Dr	Kerrie Hutchings
Agneta Johnson	74	14 Belfour St W'beed	Agneta Johnson
Bridgette Drake	13	11 Carramar Cr	Bridgette Drake
Melissa Cashion	35	Drummond St	Melissa Cashion
Nick Young	22	Drummond St	Nick Young
Debbie Ricketts	36	Russell St, Dennington	Debbie Ricketts
MICHAEL RICKETTS	39	RUSSELL ST DENNINGTON	MICHAEL RICKETTS
Lucy Gleason	16	30 Fairway Cres W'beed	Lucy Gleason

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Name:

Charlotte Graesse

Age:

45






Address:

20 Riteways Rd  
Allanford

Signature:



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Name:	Age:	Address:	Signature:
Judy Boyle	37	Hyland St.	
Sue Springg.	30	Hyland St.	
Scott Cooper	34	Toolong Nth Rd.	
Sharon Ianther	42	Hyland Street	
Alicia Bermudez	32	15 Thomas Place, Wool	



Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🇺🇸🇺🇸🇺🇸

Name:	Age:	Address:	Signature:
Quentin Berg	21 <sup>++</sup>	24 Daltons Rd W'Bool	Q.Berg
Brad Canheady	25	129 Daltons Rd W'Bool	Brad Canheady
Stephanie Hocking	22	129 Daltons Rd W'Bool	Stephanie Hocking
Debbie Canheady	47	9 Bridgeway Ct W'Bool	Debbie Canheady
Carmel Beavis	70 <sup>+</sup>	9 Tarkook Rd. W'Bool	Carmel Beavis

**Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️**

Name:	Age:	Address:	Signature:
Ryan	11	Warrnambool	[Signature]
Nathan Crute	28	Warrnambool	[Signature]
BRIDGET CLANCY	45	55 Bangyan St Warrnambool	[Signature]
Adrienne Osullivan	48	55 Bangyan St Warrnambool	[Signature]
Gill Prime	24	55 Bangyan St Warrnambool	[Signature]

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Name:	Age:	Address:	Signature:
SONIA PARSONS	42	8 Rongoe Drive W'Boo	
LEAHNE HABERFIELD	46	25 Cleary Road, "	L Haberfield
SYLVANA HARRISON	50	1/76 Henna St Warrnambool	S Harrison
Bridie West	38	4 Ritchie Cr1, Port Fairy	Bridie West
Elaine Knowles	47	31 WICKHAM ROAD WOOLSTHORPE	Elaine Knowles
PHILLIP WOODS	55	15 Lakeside Dr Yambola	

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Lil Mills	10	Warrnambool	LilBeastie
Anthony Debono	11	Warrnambool	Debono
Joe Winstanley	11	Warrnambool	Joe Winstanley
Oliver Smith	11	Warrnambool	Oliver Smith
Sam Anderson	9	Warrnambool	Sam
Olivia Anderson	7	Warrnambool	Olivia
Maisie Mae	10	Warrnambool	Mae
Rachel Lewis	11	Warrnambool	Rachel

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Name:

Noah Elclift

Age:

8







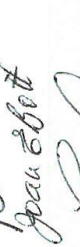




Address:

bushfield

Signature:

NG PS. I read lots and lots of books!

Please sign this petition to show the Warrnambool City Council that WE need OUR town Library's opening hours extended. We propose Saturday afternoon and Sunday especially during winter! 🌨️🌨️🌨️

Name:	Age:	Address:	Signature:
Elisia Nichol	33	25 Gladstone St.	
Rebecca Burchell	35	27 Nicke cres	
MARION SIMONDS	21	170 THOR ST, WBOOL	
Alice Richardson	40	5/30 Riverina Tce	
Sam Morley	42	5 Dooling St WBOOL	
Jane Dowd	41	19 Merrivale Dve	
Michael Dean	38	Battarbes st.	
Joan Bott	85	Allanford	
Ly Crowe	52	Cochingbn	
Megan Warburton	29	Nulawarre	
G Kaye	74	18 Hioswrs	





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Signature:

Address:

Age:

Name:

SARAH-JANE CLAUSEN	30	243 Sims Rd Mailors Flat	
Paul Clausen	35	243 Sims Rd Mailors Flat	
Campbell Thomson	37	36 Thompson St Woor	
EDDA Thompson	36	36 Thompson St Woor	

### **5.13 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. Tuesday 14 March 2017 – refer **Appendix A.**
2. Wednesday 15 March 2017 – refer **Appendix B.**
3. Monday 20 March 2017 – refer **Appendix C.**
4. Monday 27 March 2017 – refer **Appendix D.**
5. Tuesday 28 March 2017 – refer **Appendix E.**

---

**MOVED: CR. NEOH**  
**SECONDED: CR. ANDERSON**

**That the information be received.**

---

**CARRIED – 7;)**

**APPENDIX A****Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	14 March 2017
Start time:	4.30pm
Councillors present:	Cr. K Gaston – Chairperson Cr. R Anderson Cr. S Cassidy Cr. T Herbert Cr. P Hulin Cr. M Neoh Cr. D Owen
Council Officers present:	Bruce Anson, Chief Executive. Scott Cavanagh, Director City Infrastructure. Vikki King, Director Community Development. Andrew Paton, Director City Growth. Peter Utri, Director Corporate Strategies. Ben Storey, Project Manager - City Centre Renewal. Ben Storey, Project manager – City Centre Renewal Paul Pinkerton, City Centre Placemaking Officer
Other persons present:	-
Apologies:	Nil.
Conflict of Interest Disclosures:	Nil.
Items discussed:	<ul style="list-style-type: none"> <li>City Centre Revitalisation Project</li> </ul>
Other items raised by Councillors & Officers:	<ul style="list-style-type: none"> <li>Various operations items</li> </ul>

The meeting closed at 7.20pm.

**APPENDIX B****Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	15 March 2017
Start time:	5.15pm
Councillors present:	Cr K Gaston, Mayor Cr. Peter Hulin Cr. T Herbert Cr. R Anderson Cr. S Cassidy
Council Officers present:	Andrew Paton, Director City Growth. James Phillips Coordinator City Development
Other persons present:	-
Apologies:	Nil.
Conflict of Interest Disclosures:	Nil.
Items discussed:	<ul style="list-style-type: none"> <li>Planning Permit Application PP2016-0159 regarding the proposed geothermal springs and spa at Deep Blue, Pertobe Road Warrnambool. Objectors were also in attendance.</li> </ul>
Other items raised by Councillors & Officers:	Nil.

The meeting closed at 6.00pm.

**APPENDIX C****Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	20 March 2017
Start time:	3.30pm
Councillors present:	Cr. K Gaston – Chairperson Cr. R Anderson Cr. S Cassidy Cr. T Herbert Cr. P Hulin Cr. M Neoh Cr. D Owen
Council Officers present:	Bruce Anson, Chief Executive. Scott Cavanagh, Director City Infrastructure. Vikki King, Director Community Development. Andrew Paton, Director City Growth. Peter Utri, Director Corporate Strategies. Anne-Maree Neal, Manager Governance Projects & Risk Jodie McNamara, Manager City Strategy & Development David Harrington, Manager Finance Kylie Kellie Co-ordinator City Assist Lisa Mc Leod Manager Community Planning
Other persons present:	<ul style="list-style-type: none"> <li>▪ Grant Sutherland, Chief Executive Officer, South West Victoria, Vice-Chancellor's Office, Deakin University</li> <li>▪ Alistair McCosh, Campus Director.</li> <li>▪ Jason Black Planning consultant</li> <li>▪ Steve Tippet, Warrnambool Coastguard</li> <li>▪ Neville Dance, Warrnambool Coastguard</li> </ul>
Apologies:	Nil.
Conflict of Interest Disclosures:	Nil.
Items discussed:	Logans Beach Strategic Framework Plan (Draft) Deakin University Representatives Councillors and Staff Interaction Protocol Lake Pertobe Masterplan Long term Financial Plan Warrnambool Harbour Grant Funding
Other items raised by Councillors & Officers:	Various Operations items

The meeting closed at 6.45pm.

**APPENDIX D****Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	27 March 2017
Start time:	2.00pm
Councillors present:	Cr. K Gaston – Chairperson Cr. R Anderson Cr. S Cassidy Cr. T Herbert arrived at 3:00pm Cr. P Hulin Cr. M Neoh
Council Officers present:	Bruce Anson, Chief Executive. Scott Cavanagh, Director City Infrastructure. Vikki King, Director Community Development. Andrew Paton, Director City Growth. Peter Utri, Director Corporate Strategies. Justin Hinch, Manager Infrastructure Development and projects Anne-Maree Neal, Manager Governance Projects & Risk
Other persons present:	Member for South West Coast, Roma Britnell MP
Apologies:	Cr. D. Owen
Conflict of Interest Disclosures:	Nil.
Items discussed:	<ul style="list-style-type: none"> <li>▪ CBD Revitalisation Works</li> <li>▪ Road Management Plan</li> <li>▪ Road Pavement Rehabilitation</li> <li>▪ Mayoral &amp; Councillor Allowances &amp; Support Policy</li> <li>▪ City Memorial Bowls Club Lease Renewal</li> <li>▪ Principal Pedestrian Network</li> <li>▪ Special Charge Scheme Policy</li> <li>▪ Deakin University Bicycle Link</li> <li>▪ Petition Public Toilets &amp; Change Facilities at McGennan's Car Park</li> <li>▪ Bridges Asset Management Plan</li> <li>▪ Petition to Improve the Amenity of E.J.King Reserve</li> <li>▪ Planning Permit Application Quality Suites Deep Blue</li> <li>▪ Proposed Planning Scheme Amendment 678-688 Raglan Parade, Warrnambool</li> <li>▪ Disability Access and Inclusion Policy</li> <li>▪ Petition to Increase the Opening Hours of the Warrnambool Library</li> <li>▪ Regional Cities Victoria Parliamentary Delegation</li> </ul>
Other items raised by Councillors & Officers:	

The meeting closed at 5.40pm.

**APPENDIX E****Assembly of Councillors Record**

Purpose of meeting:	Councillor Briefing
Meeting date:	28 March 2017
Start time:	2.00pm
Councillors present:	Cr. K Gaston – Chairperson Cr. R Anderson Cr. S Cassidy Cr. T Herbert Cr. P Hulin Cr. M Neoh Cr. D. Owen
Council Officers present:	Bruce Anson, Chief Executive. Scott Cavanagh, Director City Infrastructure. Vikki King, Director Community Development. Andrew Paton, Director City Growth. Peter Utri, Director Corporate Strategies David Harrington, Manager Finance
Other persons present:	
Apologies:	
Conflict of Interest Disclosures:	
Items discussed:	<ul style="list-style-type: none"> <li>▪ 2017/2018 Budget</li> </ul>
Other items raised by Councillors & Officers:	

The meeting closed at 5.20pm

**5.14 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
28 February 2017	Warrnambool	Mayor : Welcomed to Warrnambool educational delegates visiting from India being hosted by SW TAFE.
3 March 2017	Warrnambool	Mayor : Attended the Student Leaders Congress – Leadership Inspection Day held at Deakin University.
	Warrnambool	Chief Executive : Attended the Great South Coast Regional Partnership Group meeting.
4 March 2017	Warrnambool	Mayor : Assisted with the presentations at the South West Rowing Regatta.
5 March 2017	Warrnambool	Mayor : Mayor & Councillors participated in the South West Rowing Regatta with the Mayor assisted with the presentations for the Australian Whale Boat Championships.
8 March 2017	Warrnambool	Mayor : Attended a meeting of the Warrnambool Food Share Board.
	Warrnambool	Mayor : Hosted a Civic Reception to recognise International Women's Day.
9 March 2017	Warrnambool	Mayor : Attended a meeting of the Beyond the Bell Group.
10 March 2017	Warrnambool	Mayor & Councillors : Attended the Municipal Association of Victoria Strategic Planning meeting hosted by Warrnambool City Council.
	Warrnambool	Mayor : Officially opened the 2017 Victorian Lifesaving Championships hosted by Warrnambool.
11 March 2017	Warrnambool	Mayor : Attended the Warrnambool Lawn Tennis Club's March long weekend tournament.
14 March 2017	Warrnambool	Mayor : Attended a meeting of the Warrnambool Food Share Board.
	Warrnambool	Mayor & Chief Executive : Attended a reception to the Assistant Minister for Vocational Education & Skills Hon. Karen Andrews MP hosted by Westvic.
15 March 2017	Warrnambool	Mayor : Attended the Engaging Employers at the Regional Level – Great South Coast policy forum.
	Warrnambool	Mayor : Attended the Warrnambool Ladies Probus Club AGM meeting and Changeover.
16 March 2017	Warrnambool	Mayor : Attended the South West TAFE Graduation & Awards Ceremony.

17 March 2017	Warrnambool	Mayor : Was a guest speaker at the Great South Coast Leadership Group meeting.
	Warrnambool	Mayor : Was the guest speaker at the Commonwealth Bank International Women's Day event.
20 March 2017	Warrnambool	Mayor : Was guest speaker at the Vision Impaired Group Social Support Program.
21 March 2017	Warrnambool	Mayor : Attended the Business Breakfast hosted by Murray Goulburn
24 March 2017	Warrnambool	Mayor : Attended the meeting hosted by South West TAFE with Minister for Training & Skills, Hon Gayle Tierney MLC - Stronger TAFE Fund.
	Warrnambool	Mayor : Attended the Education First Youth Foyers Funding Announcement by Minister for Training & Skills, Hon Gayle Tierney MLC.
	Warrnambool	Mayor : Attended the Brauer College Debutante Ball.
27 March 2017	Warrnambool	Mayor & Chief Executive : Attended the Glenelg Hopkins CMA function with Anthony Carbines MP, Parliamentary Sec for Water & Parliamentary Sec for Energy, Environment & Climate Change.
28 March 2017	Warrnambool	Mayor : Attended the Glenelg Hopkins CMA Turning of the Sod - Urban Waterways Merri River Restoration Project at Platypus Park in Membury Way.
	Warrnambool	Chief Executive : Attended a meeting of the Deakin Medical School Community Advisory Board.
29 March 2017	Warrnambool	Mayor & Chief Executive : Met with Josh Morriss, MP, Member for Western Victoria during his visit to Warrnambool.
30 March 2017	Warrnambool	Mayor : Attended the Deakin University Graduation Ceremony and delivered a message of congratulations to the graduands.

**MOVED: CR. HULIN**  
**SECONDED: CR. CASSIDY**

**That this report be received.**

**CARRIED – 7:0**

## **6. PUBLIC QUESTION TIME**

Nil.

## **7. CLOSE OF MEETING**

The meeting closed at 6.30pm.

## **CHAIRMAN**

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

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**CR KYLIE GASTON**  
**MAYOR**