

MINUTES

SCHEDULED COUNCIL MEETING

WARRNAMBOOL CITY COUNCIL

5:45 PM - MONDAY 6 FEBRUARY 2023



VENUE:

Lighthouse Theatre Studio

Lighthouse Theatre

Timor Street

Warrnambool

COUNCILLORS

Cr. Debbie Arnott (Mayor)

Cr. Otha Akoch

Cr. Ben Blain

Cr. Vicki Jellie AM

Cr. Angie Paspaliaris

Cr. Max Taylor

Cr. Richard Ziegeler

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

David Leahy

ACTING CHIEF EXECUTIVE OFFICER

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BEHAVIOUR AT COUNCIL MEETINGS

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

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**MINUTES OF THE SCHEDULED MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD
IN THE LIGHTHOUSE THEATRE STUDIO, LIGHTHOUSE THEATRE, TIMOR STREET,
WARRNAMBOOL ON MONDAY 6 FEBRUARY 2023 COMMENCING AT 5:45 PM**

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

IN ATTENDANCE: Mr David Leahy, Acting Chief Executive Officer
Mr Peter Utri, Director Corporate Strategies
Ms Julie Anderson, Acting Director City Infrastructure
Mr Luke Coughlan, Acting Director City Growth
Ms Ingrid Bishop, Director Community Development
Mr John Brockway, Manager Financial Services
Ms. Wendy Clark, Executive Assistant

1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

Nil.

3. CONFIRMATION OF MINUTES

3.1. CONFIRMATION OF MINUTES

MOVED: CR VICKI JELLIE
SECONDED: CR BEN BLAIN

That the Minutes of the Scheduled Meeting of Council held on 5 December 2022 and the Minutes of the Additional Council Meeting held on 13 December 2022, be confirmed.

CARRIED - 7:0

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

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

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

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

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

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

- Cr. Vicki Jellie AM - Item 7.2 - Short Stay Accommodation Local Law - General Conflict.
- Cr Richard Ziegeler - Item 7.2 - Short Stay Accommodation Local Law.

5. MAYORAL PRESENTATION

The Community Awards were held last week in the new Library and this gave us the opportunity to acknowledge the special people within our municipality who give time, energy and expertise to make our wonderful part of the world even better. We were very fortunate to receive many nominations and the very worthy award winners were Citizen of the Year Gareth Colliton, Event of the Year Multicultural Festival, Local Achievers Drs Ron and Carlyn Sproston and our Young Achiever Shylee Corrigan and congratulations to all those who participated in making the event so successful.

We were also very fortunate to welcome 22 new citizens to our country and it really was a pleasure to be able to take part in such an important day for them. We are absolutely thrilled when people choose to become Australians and more so when they decide to call Warrnambool their home.

I would like to touch on our busy tourist season, we have been very fortunate, we have had a good number of tourists and it's been wonderful for the businesses and trade, our bookings at Surfside and Shipwreck Bay holiday parks have been strong and the Flagstaff Hill numbers so far for this summer are up on last year and let's hope that this can all continue moving forward.

6. PUBLIC QUESTION TIME

6.1 QUESTION FROM ANNE MACRAE, WARRNAMBOOL

Can the Warrnambool City Council clarify who is responsible for the cost and construction of the footpath on the western side of the new Lyndoch Living medical clinic on Hopkins Rd, Warrnambool, and when will this footpath will be constructed?

The pedestrian walkway on the Hopkins Road frontage of the medical clinic is incomplete. It runs from the building to the site boundary and then finishes with only rubble and dirt to the roadside.

RESPONSE

Endorsed landscape plans for the construction of the medical centre show new footpath along the frontage of the site and Council is following up with the developer around how and when this can be delivered.

6.2 QUESTION FROM JOAN KELSON, PRESIDENT, WARRNAMBOOL RATEPAYERS ASSOCIATION

Prior to voting on the location for the business case for a new art gallery was consideration given to:

- The current location being reinvented with better use of the existing space including the use of floating walls?
- The extension of the existing gallery by linking to the old library site?

If so, what was the outcome? Could I please have a verbal and written response.

RESPONSE

Thank you Joan the answer is yes, the current site on Liebig Street was considered as a potential site for a new regional art gallery and this was done through a Feasibility Study conducted on the existing site in 2021 and considered a reimagined design that included more exhibition space, improved back of house, storage and loading functionality. The floor plan of the existing site was increased so that it could accommodate traveling exhibitions.

The existing site has not been removed from Council's options as a site for a new Regional Art Gallery and should Council decide to further investigate this site, new concept designs would be developed and an extensive community engagement process would be undertaken.

In regard to the existing gallery linking to the old library site, this was explored during the Feasibility Study but due to the limited floor plan size of the old library being only 650 s/metres, this option was not progressed. If Council did decide to proceed with a new Regional Art Gallery on the existing site, Council would consider activation of the cultural precinct as a whole to ensure the proximity of key cultural venues is optimised. This could include the Lighthouse Theatre and the Library and Learning Centre.

7. REPORTS

7.1. AUDIT & RISK COMMITTEE - BIENNIAL REPORT OF ACTIVITIES

DIRECTORATE : Corporate Strategies

PURPOSE:

To present the Audit and Risk Committee biennial report.

EXECUTIVE SUMMARY

- Council is required by the Local Government Act 2020 (the Act) to establish an Audit and Risk Committee (the Committee) as an advisory committee of Council.
- Under the Act, and as captured in the updated Audit and Risk Committee Charter endorsed by Council on the 6 July 2020, the Audit and Risk Committee must prepare a biennial report on activities to Council – refer **Attachment 1**. This paper satisfies this reporting requirement.

MOVED: CR ANGIE PASPALIARIS

SECONDED: CR BEN BLAIN

That Council notes the Audit and Risk Committee biennial report which details activities of the Committee covering the meetings held on 2 September and 15 November 2022.

CARRIED – 7:0

BACKGROUND

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

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

The Committee is accountable to and reports directly to Council.

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

FINANCIAL IMPACT

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

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

5.2 Engaged and informed community: Council will ensure ongoing community engagement to identify changing needs and priorities when developing and delivering services and programs.

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

COMMUNITY IMPACT / CONSULTATION

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

LEGAL RISK / IMPACT

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

OFFICERS' DECLARATION OF INTEREST

No declaration of conflict of interest noted.

CONCLUSION

The Audit and Risk Committee Biannual Report of Activities is presented to Council for noting.

ATTACHMENTS

1. Report of Activities 2nd Half 2022 [7.1.1 - 6 pages]



Warrnambool City Council Audit and Risk Committee

2022 Biannual Report of Activities July to December 2022

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1. Introduction

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

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

The Committee is accountable to and reports directly to Council.

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

2. Authority

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

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

The Committee has the authority to:

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

3. Key Activities and Recommendations

To achieve its objectives, the key activities undertaken by the Committee in the second half of the 2022 calendar year included:

- Reviewed and approved the 2021-22 Annual Financial Statements
- Reviewed and approved the 2021-22 Annual Performance Statements
- Received and reviewed the 2021-22 external audit and final management letter prepared on behalf of the Victorian Auditor General's office by their appointed agents.

- Provided oversight of the CCTV system annual reporting.
- Reviewed the strategic internal audit plan
- Noted changes in significant accounting policies and the Local Government Performance Reporting Framework.
- Received and reviewed the following internal audit reports:
 - Delegations – Instrument of Delegation
 - Governance Framework
- Received updates on Council's Workplace Health and Safety, including specific reports on relevant issues as they arose.
- Received an update and presentation on stage 6 of the Victorian Protective Data Security Framework Compliance Plan
- Tabled and noted quarterly financial reports in accordance with statutory requirements.
- Noted CEO expenditure on a quarterly basis.
- Noted Councillor reimbursements on a biannual basis.
- Reviewed the findings of examinations by regulatory agencies (e.g. VAGO, IBAC), and any auditor (internal or external auditors) observations.
- Reviewed the 2022 and 2023 Audit and Risk Committee workplans.
- Received updates from the VAGO sector director.

4. Audit and Risk Committee Membership

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

The membership of the Committee is set out below:

4.1 Independent Members

Mr. Leon Fitzgerald (Chairman – resigned prior to the 2nd September 2022 meeting)

Ms. Donna Porritt (Acting Chairperson and appointed to chairperson officially by Council on 7 November 2022)

Mr. Aswin Kumar

Mr. Richard Ainio (appointed to committee officially by Council on 7 November 2022)

4.2 Council Representatives

Cr Angie Paspaliaris

Cr Ben Blain

5. Meetings and Attendance

There are a minimum of four scheduled meetings of the Audit and Risk which occur in March, May, August and November. If required special meetings will be conducted in addition to the scheduled quarterly meetings. At the August meeting the Committee will consider the Annual Financial Report and the Annual Performance Statement. During 2022 the August meeting was postponed to the 2nd of September due to scheduling conflicts.

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

Attendee	Role	8/03/2022 Quarterly	17/05/2022 Quarterly	02/09/2022 Quarterly	15/11/2022 Quarterly
Mr. Dennis Farley	Chairperson	Attended	N/A	N/A	N/A
Mr Leon Fitzgerald	Chairperson	Attended (as a non-voting member)	Attended	N/A	N/A
Ms. Donna Porritt	Member/ Chairperson	Attended	Attended	Attended (as temporary chairperson)	Attended as chairperson
Mr. Ashwin Kumar	Member	Attended	Did Not Attend	Did Not Attend	Attended
Mr. Richard Ainio	Member	N/A	N/A	N/A	Attended
Cr Angie Paspaliaris	Councillor	Attended	Attended	Attended	Attended
Cr Ben Blain	Councillor	Attended	Attended	Attended	Attended

6. Internal Audit

6.1 Internal Audit Service Provider

The internal audit service providers, Crowe, continued to provide such services to Council in the 2022 calendar year. The internal audit contract will conclude at the 31st December 2023 following the take-up of a two year option at the end of 2021 calendar year.

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

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

6.2 Strategic Internal Audit Plan

The 2022 strategic internal audit plan was presented to the Audit and Risk committee at the March meeting. The table below sets out the planned internal reviews for the year.

Internal Review Area	Planned Presentation to Audit Committee	Completed	Recommendations		
			High Risks	Medium Risks	Low Risk
Human Resources – Workforce Development	March 2022	Yes	0	16	1
Project Management	March 2022	Yes	0	6	3
Delegations (Instruments of Delegation)	November 2022 (held over to 2023)	Yes	0	4	1
Governance Framework	November 2022	Yes	1	4	1
Fleet Management (passenger fleet)	August 2022	No			
Leisure Centres	November 2022	No			
Tendering Processes	November 2022	No			

Final internal audit reports are reviewed and discussed by the Committee at each of the scheduled meetings. The status of Internal Audit recommendations are reported to the Committee on a

quarterly basis and the Committee discuss management progress in closing out open recommendations.

6.3 Implementation of Audit Recommendations

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

A particularly focus of these reviews is to ensure that the high risk recommendations are closed out within appropriate timeframes. Some unavoidable delays had been encountered during 2022 due to vacancies in key positions, but overall progress towards completing recommended improvements, particularly those rated as high risk, is continuing.

In the second half of 2022 a number of outstanding items were recognised by the Committee and action by Council officers was requested.

7. External Audit

The Victorian Auditor General's Office (VAGO) appointed a representative to conduct the 2021/22 external audit of Warrnambool City Council which was RSD Audit, with Nick Bell as a the lead partner.

RSD Audit conducted the 2021-22 external audit and were retained by VAGO to conduct the 2022-23 external audit.

The planning phase of the 2022-23 audit was completed in December 2022 and the interim audit will be conducted during April/May of 2023.

8. Duties and Responsibilities

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

9. Conclusion

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

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

Donna Porritt

Audit and Risk Committee Chair

Warrnambool City Council

7.2. SHORT STAY ACCOMMODATION LOCAL LAW

- ***Crs. Jellie and Ziegeler declared a conflict of interest and left the meeting at 5.58pm.***

DIRECTORATE : Corporate Strategies

PURPOSE:

This report provides information on the introduction of a new Short Stay Accommodation Local Law and the results of public consultation undertaken regarding the proposed new local law.

EXECUTIVE SUMMARY

At the Council meeting held on the 5 December 2022, Council considered the proposed new local law for short stay accommodation and released the draft document for public consultation.

Council received 14 submissions from the community regarding the proposed local law, 13 were responses to a survey on Council's "Your Say" website, and one written submission was received. The results of the public consultation are summarised in this report.

The 2022-23 Budget proposed to introduce a \$400 fee for short-term accommodation providers. This was in line with actions taken by other municipalities to address the inequity between registered visitor accommodation providers (e.g. motels and hotels) who pay a commercial rate and must meet strict registration requirements, and those also providing visitor accommodation through newer platforms such as Airbnb who do not.

In order to implement the new fee, Council has proposed to develop and adopt a local law specific to short stay accommodation. This local law would also introduce a code of conduct for property-owners that places responsibilities on them for anti-social behaviour. As part of any local law change, it was subject to community consultation, which was carried out between December 2022 and January 2023.

MOVED: CR MAX TAYLOR
SECONDED: CR ANGIE PASPALIARIS

That Council adopt the new Local Law in relation to Short Stay Accommodation and implement the new Short Stay Accommodation fee.

CARRIED - 4:1

Crs. Taylor, Paspaliaris, Arnott & Okoch voting for the motion

Cr. Blan voting against the motion

BACKGROUND

In adopting the 2022-23 Annual Budget, Council signaled the introduction of a short stay accommodation fee to help address inequalities between registered accommodation and non-registered accommodation providers, whilst also contributing to services, events, infrastructure, and natural assets that support the local visitor economy.

In Warrnambool, motels and hotels (defined as "prescribed accommodation") must meet planning guidelines, are charged commercial rates, and must register and pay registration fees relating to:

- Providing an accommodation premises under the Public Health and Wellbeing Regulations 2009; and,

- if providing food, registration of a food premises under the Victorian Food Act 1984.

Although regulation of short term accommodation proprietors has been traditionally seen to be a State Government responsibility, the lack of action or acknowledgement of issues created by digital interruption to the market have not been addressed at a state level, and do not seem to be a legislative priority. Council is thus proposing to implement this local law to ensure that proprietors maintain a level of responsibility commensurate with the responsibilities of traditional accommodation providers.

In considering the implementation of an annual fee, Council reviewed how other municipalities were addressing the inequalities between prescribed accommodation providers and short stay accommodation providers, and what application method was most appropriate for the fee. It concluded that the implementation of a new local law was the most appropriate method of imposing the fee.

The attached research paper – refer **Attachment 4** was prepared for Councillors in early 2022 and presented at a budget briefing. It compared the options available to Council to impose a charge for short term rental accommodation and cited benefits and challenges from implementing these different types of charges. The paper recommended a local law and fee as the most appropriate course of action.

Although the original research paper noted that the income from the local law fee would go towards ensuring compliance with local laws, it is anticipated that the compliance aspects would be able to be managed within existing budgets for Council's local laws department, and any funds collected by Council would be contributed towards improving the local visitor economy.

ISSUES

The short stay accommodation industry is not regulated, and many properties fall outside the definition of "prescribed accommodation" that requires registration. These properties benefit from investment in the local visitor economy, but do not directly contribute to that investment.

Whilst these non-traditional forms of accommodation have increased options for consumers looking for short stay accommodation, the rapid growth in the industry, together with gaps in regulatory oversight from State and Commonwealth governments, has led to challenges such as rental supply and availability, anti-social behaviour, and online scams.

The 2022-23 Warrnambool City Council Annual Budget outlined a fee of \$400 to be applied to short stay accommodation providers to help address this inequity and ensure the industry makes a contribution to the visitor economy that drives it.

At that time, it was estimated that on an average fee of \$200 per night and occupancy rates of 40%, short-term accommodation providers would yield \$29,200 annually. This suggests that the fee proposed by Council would not be considered an excessive amount. The annual fee would also be a tax-deductible expense to those declaring income on Short Term Accommodation.

Consideration of the fee implementation process found that the introduction of a new local law was the most appropriate method. Examples and experiences at other municipalities were taken into account when considering the proposed local law.

Division 3 of the Local Government Act 2020 (Act) outlines Council's power to create local laws, and the requirements of a local law, including consistency with existing acts, laws, regulations, and planning schemes.

There are a number of relevant sections under the Act related to this proposed local law:

Section 73 of the Act states that before Council makes a local law, it must Publish a notice stating:

- the objectives of the proposed local law; and
- the intended effect of the proposed local law; and that a copy of the local law is available for inspection at the Council's office and on its website.

Section 74 requires Council to obtain a legal opinion that the local law is consistent with the legal requirements of creating a local law.

Section 77 states that a local law may determine a fee, charge, fare, or rent in relation to any property, undertaking, good, service, or other act, matter or thing, and prescribe the conditions under which Council collects this revenue.

Section 79 allows penalties to be applied for contravention of the local law.

Section 83 states that a local law comes into operation at the beginning of the day on which the local law is made or at the beginning of such later day as expressed in the local law as the date it comes into operation.

The draft Short Stay Rental Accommodation Local Law (the local law) is presented to Council as an attachment to this report – refer **Attachment 3**. It states its objectives as to:

1. provide clear guidelines on the required standards for the operation of this type of accommodation;
2. ensure equity within the municipal tourism sector by Short Stay Rental Accommodation providers contributing to the tourism sector;
3. enhance neighbourhood amenity;
4. provide for the administration of this Local Law and of Council's powers and functions; and
5. assist with the Peace, order and good governance of the municipal district.

The local law requires owners of short stay accommodation properties to be registered with Council and maintain compliance with the Short Stay Rental Accommodation Code of Conduct – refer **Attachment 3**, which covers:

- displaying the code of conduct for occupants and visitors;
- taking responsibility for the behaviour of occupants and visitors and addressing unacceptable behaviour;
- informing occupants and visitors of waste disposal arrangements and removing any excess waste left by occupants and visitors;
- providing off-street parking for occupant's motor vehicles, and providing parking arrangement information to occupants prior to arrival;
- banning additional accommodation by way of tents, caravans, campervans, or similar facilities;
- restricting the use of outdoor areas between 11pm and 7am; and
- maintaining land connected to the dwelling in good condition.

A Community Impact Statement was been prepared to help inform community members during the community consultation period.

FINANCIAL IMPACT

The 2022-23 Annual budget includes an assumption of \$20,000 in revenue from the introduction of the Short Term Rental Accommodation fee.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

3 A strong economy

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

TIMING

The Short Term Rental Accommodation Local Law is anticipated to be considered for adoption at the February or March 2023 Council meeting, with the registration fee payable from adoption for the 2023 calendar year.

If the Local Law is adopted at the 6th of February 2023 Council meeting, a letter will be sent to Short Term Accommodation providers identified in the preparation of the local law outlining their responsibilities and the process for registering their properties with Council. It is anticipated that registration will be available through Council's website in March 2023. Once registered, the accommodation providers will be prompted to pay the \$400 fee (if implemented by Council), being for the 2023 calendar year.

COMMUNITY IMPACT / CONSULTATION

Community consultation took place in December 2022 and January 2023, meeting the requirements of the Act and in line with Council's Community Engagement Policy. Some informal prior engagement had been undertaken during the public exhibition of the 2022-23 Annual budget.

During the consultation process, Council hosted a survey on its "Your Say" website and also invited comment. Council received 13 completed surveys with some commentary. A written submission was also received. The responses are summarised below

Survey Questions:	Response
<i>Have you read the Draft Short Stay Accommodation Local Law and the associated Draft Code of Conduct</i>	Yes - 13 (100%)
<i>Are you an accommodation provider in the Warrnambool Municipality?</i> - No - Yes, short stay accommodation available through an online platform - Yes, registered accommodation provider	10 (76%) 1 (8%) 2 (16%)
<i>If Council were to introduce a \$400 fee, would that impact your decision to offer short stay accommodation?</i> - No - Yes - Not answered	10 (76%) 0 (0%) 3 (23%)
<i>Do you agree that measures should be put in place to manage the behaviours and expectations of short stay accommodation guests?</i> - No - Yes	2 (16%) 11 (84%)
<i>Should Council endeavor to reduce inequity between different groups of commercial accommodation providers (ie. Between existing registered accommodation providers and short stay accommodation providers?)</i> - No - Yes	2 (16%) 11 (84%)

Do you believe the \$400 is a reasonable fee for short stay accommodation providers to contribute towards the visitor economy?	
- No	5 (39%)
- Yes	8 (61%)

The Survey included the opportunity for respondents to add additional commentary to their responses. These are summarised below:

- "The proposed Short Stay Accommodation Local Law should be amended to make it fair on all property's. a large 5 bedroom property should pay 5 times as much as a 1 bedroom property. and the same for 2,3,4, & 6+ properties Also short stay properties must provide plans of the property, showing number of beds and occupants, weather food etc is provided and if so must register under the health act. Fire Management plans, etc. where parking is provided and neighbouring properties should have knowledge 'prior' to any short stay being approved to operate. I am happy to assist council with implementing these policies so that WCC can therefore have funds to put towards events in the off-season months (e.g) winter to increase the occupancy of all accommodation providers both regulated and unregulated and therefore properties can receive occupancy and income throughout the quieter months. This information is private and confidential for councillors and internal WCC staff only. It may also be made available to committees on approval of myself."*
- "The introduction of a \$400.00 fee is the average cost of 2 nights stay in a Short stay accommodation, which I believe is insignificant to these property owners thus the fee will not deter these property owners from continuing to operate. Given these property owners are not paying commercial rates to operate a registered accommodation, they are currently "bringing in the cash" for very little outlay expense. With the lack of long term rentals properties for long term residential purposes, due to these properties being used as short stays, it's having a profound effect on local businesses trying to fill job vacancies especially in tourism/hospitality roles. The impact of local families having to relocate elsewhere, as they face the situation of being homeless is causing a further drain on skilled workers for our town & region. The flow on effect of families moving away from the town and region is not only the loss of skilled workers, but also changes the demand for local supports such as doctors etc, thus impacting the growth of our region & communities. All these issues have spiked rapidly since the introduction to the market of short stay's. As for tourism - Short stay properties do not have a "meet & greet" staff member, the majority of these properties are managed remotely, with the guest being told where to find the accommodation key, thus no-one is at the property to assist the guests with local tourism attractions, restaurants etc. There is further ongoing risks to our local residents, of uncontrolled parties, gang fights etc – we have all seen the news & see how quickly things get out of control as there are no Protocols in place. When you stay in a Motel or Caravan park, there are staff on site to greet you & provide you with plenty of information on what to see, do & where to spend their tourism dollars at local restaurants, shops etc. These same registered accommodation providers have Management plans in place which can be enacted instantly, as there are always staff onsite & on call, to action any form of danger or issue that may arise. I feel for the poor residents that live next door to these short stays, as they are constantly harassed and their enjoyment of their own home is impacted negatively by the inconsideration of short stay guests that have no intention of showing respect for others around them. Council needs to lobby the State Government to amend legislation to incorporate these short stays, at the same costings as that of registered accommodation providers."*
- "Clause 8.7 of the Code of Conduct "Outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between 11.00 pm to 7.00 am." is a bit over the top, as long as there is no unacceptable behavior and noise as outlined in Clause 8.3 guests should be able to still use these facilities at any time for example eating breakfast on the balcony at 6:30am is hardly likely to impact any neighboring properties."*

- *“Homes/rental properties in residential streets are not meant to be Motels, there is more than enough registered accommodation providers for tourist and travelling workers. Warrnambool City Council has a duty of care to all residents of Warrnambool, to ensure all Short stays/ AirBnB etc comply with the Public Health and Wellbeing ACT 2008. The first step that council is proposing of introducing a fee is a step in the right direction, however, I believe an additional fee is required to cover council inspections of each property, to ensure the properties are compliant with Council. The ACT also requires a CFA inspection and an Emergency management plan inspection to be undertaken. The relevant CFA inspection charge is to be worn by the property holder, as it is with all Caravan Parks etc. The CFA inspection of fire equipment is a twice a year check for registered providers at a fee to the host. Under section 67 of the Act, it appears that short stay properties are already in breach of the Act. As per the Definition of Prescribed accommodation, under the Act: prescribed accommodation means any of the following, which is prescribed, or is of a class which is prescribed, to be prescribed accommodation— (a) any area of land which a person or persons are frequently, intermittently or seasonally permitted to use for camping on payment of consideration and any facilities provided on the land for the use of that person or those persons; (b) any premises used as a place of abode, whether temporary or permanent, fixed or mobile, where a person or persons can be accommodated on payment of consideration. Look back 10 years, we didn't have a lack of rentals or homeless problem, there was no shortage of employees. Now the lack of rentals that are over priced is causing a huge effect of business finding staff. Every council needs to engage with each other and lobby the Government for the same regulation for short stays to make it fair and reasonable and equal to registered accommodation providers. When Air BnB was introduced it was for house sharing, a spare room to help a traveller, their philosophy has changed dramatically in that time. Our great city of Warrnambool has enough registered accommodation providers such as Hotels/Motels, Caravan/Cabin parks & Registered Bed n Breakfast, to cater for visitors every day of the year. What our town is lacking severely, is affordable long term rentals.”*
- *“Many other councils have such laws already in place. As long as all approvals will be handled fair by council and the power of “who knows who” would never come into play that would be a great tool to implement. Sorry about implying that a tool for greater equality could also be used to the opposite effect. “*
- *“A. References to divisions e.g. Part 1 - Division 210(1) do not seem to reflect the actual numbering. "Division 2.10(1)" or "Clause 2.10(1)" would be clearer.
B. The provision for service of notices includes "(c) in person to the designated person under clause PART 1 - Division 211(3)(b)." This seems to require "in person" service (i.e. actual, physical delivery) instead of using the contact details provided by the owner.
C. The code of conduct should require the designated person's contact details to be prominently displayed in the dwelling for the use of guests.”*
- *“Yearly council health inspection and building code inspection and short stays should be inspected and comply with CFA regulation for the customers safety. I have seen a few bnbs where beds are place in a garage and to many beds squeezed into bedrooms.”*
- *“Density limits should be something many shires should be looking at ,to many short stays unhosted. 400 is cheap but money won't fix airbnb issues very complicated”*
- *“Fee is not unreasonable, but there already exists a code of conduct under Airbnb and similar so don't reinvent the wheel, the inequity is not realistic as motel providers are handling large numbers of guests simultaneously with commensurate strain on city infrastructure, STR are hosting a family size on average, no diff to a regular tenant so no additional strain on infrastructure. I understand the fee and don't really have a problem with that - my concern is council establishing codes, laws, committees, processes and gatekeepers when there is simply no need. This is how we get overburdened and budget creep. Charge the \$400, let the platforms handle complaints as already happens - council gets a win, gets income and doesn't have to create additional unnecessary bureaucracy.”*

- *"No new rates or laws, stop intervening in the free market"*
- *"Will re-distribute funds back to the local community who often don't benefit from the decrease in amenity during busy periods. Will make it more equitable with registered accommodation providers. The pool of money collected should go straight back into a relevant category (tourism, way finding, events) which would attract people to stay in Warrnambool."*
- *"Yes. Thank you - there is. \$400 is cheap - they should also be required to undergo annual checks by the council health officers & the same fire requirements as other accommodation providers. Rubbish, now that's fortnightly is huge issue over summer months, along with parking. I applaud the councils stand on this proposed Local law. One concern I have is who is going to police this. Will it be the same local laws officers who are supposed to keep the Lake Pertobe & beach areas free from dogs? Maybe they could go to a Sunday market & write a few tickets. Or the ones who are supposed to do something about the ever increasing number of parasites who decide to free camp regardless of signs which also costs caravan park businesses \$1000s of dollars annually? May I respectfully suggest you employ the services of Local Laws Officers on a commission based arrangement - that might change things. There's more input I could give but that will suffice for now"*

A separate written submission was also received by Council against the adoption of the new local law, summarised as follows:

- *"We are owners of a property in Warrnambool that is rented out for short stay accommodation, and which would be subject to the draft Short Stay Accommodation Local Law that was considered at the Council's meeting on 5 December 2022. We do not support the implementation of this Local Law, and we submit that Councillors vote against it."*
- *"...the reform imposes requirements on short stay accommodation owners that are far more onerous than those that owners of hotels, motels, guesthouses and caravan parks are currently required to comply with. For example, under the draft Code of Conduct, owners are required to:*
 - (a) "control and be responsible for the behaviour" of their guests. This is an incredibly vague requirement of an uncertain scope, which does not apply to registered accommodation providers.*
 - (b) provide off street parking for the vehicles of all guests. This is particularly onerous and will be impossible for many property owners to comply with. For example, will the owners of a property with 4 bedrooms (and therefore potentially 8 guests) be required to maintain off-street parking for 8 vehicles? Few residential properties in Warrnambool have this capacity.*
 - (c) prevent the use of outdoor areas between 11.00 pm to 7.00 am. Given that Council is seeking equity with registered visitor accommodation providers, will Council also require motel guests to be prohibited from using their balconies, and caravan park guests to be prohibited from leaving their sites, during these hours?"*
- *"...The draft Local Law and Code of Conduct is very similar to the existing local law of Mornington Peninsula Council. However, Warrnambool City Council's Research Paper states that "Mornington have provided feedback that their SSA LL has a lot of legal gaps and will be revamped over the next year two". Accordingly, it seems that Warrnambool City Council is acknowledging various inadequacies of the draft Local Law. In these circumstances, it is astonishing that Council intends to proceed with implementing the law regardless."*

- *“...We would also add that Council has not specified a due date for public submissions in relation to the local law in accordance with Local Government Act. Council is required to invite submissions for a period of at least 28 days. The Local Law Community Impact Statement states that a statutory consultation period of 6 December 2022 to 31 December 2022 will apply. However, this is a period of only 26 days. Accordingly, the existing public notice is defective and Council should re-issue the notice with a new period of at least 28 days.”*

Officer Response to submissions/comments:

There are a range of views submitted by community members on the draft Local Law, some who see the responsibilities applied to Short Stay Accommodation providers as too weak, and others who see them as too onerous. The Local Law was written to place an acceptable level of responsibility on the Short Stay Accommodation providers without being overly prescriptive.

Short Stay properties are not subject to requirements under the public health act, (such as annual inspections), nor do they have requirements to alert neighbouring properties regarding impending visits. However, Council encourages all Short Term Accommodation providers to be mindful of neighbours and the safety of guests.

Council will continue to advocate with our peers and industry associations for a State-based approach to tackle issues with the Short Term Accommodation industry. Registration of Short Term Accommodation properties will be required under the local law by all Short Term Accommodation providers and is not subject to “who knows who”. A single registration fee is recommended for all Short Term Accommodation properties to avoid confusion and reduce complexity.

The Local Law has been drafted consistent with noise restrictions that are outlined in the Environment Protection Regulations 2021. Eating breakfast on a balcony is not a prescribed noise item under the regulations.

Officers also note the AirBnB code of conduct may exist, but does not hold accommodation providers accountable for poor guest behaviour or contribute towards the Warrnambool Visitor Economy. Warrnambool City Council is looking to introduce this local law to start to address inequities in the free market that provide benefits to some over others.

LEGAL RISK / IMPACT

A legal certificate is to be provided confirming that the new local law is consistent with the requirements of a local law. This will include consideration of the objects of the local law and confirm that it is not addressing matters which are already covered by other laws.

The new local law is being implemented in the absence of legislation at the Commonwealth or State level. If such legislation was implemented at a higher level of government, this would trigger a review of this local law and its appropriateness in relation to any legislation introduced.

OFFICERS' DECLARATION OF INTEREST

Nothing to declare

CONCLUSION

Council's public consultation process ran from the 6th of December 2022 until the 13 January 2023. Of the submissions received, the majority were in favour of Warrnambool City Council implementing a local law in relation to short stay accommodation, and supportive of the introduction of \$400 annual fee for short stay accommodation providers.

Options available to Council are:

1. Implement the new Short Stay Accommodation fee and Local Law.

This option is recommended by officers.

The implementation of the Short Stay Accommodation fee and local law will help to bridge some of the gap between prescribed accommodation providers and Short Stay accommodation providers in the local community and place reasonable responsibilities on Short Stay Accommodation providers to address inappropriate guest behaviour. Overall, the new local law will set a minimum standard for Short Stay Accommodation and ensure sufficient neighbourhood amenity is maintained. It is also the most supported approach through the recent public consultation process.

2. Implement the new Short Stay Accommodation Local Law without the annual fee.

This option is not recommended by officers.

Although the implementation of the local law would be seen to place reasonable responsibilities to Short Stay Accommodation providers, there would be no contribution made towards promoting the local visitor economy that other accommodation providers contribute through commercial rate differentials.

3. Do Not implement the new Short Stay Accommodation Local Law or annual fee

This option is not recommended by officers.

In the absence of a legislative agenda regarding Short Stay Accommodation from other levels of government, Council must ensure that it responds to emerging issues in the community that impact neighbourhood amenity and equality in the community. If the local law is not introduced, Council will lack enforcement powers in relation to poor behaviours regarding Short Stay Accommodation.

ATTACHMENTS

1. Local Law Community Impact Statement draft 20 Sept 22 [7.2.1 - 6 pages]
2. Short Stay Accommodation Local Law draft 21 Nov 22 [7.2.2 - 9 pages]
3. Warrnambool City Council Code of Conduct Short Stay Accommodation [7.2.3 - 3 pages]
4. WCC Short Stay Accommodation research paper [7.2.4 - 9 pages]

- ***Crs. Jellie & Ziegeler returned to the meeting at 6.14pm.***

Warrnambool City Council

Local Law Community Impact Statement

Short Stay Rental Accommodation Local Law 2022

Council provides the following information to the community in respect of the proposed Local Law.

Warrnambool City Council (**Council**) is proposing to create a Short Stay Rental Accommodation Local Law (**Short Stay Local Law**), to be adopted in 2022.

This Community Impact Statement has been prepared to inform the community about the proposed Short Stay Local Law and to assist any member of the public who may wish to make a submission to Council during the public consultation process required under the *Local Government Act 2020 (Act)*.

PART A – General comments

Background

Local Laws enable Council to impose legislative controls that reflect the unique circumstances of each municipality. The *Local Government Act 2020* outlines the powers of councils to implement local laws, the legislative requirements that councils must follow, and requirements for councils to follow when engaging with the community about new or changing local laws.

Warrnambool is a vibrant and dynamic municipality that is home to approximately 35,000 people. It boasts an enviable mix of seaside location, tourism and family appeal. Council has historically, and continues to, invest heavily in our City's tourism sector. The work of Council directly and indirectly impacts the visitor experience and short stay accommodation providers benefit from this investment.

The proposed Short Stay Local Law will include the implementation of a registration fee for short stay accommodation providers, which include properties being advertised on accommodation websites.

The Short Stay Local Law registration fee will ensure that this section of the market contributes to Warrnambool's visitor economy, which includes the cost of providing:

- Visitor Information Centres;
- events and festivals;
- Flagstaff Hill Maritime Village;
- The Lighthouse Theatre;
- The Warrnambool Art Gallery;
- destination marketing and regional tourism initiatives;
- coastal and open space preservation; and
- visitor infrastructure (airport, port, public toilets, aquatic centre, playgrounds, and public waste management).

While some of the services above are principally for visitors, many are used by both locals and visitors.

Council welcomes visitors to the region, but must also ensure the local community continues to enjoy the benefits the area has to offer and those owners impacted by the Short Stay Local Law act responsibly and properties are managed appropriately. With this in mind, Council has decided to introduce the Short Stay Local Law to ensure both equity and community protection.

Council has previously considered different measures to mitigate the need for the Short Stay Local Law

including the application of differential rating, however, Council has determined that the most appropriate method to ensure appropriate contribution to the visitor economy is implementing the Short Stay Local Law.

Overview of Proposed Local Law

The Short Stay Local Law is being made under s71 of the Act and will operate throughout Council's municipal district.

The Short Stay Local law, to be known as *Local Law No.2 Short Stay Rental Accommodation 2022*, will commence on the day following the day on which notice of the making of this Local Law is published in the Victorian Government Gazette and will expire on the tenth anniversary of its commencement.

Objectives

The objectives of the proposed Local Law are to:

- provide clear guidelines on the required standards for the operation of this type of accommodation;
- ensure equity within the municipal tourism sector by Short Stay Rental Accommodation providers contributing to the tourism sector;
- enhance neighbourhood amenity;
- provide for the administration of this Local Law and of Council's powers and functions; and
- assist with the Peace, order and good governance of the municipal district.

Under section 223 of the Act, Council is required to give public notice of the Short Stay Local Law and invite submissions for a period of at least 28 days.

The statutory consultation period will run from 6 December 2022 to 31 December 2022.

Anyone who makes a written submission can request to be heard in support of their submission at the Ordinary Council Meeting which considers the making of the proposed Local Law, details of which will be provided.

The proposed Local Law has been reviewed by Council's lawyers who confirm that it complies with all regulatory requirements.

A copy of the proposed Short Stay Local Law is attached (**Attachment A**) to this Community Impact Statement.

PART B – Comments on proposed Local Law overall

Measures of success of proposed Local Law	<p>The success of the Short Stay Local Law will be measured by the extent to which it:</p> <ul style="list-style-type: none"> • regulates and controls the use of short stay rental accommodation; • ensures an appropriate standard of management of the accommodation; • requires fines to be issued (aiming for zero fines); and • implements a registration requirement (aiming for \$20,000 in income to contribute to the tourism sector).
Existing legislation that might be used instead	<p>The proposed Short Stay Local Law addresses matters within Council's broad functions and powers under the Act. In preparing the Short Stay Local Law, Council has taken care to ensure that no clauses are included that relate to matters addressed under existing State or Commonwealth legislation.</p>
Overlap with existing legislation	<p>In developing the proposed Short Stay Local Law, Council has not sought to address any issues which it feels are best addressed at the State or Commonwealth level. Existing State legislation also deals with:</p> <ul style="list-style-type: none"> • unreasonable noise (<i>Environmental Protection Act 2017</i>); and

	<ul style="list-style-type: none"> • nuisance (<i>Public Health and Wellbeing Act 2008</i>). <p>Council believes that the Short Stay Local Law supplements the State legislation without duplicating, overlapping or creating inconsistencies.</p>
Overlap of planning scheme	The proposed Short Stay Local Law does not overlap with, duplicate or create any inconsistency with the Warrnambool City Council Planning Scheme.
Risk assessment	No formal risk assessment has been undertaken. Council does not consider that there are any risks associated with the proposed Local Law.
Legislative approach adopted	<p>The proposed Short Stay Local Law seeks to place the minimum imposition on the municipality. This approach is evidenced by:</p> <ul style="list-style-type: none"> • where possible, adopting a performance based, rather than prescriptive, approach in the Short Stay Local Law; • reasonable penalties and allowing a period of compliance prior to enforcement action; and • creating minimum possible provisions creating offences. <p>All provisions of the proposed Short Stay Local Law are open to public scrutiny and comment.</p> <p>This approach is similar to those adopted in other holiday destination Council locations.</p>
Restriction of competition	Council has conducted a review of the proposed Short Stay Local Law in accordance with National Competition Principles and believes that and considers the Short Stay Local Law is consistent with these.
Penalties	<p>In line with other State councils our recommendation is for all offences created under the proposed Short Stay Local law to apply the five penalty unit fine.</p> <p>Council is satisfied that these penalties are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>
Permits	<p>The proposed Short Stay Local Law makes provision for:</p> <ul style="list-style-type: none"> • the issue of registrations for Short Stay Rental Accommodation properties.
Fees	<p>The proposed Short Stay Local Law provides for Council to determine the prescribed fees and charges. This will occur annually as part of Council's Budget process.</p> <p>Council's recommendation is to apply a \$400 registration fee for the 22/23 financial year noting that fees will not be applicable until [7 February 2023]. Fees will be for a period of 12 months and will apply from registration.</p>
Comparison with neighbouring and like Councils	<p>Councils whose Local Laws have been compared in relation to the annual registration fee include:</p> <ul style="list-style-type: none"> • Mornington Peninsula Shire –a \$300 fee; and • Frankston City Council –a \$150 fee. <p>Each Council listed below charge a differential rate for short term rental accommodation which may amount to more than the existing Council recommended</p>

	<p>registration fee in the proposed Local Law:</p> <ul style="list-style-type: none"> • Mildura Rural City Council; • Alpine Shire Council; • Colac Otway Shire; • Borough of Queenscliffe; and • Hepburn Shire Council, <p>For example:</p> <p><i>Alpine-Shire Council charge short-term accommodation providers the commercial/industrial rate:</i></p> <p><i>General Rate Residential - $0.00275 \times \\$600,000 = \\1650.00</i></p> <p><i>Commercial and Industrial Rate – $0.003933 \times \\$600,000 = \\2359.80</i></p> <p><i>Variance between residential and rate for an accommodation provider = \$709.80</i></p> <p><i>Borough of Queenscliffe has a specified Tourism accommodation differential rate:</i></p> <p><i>22/23 Tourist Accommodation – $0.0016406875 \times \\$600,000 = \\984.41</i></p> <p><i>22/23 Residential – $0.0014915340 \times \\$600,000 = \\894.92</i></p> <p><i>Variance between residential and rate for an accommodation provider = \$89.49</i></p> <p><i>Hepburn Shire Council charge the Commercial and Industrial Rate for short-term accommodation providers.</i></p> <p><i>General Rate Residential - $0.002927 \times \\$600,000 = \\1756.20</i></p> <p><i>Commercial and Industrial Rate – $0.003395 \times \\$600,000 = \\2037.00</i></p> <p><i>Variance between residential and rate for an accommodation provider = \$280.80</i></p> <p>Council has previously considered charging a differential rate which is charged to a commercial accommodation provider (for example a motel). This would equate to a significant impact to the owner of the short stay accommodation but would not meet the economic benefits of the proposed Local Law. For example,</p> <p><i>Other Land Rate - $0.00264 \times \\$600,000 = \\1584</i></p> <p><i>Commercial Rate – $0.006162 \times \\$600,000 = \\3697.20</i></p> <p><i>Variance between residential and rate for an accommodation provider = \$2113.20.</i></p> <p><i>Under the proposed Local Law, a short stay accommodation provider would be required to pay, for example $\\$1584 + \\400 registration fee = \$1984.</i></p>
Charter of Human Rights	The proposed Short Stay Local Law has been reviewed for compatibility with the <i>Charter of Human Rights and Responsibilities Act 2006</i> and is considered no incompatibility arises.
Consultation meetings	The proposed Short Stay Local Law has been reviewed in consultation with Councilors, members of Council staff and Council's external legal advisers.
Submissions	<p>A community consultation process will be conducted in accordance with sections 119(2) and 223 of the Act.</p> <p>This will require council to give public notice of its intention to make the proposed Short Stay Local law and provide members of the public with an opportunity to make a written submission to Council in relation to the proposed Short Stay Local law. Council will consider submissions received before making a final decision.</p>

	<p>A person who makes a written submission is entitled to request (in the submission) to be heard by Council in support of the submission.</p> <p>This Community Impact Statement has been prepared to inform the community about the proposed Short Stay Local Law and to assist any member of the public who may wish to make a submission to Council.</p>
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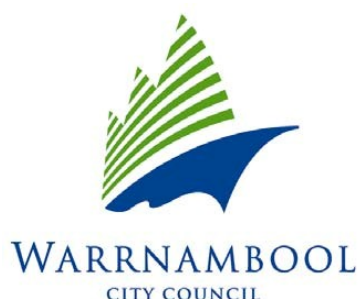
Part C – Comments on specific parts or provisions of the proposed Local Law¹

<p>Clause(s), section or part of Local Law</p>	<p>Clause 2 – Objectives of this Local Law</p> <p>The objectives of this Local Law are to:</p> <ul style="list-style-type: none"> a) provide clear guidelines on the required standards for the operation of this type of accommodation; b) ensure equity within the municipal tourism sector by Short Stay Rental Accommodation providers contributing to the tourism sector; c) enhance neighbourhood amenity; d) provide for the administration of this Local Law and of Council's powers and functions; and e) assist with the Peace, order and good governance of the municipal district. <p>Clause 9 – Registration Requirements</p> <p>The Owner of any Dwelling must not use, or allow to be used, or Advertise, or accept a rental booking for, the Dwelling for Short Stay Rental Accommodation unless:</p> <ul style="list-style-type: none"> a) the Dwelling is Registered under this Local Law; and b) the conditions of Registration and this Local Law are complied with. c) Registration does not affect the requirement of a Dwelling Owner or any other person to comply with any relevant law. d) Registration will not be granted where the Dwelling breaches any legislation that has an impact on the safety of the Owner or Occupants. e) Registration will not be granted for tents, caravans, campervans, moveable structures or similar facilities to be used as Short Stay Rental Accommodation. <p>Clause 14 – Standard of Management</p> <p>The Owner must:</p> <ul style="list-style-type: none"> a) ensure that the use of the Registered Short Stay Accommodation: <ul style="list-style-type: none"> i. complies with the Code of Conduct; and ii. does not impact on the Peace expected to be enjoyed by surrounding residents; b) provide adjoining neighbours on all boundaries and any neighbours immediately across the road from the Dwelling with the current contact details of the designated person required in clause Error! Reference source not found.; c) notify Council in writing within 14 days of any change to the details submitted in clause Error! Reference source not found.; d) ensure that the designated person responds within 2 hours of being notified of any matter or complaint relating to the dwelling; and e) comply with all conditions of Registration.
<p>Description or heading(s)</p> <p><small>This part appears on a separate page because a page will be required for each part or provision of the proposed Local Law addressed.</small></p>	<p>The Local Law Community Impact Statement will be read in conjunction with the draft Local Law. The purpose of this listing is to identify the relevant provision, not reiterate</p>

The problem the provision is intended to address	The aim of the Local Law is to ensure financial contribution to the visitor economy from the providers of Short Stay Accommodation. It impacts those who are making commercial benefit from Short Stay Accommodation without contribution to the visitor economy.
Description of the problem	<p>Council believes it is equitable that Short Stay Rental Accommodation providers contribute to the city's tourism sector as they can draw a substantial income from this form of accommodation. The current estimation is approximately 100 properties providing Short Stay Rental Accommodation in the municipality. Our research indicates the average per night rate in Warrnambool is \$150 and at an estimated 50% occupancy rate this would yield \$27,300 annually, suggesting the fee proposed would not be considered excessive.</p> <p>Council believe the Short Stay Local Law can contribute to protecting neighbourhoods from anti-social behaviours and amenity issues by putting the onus back onto the property owner and specifying standards.</p>
Council objective	<p>The objectives of the proposed Local Law are to:</p> <ul style="list-style-type: none"> • provide clear guidelines on the required standards for the operation of this type of accommodation; • ensure equity within the municipal tourism sector by Short Stay Rental Accommodation providers contributing to the tourism sector; • enhance neighbourhood amenity; • provide for the administration of this Local Law and of Council's powers and functions; and • assist with the Peace, order and good governance of the municipal district.
Where is Council's objective set out?	Council believes this new Local Law can contribute directly to our existing Council Plan, specifically to the objective to building a strong economy (3), in particular increasing visitor growth (3.3), but Council is also responsible for managing this growth.
How does proposed Local Law provision help achieve objectives?	The Local Law is a direct solution to the objective set and will enable benefit to be provided directly to the relevant visitor economy requirements for the region from those who are benefiting from it. It will also create an offence and enable enforcement action.

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Warrnambool City Council



Local Law Number 2

Short Stay Accommodation Local Law

Adopted by Council [insert]

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PART 1 - ADMINISTRATION OF LOCAL LAW

DIVISION 1 PRELIMINARY

1. TITLE

This Local Law is the Warrnambool City Council Local Law No. 2 – Short Stay Accommodation Local Law and referred to below as this Local Law.

2. OBJECTIVES OF THIS LOCAL LAW

The objectives of this Local Law are to:

- (1) provide clear guidelines on the required standards for the operation of this type of accommodation;
- (2) ensure equity within the municipal tourism sector by Short Stay Rental Accommodation providers contributing to the tourism sector;
- (3) enhance neighbourhood amenity;
- (4) provide for the administration of this Local Law and of Council's powers and functions; and
- (5) assist with the Peace, order and good governance of the municipal district.

3. POWER TO MAKE THIS LOCAL LAW

The Council's power to make this Local Law is contained in section 71 of the *Local Government Act 2020*.

4. DATE THIS LOCAL LAW COMMENCES OPERATION

This Local Law commences operation on 7th of February, 2023

5. DATE THIS LOCAL LAW CEASES OPERATION

Unless this Local Law is revoked sooner, its operation will cease on the day prior to the 10th anniversary of the date specified under clause 4.

6. SCOPE OF THIS LOCAL LAW

This Local Law applies to the whole of the municipal district save where the provisions thereof specifically provide to the contrary.

7. INTERPRETATION

- (1) In this Local Law:
 - (a) **Act** means the *Local Government Act 1989* (Vic) and *Local Government Act 2020* (as the context requires;

- (b) **Advertise** means the use of any words (written or spoken), pictorial representation or design, or any other representation in any and all means, to publically promote that a Dwelling is to be used as a Short Stay Rental Accommodation;
 - (c) **Authorised Officer** means a person appointed as an authorised officer under section 224 of the Act;
 - (d) **Code of Conduct** means the Short Stay Rental Accommodation Code of Conduct adopted by Council on [insert] as amended from time to time and which is applied by this Local Law;
 - (e) **Council** means the Warrnambool City Council;
 - (f) **Dwelling** means any building or portion of a building which is used, intended, adapted or designed for use for living;
 - (g) **Municipal District** has the same meaning as in the Act;
 - (h) **Notice to Comply** means a notice served under clause PART 1 - Division 415;
 - (i) **Occupant** means a person who occupies short stay rental accommodation for short stay purposes;
 - (j) **Owner** means the owner of the Dwelling or any appointed agent or property manager;
 - (k) **Peace** means freedom from disturbance; the state of not being annoyed by noise or unwanted actions;
 - (l) **Penalty Unit** has the same meaning as in section 110 of the *Sentencing Act 1991*;
 - (m) **Registration** means registration under and for the purposes of this Local Law;
 - (n) **Registration Fee** means the fee for registration that is imposed by the Council under the Council's fees and charges at the time;
 - (o) **Short Stay Rental Accommodation** means accommodation for no more than 30 consecutive days in a Dwelling for commercial gain, excluding other accommodation premises required to be registered under alternate legislation; and
 - (p) **Substantiated Complaint** means a breach of this Local Law or Code of Conduct that has been investigated by Council or an Authorised Officer and Council or an Authorised Officer is of the opinion that there are reasonable grounds for suspecting that an offence has been committed.
- (2) In this Local Law, unless the context otherwise requires:
- (a) words denoting the singular number shall include the plural and vice versa;
 - (b) words denoting any gender shall include all genders;
 - (c) where a word or phrase is defined, other parts of speech and grammatical forms of that word or phrase shall have corresponding meanings;
 - (d) words denoting natural persons shall include corporations and vice versa;
 - (e) headings are for convenience only and do not affect interpretation;

(f) 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 legislative provision; and

(g) references to dollars and "\$" shall be taken as referring to amounts in Australian Currency.

DIVISION 2 ADMINISTRATION OF THIS LOCAL LAW

8. EXERCISE OF DISCRETIONS

In exercising any discretion given by this Local Law the Council will have regard to:

- (1) the objectives of this Local Law; and
- (2) any guidelines prepared by the Council.

9. REGISTRATION REQUIREMENTS

- (1) The Owner of any Dwelling must not use, or allow to be used, or Advertise, or accept a rental booking for, the Dwelling for Short Stay Rental Accommodation unless:
 - (a) the Dwelling is Registered under this Local Law; and
 - (b) the conditions of Registration and this Local Law are complied with.
- (2) Registration does not affect the requirement of a Dwelling Owner or any other person to comply with any relevant law.
- (3) Registration will not be granted where the Dwelling breaches any legislation that has an impact on the safety of the Owner or Occupants.
- (4) Registration will not be granted for tents, caravans, campervans, moveable structures or similar facilities to be used as Short Stay Rental Accommodation.

10. APPLICATION FOR REGISTRATION

- (1) An application for Registration in respect of a Short Stay Rental Accommodation Dwelling must:
 - (a) be in writing and in the form specified by Council;
 - (b) be made by the Owner of the Short Stay Rental Accommodation Dwelling;
 - (c) contain the details specified and required in Council's application form; and
 - (d) be forwarded with the Registration Fee to Council.
- (2) The details referred to in clause PART 1 - Division 210(1) must be completed in full before the application will be accepted by Council for consideration.

11. DETERMINING AN APPLICATION

- (1) If an application for Registration of a Short Stay Rental Accommodation complies with the requirements of clause PART 1 - Division 210(1), Council may issue to the applicant a certificate of Registration.

- (2) A Registration may be refused or issued with or without conditions.
- (3) The conditions of Registration are that the Owner must at all times:
 - (a) comply with the Code of Conduct;
 - (b) ensure the Owner has provided Council with the contact details for a designated person(s) for the dwelling who can be contacted at any time of the day or night and that person must respond within 2 hours to any matter relating to the Dwelling;
 - (c) inform Council in writing of any change to the details submitted with the application for Registration; and
 - (d) display any registration details provided on all online platforms that advertise the property for Short Stay Rental Accommodation.
- (4) Council may also impose additional conditions on a Registration which may include, but are not limited to, conditions concerning:
 - (a) the payment of a fee or charge;
 - (b) a standard to be applied;
 - (c) the rectification, remedying or restoration of a situation or circumstance; and
 - (d) such other matters as the Council or an authorised officer thinks fit.
- (5) Registration is valid for 12 months unless it is cancelled under this Local Law.

12. CANCELLATION

- (1) Registration may be cancelled when:
 - (a) any material change occurs to the application details provided to Council;
 - (b) Council receives three or more Substantiated Complaints concerning the activities taking place at the Dwelling from residents located within the proximity of the Dwelling over a rolling 12 month period;
 - (c) a Substantiated Complaint is of such severity that immediate cancellation is warranted; or
 - (d) an Owner has been found guilty in a Court of any offence under this Local Law or Code of Conduct; or
 - (e) there is a breach of other legislation that has an impact on the safety of the Owner or Occupants.
- (2) Clause PART 1 - Division 212(1) does not apply where there is a change of the Owner and the details are given to Council within 14 days of the change.
- (3) Council is not required to refund any part of the Registration Fee if a Registration is cancelled.

13. RIGHTS OF APPEAL

- (1) An applicant or an objector to the refusal, cancelling or issuing of a Registration may lodge an appeal in writing to Council or an Authorised Officer against the decision of Council or an Authorised Officer to refuse, cancel or issue a Registration within 28 days of being notified of the decision.

- (2) The Council will appoint a committee to consider any written appeal lodged with Council.
- (3) A person may make written and oral representations to the committee.
- (4) The committee will inform all parties to an appeal of its decision in writing.
- (5) The decision of the committee is final and binding on all parties.

DIVISION 3 PART 3 STANDARD OF MANAGEMENT

14. STANDARD OF MANAGEMENT

- (1) The Owner must:
 - (a) ensure that the use of the Registered Short Stay Accommodation:
 - (i) complies with the Code of Conduct; and
 - (ii) does not impact on the Peace expected to be enjoyed by surrounding residents;
 - (b) provide adjoining neighbours on all boundaries and any neighbours immediately across the road from the Dwelling with the current contact details of the designated person required in clause PART 1 - Division 211(3)(b);
 - (c) notify Council in writing within 14 days of any change to the details submitted in clause PART 1 - Division 210;
 - (d) ensure that the designated person responds within 2 hours of being notified of any matter or complaint relating to the dwelling; and
 - (e) comply with all conditions of Registration.

DIVISION 4 PART 4 ENFORCEMENT

15. OFFENCES

- (1) A person who contravenes or fails to comply with this Local Law or the Code of Conduct or contravenes or fails to comply with any condition of Registration is guilty of an offence and liable to a penalty not exceeding 20 penalty units and in the case of a continuing offence is liable to a penalty not exceeding 2 penalty units for each day during which the contravention continues after a finding of guilt by a court of law for an offence.
- (2) Where there is a breach of this Local Law an Authorised Officer may serve a notice to comply on the person who is in breach of the Local Law or Code of Conduct by either:
 - (a) ordinary post;
 - (b) email; or
 - (c) in person to the designated person under clause PART 1 - Division 211(3)(b).
- (3) A person must comply with a direction or a Notice to Comply issued by an Authorised Officer or a member of Victoria Police.

- (4) A person who fails to comply with a direction or a Notice to Comply issued by an Authorised Officer or a member of the Victoria Police is guilty of an offence under this Local Law.
- (5) The Council or an Authorised Officer may, by serving a Notice to Comply, direct any Owner or other relevant person to remedy any thing which constitutes a breach of this Local Law.
- (6) A Notice to Comply issued under this Local Law must state the:
 - (a) thing which contravenes this Local Law;
 - (b) clause of this Local Law which the thing contravenes; and
 - (c) date and time by which the contravention the subject of the Notice to Comply must be remedied.
- (7) The time by which a contravention must be remedied must be reasonable and, in determining what is reasonable, the Council or the Authorised Officer, as the case may be, will have regard to:
 - (a) the amount of work involved;
 - (b) the degree of difficulty;
 - (c) the other items necessary for compliance;
 - (d) the degree of risk or potential risk; and
 - (e) any other relevant matter.
- (8) Any person who fails to comply with a Notice to Comply is guilty of an offence.

16. INFRINGEMENT NOTICES

- (1) Where an Authorised Officer has reason to believe that a person is guilty of an offence or offences for which an infringement notice may be issued under this Local Law, the Authorised Officer may serve on that person an infringement notice.
- (2) The penalty fixed for an infringement notice is the fixed penalty stated in Schedule 1 of the Local Law.
- (3) Infringement notices are to be served as per the provisions of the *Infringements Act 2006*.

DIVISION 5 FEES AND CHARGES

17. SETTING FEES AND CHARGES

- (1) The Council may from time to time by resolution determine the fees and charges to apply under this Local Law.
- (2) Notice of fees and charges fixed under this clause will be given annually in the Council's Fees and Charges Register included in the Budget.

18. PENALTIES

- (1) Unless otherwise specified in this Local Law, the:
 - (a) maximum penalty for an offence is 5 penalty units; and

(b) infringement penalty for an offence is:

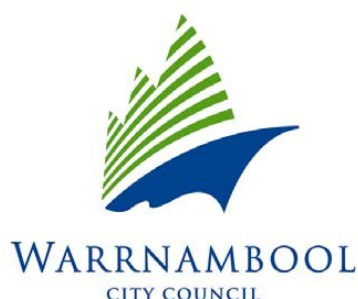
- (i) two fifths of the relevant maximum penalty; or
- (ii) such other amount determined by the Council from time to time.

SCHEDULE 1 SPECIFIC PENALTIES FOR INFRINGEMENT NOTICE PURPOSES

Provision	Penalty Unit
PART 1 - Division 29(1)	5 units
PART 1 - Division 314(1)(a)(i)	3 units
PART 1 - Division 314(1)(a)(ii)	3 units
PART 1 - Division 314(1)(b)	3 units
Clause PART 1 - Division 314(1)(c)	3 units
PART 1 - Division 314(1)(d)	3 units
PART 1 - Division 314(1)(e)	3 units
Clause PART 1 - Division 415(3)	5 units

Warrnambool City Council
25 Liebig Street
Warrnambool 3280
Telephone (03) 5559 4800
Facsimile (03) 5559 4900
P.O. Box 198, Warrnambool 3280

Warrnambool City Council



Local Law Number 2

Short Stay Accommodation Code of Conduct

Adopted by Council [insert]

PART 1 - INTRODUCTION

1. TITLE

This is the Warrnambool City Council Local Short Stay Accommodation Code of Conduct.

2. OBJECTIVES OF THIS CODE OF CONDUCT

The objectives of this Code of Conduct are to:

- (1) provide clear guidelines on the required standards for Short Stay Rental Accommodation within the Warrnambool City Council municipal district;
- (2) assist with the peace, order and good governance of the municipal district; and
- (3) include all Short Stay Rental Accommodation as defined by the Local Law.

3. POWER TO MAKE THIS CODE OF CONDUCT

The Council's power to make this Code of Conduct is contained in the provisions of the Short Stay Accommodation Local Law Number 2 which is made under section 71 of the *Local Government Act 2020*.

4. DATE THIS CODE OF CONDUCT COMMENCES OPERATION

This Local Law commences operation on 7th February 2023

5. DATE THIS CODE OF CONDUCT CEASES OPERATION

Unless this Code of Conduct is revoked sooner, its operation will cease on the day prior to the 10th anniversary of the date specified under clause 4.

6. SCOPE OF THIS CODE OF CONDUCT

This Code of Conduct applies to the whole of the municipal district save where the provisions thereof specifically provide to the contrary.

7. INTERPRETATION

- (1) In this Local Law:
 - (a) **Act** means the *Local Government Act 1989* (Vic) and *Local Government Act 2020* (as the context requires);
 - (b) **Code of Conduct** means the Short Stay Rental Accommodation Code of Conduct issued by Council for the purposes of the Local Law;
 - (c) **Council** means the Warrnambool City Council;
 - (d) **Dwelling** means any building or portion of a building which is used, intended, adapted or designed for use for living;
 - (e) **Motor Vehicle** has the same meaning as in the *Road Safety Act 1986*;

- (f) **Municipal District** has the same meaning as in the Act;
- (g) **Occupant** means a person who occupies Short Stay Rental Accommodation for short stay purposes;
- (h) **Owner** means the owner of the Dwelling or any appointed agent or property manager;
- (i) **Short Stay Rental Accommodation** means accommodation for no more than 30 consecutive days in a Dwelling for commercial gain, excluding other accommodation premises required to be registered under alternate legislation.

PART 2 - STANDARD OF MANAGEMENT

8. STANDARD OF MANAGEMENT

- (1) The Owner must display and make the Code of Conduct available to all Occupants and visitors to the Dwelling including availability on any website used by the Owner to promote the Short Stay Rental Accommodation, and must incorporate the Code of Conduct provisions into the rental terms and conditions.
- (2) The Owner must control and be responsible for the behaviour of Occupants and residents at the Dwelling.
- (3) Unacceptable behaviour includes loud:
 - (a) aggressive behaviour;
 - (b) yelling, screaming and arguing; and
 - (c) cheering, clapping and singing.
- (4) The Owner must inform Occupants of waste disposal arrangements and remove any excess waste left by Occupants.
- (5) Off street parking must be provided for all Occupants' Motor Vehicles. The Owner must provide information to Occupants on parking arrangements prior to arrival.
- (6) Additional accommodation is not allowed on site by way of tents, caravans, campervans or similar facilities.
- (7) Outdoor areas including swimming pools, spas, outdoor decking and balconies are not to be used between 11.00 pm to 7.00 am.
- (8) The Owner must maintain any land connected to the Dwelling in good condition.

Warrnambool City Council Short Stay Accommodation (SSA) Research

There are currently a number of Short Stay Accommodation (SSA) properties available for rent in Warrnambool. It is difficult to determine the exact number, but current estimations would be approximately 100 properties within WCC are solely being used for this purpose.

The questions are because SSA is providing a source of income should their contribution to Council be greater and does the Council need to do more to ensure the community is not negatively impacted by SSA? Warrnambool City Council welcomes visitors to the region, but must also ensure that the local communities continue to enjoy the benefits the area has to offer.

One point we need to keep in mind, drawn from the rating strategy is ensuring WCC is applying the fairest and most equitable method of distributing rates across WCC. It also states there is no limit on the number, or type of differential rates, but the highest differential rate can be no more than four times the lowest.

If the Council believes that this is an important issue to address, how can this be achieved? Options include applying a differential rate – either Commercial or SSA specific, via a registration process, governed via Local Laws, or a combination of both. There is currently no uniform approach to this issue with Councils adopting various different systems.

Options

- | | |
|--|--|
| 1. Local Law and Fee | example – Mornington, Frankston |
| 2. Differential Rates – Commercial | example – Mildura, Alpine Shire, Glenelg |
| 3. Differential Rates – Specified Short-Stay Rate Code | example – Queenscliffe, Colac |
| 4. Differential Rates – Specified SSRC + Registration Fee | example – Noosa |

1. Local Law and Fee

Council Benefits

- Additional income for council (Income will go towards ensuring compliance by Local Laws).
- The Local Law places the responsibility of the occupant behaviour on the owner of the property.
- Responsibility is placed on the owners to register their SSA.
- Ability to set the annual registration fee amount (Can be set to incorporate costs).
- Annual fee – no pro-rata required.

Community Benefits

- Regulate and control the use of SSA.
- Ensure an appropriate standard of management and presentation of such accommodation.
- Minimise the risk of such accommodation affecting the amenity of the neighbours.
- Provides rules about noise expectations, property presentation, parking requirements, a designated contact person (available within 2 hours).
- Complaints investigated (possibility to have registration cancelled).

Problems

- Additional work for Local Laws.
 - Required to set, ensure compliance and collect penalties.
 - Time consuming process to locate, confirm and monitor SSA properties. Will need to be done at least quarterly to ensure equity.
- Process to introduce a new local law is involved.
- Compliance from community.
- Expecting people to self-register.
- Creating/managing online environment for registration.

2. Differential Rates - Commercial

Council Benefits

- Responding to community appeal.
- Providing a fair and equitable rating system.

Community Benefits

- Additional rate payers added to the Commercial pool. Distributing Commercial rates between businesses and those providing SSA, which can be quite lucrative.

Problems

- Doesn't draw additional income.
- Past councils have encountered some resistance when moving straight to a Commercial rate.
- Administratively cumbersome.
 - Additional administrative resources required with no additional income source.
 - Time consuming process to locate, confirm and monitor SSA properties. Will need to be done at least quarterly to ensure equity.
 - Time required to change properties between the differential rates if there is a change of use.
- Difficult to identify and determine which properties are SSA.
- Council's responsibility to determine SSA.
- Difficult to determine and administer pro-rata SSA.
- Need to create rules around SSA time-frame.
- Envisage future issues with people sourcing rate refunds. Hard to prove category.

3. Differential Rates – Specified Short Stay

Council Benefits

- Responding to community appeal.
- Providing a fair and equitable rating system.
- Can set the amount deemed appropriate for SSA.
- SSA properties on system are easily identifiable.

Community Benefits

- Community will be pleased SSA owners are paying more than residential, given the income they are sourcing from these properties.
- SSA owners may be more satisfied that the individual differential rate is reflective of the benefit they receive (as opposed to the general Commercial rate).

Problems

- Doesn't draw additional income.
- Administratively cumbersome.
 - Additional administrative resources required with no additional income source.
 - Time consuming process to locate, confirm and monitor SSA properties. Will need to be done at least quarterly to ensure equity.
 - Time required to change properties between the differential rates if there is a change of use.
 - Another differential rate to be created in TechOne.
- Difficult to identify and determine which properties are SSA.
- Council's responsibility to determine SSA.
- Difficult to determine and administer pro-rata SSA.
- Need to create rules around SSA time-frame.
- Envisage future issues with people sourcing rate refunds. Hard to prove category.

4. Differential Rates – Specified SSA Rate Classification + Local Law Registration Fee

Council Benefits

- Responding to community appeal.
- Providing a fair and equitable rating system.
- Can set the amount deemed appropriate for SSA.
- SSA properties on system are easily identifiable.
- Additional income for council via registration fee (Income will go towards ensuring compliance by Local Laws).
- The Local Law places the responsibility of the occupant behaviour on the owner of the property.
- Responsibility is placed on the owners to register their SSA.
- Ability to set the annual registration fee amount (Can set to incorporate costs).

Community Benefits

- Additional rate payers added to rate pool, paying more than general but less than Commercial.
- Community will be pleased SSA owners are paying more than residential, given the income they are sourcing from these properties.
- SSA owners will be pleased they don't have to pay full Commercial rate. Need to ensure differential rate + fee would be less than Commercial rate.
- Regulate and control the use of SSA.
- Ensure an appropriate standard of management and presentation of such accommodation.
- Minimise the risk of such accommodation affecting the amenity of the neighbours.
- Provides rules about noise expectations, property presentation, parking requirements, a designated contact person (available within 2 hours).
- Complaints investigated (possibility to have registration cancelled).

Problems

- Administratively cumbersome for both Revenue and Local Laws:
 - Time consuming process to locate, confirm and monitor SSA properties. Will need to be done at least quarterly to ensure equity.
 - Time required to change properties between the differential rates if there is a change of use.

- Another differential rate to be created in TechOne.
 - Local laws required to set, ensure compliance and collect penalties.
 - Process to introduce a new local law is involved.
- Difficult to identify and determine which properties are SSA.
- Difficult to determine and administer pro-rata SSA.
- Need to create rules around SSA time-frame.
- Envisage future issues with people sourcing rate refunds. Hard to prove category.
- Additional work for Local Laws.
- Compliance from community.
- Expecting people to self-register.
- Creating/managing online environment for registration.

State Direction

Bree Ryan, General Counsel, Strategy & Procurement, is currently involved in discussions with MAV around the possibility of uniform Short Stay Accommodation requirements being state directed. These discussions are expected to be ongoing and a resolution on a State based approach may not be available in the short-term. Councillors will need to be aware of the possibility of a State based approach into the future as they make decisions on Short Stay Accommodation.

Examples

1. Local Law and Fee

Mornington Peninsula Shire

Website - <https://www.mornpen.vic.gov.au/Online-Forms-and-Services/Short-Stay-Rental-Accommodation-Local-Law?BestBetMatch=airbnb|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

- Short Stay Rental Accommodation Law. The local law places the responsibility for occupant behaviour on the owner of the property.
- Can Register a New Short Stay Rental online via website.
- \$300 annual fee.
- Penalty – Is between 5 and 10 units. 1 penalty unit is \$181.74 (Monetary Units Act 2004)

Website includes:

- Short Stay Rental Accommodation Local Law
- Short Stay Rental Accommodation Code of Conduct
- Information for Property Owners, including document templates for Letter to Neighbours and Code of Conduct for display.
- Information for Neighbours and details on how to report issues. Contact – Council – Police
- Registration Portal

Mornington have provided feedback that their SSA LL has a lot of legal gaps and will be revamped over the next year two – based closely on Noosa's SSA LL.

Frankston City Council

Very similar to Mornington

<https://www.frankston.vic.gov.au/Our-Community/Community-Safety/Short-Stay-Rental-Accommodation-Registration>

- Short Stay Rental Accommodation Law. The Short Stay Rental Accommodation Local law 2020 came into operation on 10 April 2020.
- Compulsory for owners to register the property and renew the registration each financial year.
- The definition of a Short Stay Rental Accommodation is "accommodation provided by the owner of a property, for fee or reward, to another person, for no more than 30 consecutive days on that property.
- \$150 annual fee (fee is calculated on a quarterly pro rata basis, quarterly at the time of application).
- Can register online via website.
- Non-compliance is stated as – may result in enforcement action being taken including Infringement Notices or Court Action.
- Penalty – 5 penalty units.

2. Differential Rates – Commercial

Mildura Rural City Council

<https://www.mildura.vic.gov.au/Mildura-Rural-City-Council>

- Contact - Craig McErvale

- Differential (Business)
- Haven't experienced any resistance
- Only revert back when somebody declares in writing that the property is no longer used for SSA.
- They spend some time determining if a property is SSA – searching websites Stayz, Airbnb, checking out signage, checking with local tourist office.
- Don't have a policy or documented process.
- If they determine SSA then it is up to the owner to contest.

Alpine Shire Council

<https://www.alpineshire.vic.gov.au/>

- Contact – Kate Davie
- Differential Commercial/Industrial Rate – 43% higher than general
- Do pro-rata for year
- Don't charge if principle place of residence
- Send a letter to new owners when a property sells asking them to advise if it is not going to be used as holiday rental anymore, otherwise it continues.
- Do audits to try and find new holiday rentals – then send letters out to these owners
- Details outlined budget document – via rates section

Glenelg Shire

<https://www.glenelg.vic.gov.au/page/HomePage.aspx>

Revenue and Rating Plan <https://www.glenelg.vic.gov.au/Page/Download.aspx?c=15395>

- Contact – Shelly
- Commercial/Industrial rate is the same as General rate.

3. Differential Rates - Specified Short-Stay Rate Code

Colac Otway Shire

<https://www.colacotway.vic.gov.au/Home>

- Contact - Paul Carmichael
- Differential (Specified - Holiday Rental – 15% higher than residential)
- Main issues
 - They charge for the entire year, and people complain that they only let the property out for some of the year. They say it's the same as a shop that is still rated at the Commercial rate even when the shop is closed. They don't intend to provide pro-rata rate for letting the property out for some of the year.
 - Spend a lot of time identifying properties.
- Tip – Don't forget to get the AVPC code changed from residential to the appropriate code.

Borough of Queenscliffe

<https://www.queenscliffe.vic.gov.au/Home>

- Contact - Fiona Kerney
- Differential Rate – Tourist Accommodation – 110% of the General Rate – since 2013/14. Also have a commercial rate set at 130% for properties with 6 or more bedrooms, guest houses, hotels, large B&Bs etc.
- From 2004/2013 they were classified as Commercial.

- The Tourist rate is never applied pro-rata – once the property is identified it is applied whether it is for a whole house, bungalow, unit or just a room on Airbnb – [review definition from current 2019 rating strategy](#).
- Have 338 properties listed as SSA – only 3112 in total.
- Spend a lot of time finding SSA properties/writing to them to inform they have been changed. Don't seem to receive much resistance – generally only questioned by new owners.
- Include a statement and the definition on LICs, stating the property is currently classified as Tourist Accommodation and if the purchaser is not going to use it for this purpose they should notify Council.
- Definition:
 - Tourist accommodation land is any land, which:
 - contains a dwelling, unit, cabin or house or part of a house; and
 - with five or less bedrooms; and
 - used, whether primarily or otherwise, to provide holiday accommodation for the purpose of generating income from the provision of such holiday accommodation; and
 - where "any part" of the property is used for tourist accommodation; and
 - for "any period of time" during the financial year (no matter how seldom); and
 - currently being used, or advertised as being available for use, as tourist accommodation.

4. Differential Rates – Specified SSA Rate Classification + Local Law Registration Fee

Noosa Council

<https://www.noosa.qld.gov.au/short-stay-letting-home-hosted-accommodation-local-law>

This law regulates the ongoing operation of short stay letting and home hosted accommodation and manages the impacts on permanent residents and guest safety.

- On commencement of the new local law on **1 February 2022**, complaints will be managed through a centralised 24/7 complaints hotline. Short stay let properties are required to display an approval notice at the front of the property, including the 24/7 complaints hotline number and approval number. Complaints will be made directly to the complaints hotline, which will then notify the property's nominated contact person of the complaint. The contact person must respond to a complaint within 30 minutes of being notified.
- The local law regulates and manages the ongoing use of short stay letting to reduce the impacts on permanent residents and A residential amenity through a local management framework and code of conduct for guest behaviour
- Haven't determined fees yet – to be determined early 2022. The new fees will commence from 1 July 2022.
- Every rateable property in the Noosa region is levied a general rate. As Noosa Council uses a system of differential general rates all properties in the Noosa region are classified into one of 38 general rate categories, each with its own rate in the dollar and minimum general rate.

Estimations – Warrnambool City Council

- Airbnb 80
 - Stayz 40
- May be some double ups*

Recommendation

1. Local Law and Fee

Initially it has been recommended WCC will proceed with the implementation of a Short Stay Accommodation Local Law and Registration Fee. In future the introduction of a differential rate may be investigated.

Registration Fee Amount

The amount of \$500 is suggested for the registration fee. The comparison registration fees found are between \$150 and \$389, but these councils have a larger proportion of Short Stay Accommodation properties to support the fixed administration fees. This registration fee will contribute to covering administrative costs with the balance being invested to undertake visitor information services, promotion and tourism strategies.

Short Stay Accommodation Definition Examples

Hepburn Shire Council

Includes rateable land which is used for short term accommodation which does not qualify as Residential under the Residential Tenancies Act 1997 characterised by stays of greater than 60 days and the existence of a tenancy agreement to which the Residential Tenancy Act 1997 applies.

<https://www.hepburn.vic.gov.au/wp-content/uploads/2021/06/Hepburn-Shire-Council-Budget-2021-2022.pdf>

Mornington Peninsula Shire

Short Stay Rental Accommodation means accommodation for no more than 30 consecutive days or 1 month in a dwelling for commercial gain, excluding other accommodation premises required to be registered under alternate legislation.

<https://www.mornpen.vic.gov.au/Online-Forms-and-Services/Short-Stay-Rental-Accommodation-Local-Law?BestBetMatch=airbnb|d13b95b2-5146-4b00-9e3e-a80c73739a64|4f05f368-ecaa-4a93-b749-7ad6c4867c1f|en-AU>

Frankston City Council

The definition of a Short Stay Rental Accommodation is “accommodation provided by the owner of a property, for fee or reward, to another person, for no more than 30 consecutive days on that property, but does not include any property that is required to be registered under any other Act or regulation”.

<https://www.frankston.vic.gov.au/Our-Community/Community-Safety/Short-Stay-Rental-Accommodation-Registration>

Definition Recommendation

Our recommendation is to follow the Hepburn Shire Council definition as at links to the Residential Tenancies Act and expand further to include requirement only for separate residences, including adjoining dwellings with separate entries.

Result

Definition: Short Stay Rental Accommodation includes rateable land which is used for short term accommodation which does not qualify as Residential under the Residential Tenancies Act 1997 characterised by stays of greater than 60 days and the existence of a tenancy agreement to which the Residential Tenancy Act 1997 applies. Registration will be required for each separate residence, including adjoining dwellings with separate entries. Individual rooms within a principle place of residence are excluded.

Penalty Examples

Mornington Peninsula shire

Between 5 and 10 penalty units depending on the infringement.

1 penalty unit = 1 penalty unit is \$181.74 (Monetary Units Act 2004), therefore being between \$908.70 and \$1817.40

Frankston City Council

All infringements are 5 penalty units totaling \$908.70.

Yarra Ranges Council

Where a Council Officer has found three or more complaints with supporting evidence have been made against the Short Stay Accommodation property, the property owner may be issued an Infringement to the value of \$1,000 or the matter may proceed to court

Penalty Recommendation

Our recommendation is to apply the 5 penalty unit fine across all infringements relating to the Short Stay Rental Accommodation Local Law.

7.3. CUSTOMER SERVICE CHARTER

DIRECTORATE : Corporate Strategies

PURPOSE:

This report provides information on the updated Customer Service Charter.

EXECUTIVE SUMMARY

Council's Customer Service Charter describes Warrnambool City Council's commitment to the community it serves and the standards of customer service all Council staff strive to provide.

The existing charter, adopted in 2019, has been reviewed by Councillors, staff and been through a Gender Impact Assessment – refer **Attachment 1**, as required under the Gender Equality Act (2020).

MOVED: CR RICHARD ZIEGELER
SECONDED: CR BEN BLAIN

That Council adopt the revised Warrnambool City Council Customer Service Charter 2023-2027 as contained in Attachment 2.

CARRIED - 7:0

BACKGROUND

The Customer Service Charter is a key guiding document which sets out the standards Council staff strive to meet in our interactions with residents of, and visitors to, Warrnambool.

It is a guide for all Council staff.

It describes service standards, response timeframes and the ways in which Council can be contacted.

It includes descriptions of how we make information available around-the-clock and the ways in which customers can pay for services.

It also outlines Council's commitment to seeking and responding to feedback that will enable improvements to customer service.

Council has typically recorded strong customer service results in the annual Local Government Community Satisfaction Surveys and the Charter is a key to ensuring high customer service standards are maintained.

The table below shows the seven core measures, which include customer service, from the Community Satisfaction Survey.

Services	Warrnambool 2022	Warrnambool 2021	Regional centres 2022	Victoria 2022
Overall performance	62	55	59	59
Overall Council direction	63	59	52	50
Customer service	73	71	69	68
Waste management	73	71	68	68
Sealed local roads	60	59	54	53
Community decisions	58	49	54	54
Consultation and engagement	56	50	54	54

The Charter has been revised after being reviewed by Councillors and key staff.

The recent Gender Equality Act required Council to undertake a Gender Impact Assessment of a draft Customer Service Charter. As a result of this assessment an acknowledgement of gender was included in the document contained in the following statement:

“We will communicate respectfully and will not discriminate on the basis of age, gender, cultural background or sexuality.”

ISSUES

The Customer Service Charter is a foundation document that sits above the Customer Service Strategy.

FINANCIAL IMPACT

N/A

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

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

TIMING

The Charter has been reviewed and is ready to be considered for adoption by Council.

COMMUNITY IMPACT / CONSULTATION

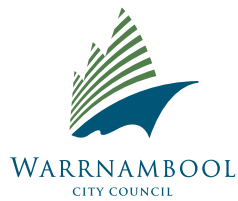
Council staff and Councillors were consulted in the review of the Customer Service Charter. At the December meeting of Council a decision was made to release the draft Customer Service Charter for public comment. No submissions were received.

CONCLUSION

The Customer Service Charter has been revised and Council is in a position to adopt the revised charter.

ATTACHMENTS

1. 3313 CUSTOMER SERVICE CHARTER - draft [7.3.1 - 6 pages]
2. Gender impact assessment Customer Service Charter 2022 [7.3.2 - 10 pages]



DRAFT

Customer Service Charter

2023 - 2027



Acknowledgement of Country

Warrnambool City Council acknowledges the Traditional Owners of the land on which the municipality is situated and pays respects to their Elders past, present and emerging.



The Council vision

Warrnambool is a thriving city at the heart of coast and country.

Purpose

Council is committed to providing high quality customer services that are accessible, responsive and inclusive.

Council strives for the fairest and best possible outcomes in customer interactions. Understanding our customers and providing excellent customer service is essential in helping us meet the needs of our community.

Our organisational values

Our customer service is guided by our values.

Respect: we will treat everyone with dignity, fairness and empathy, providing others with the opportunity to share views and to be heard.

Accountability: we will be responsible and take ownership of our actions by being ethical, honest and transparent.

Collaboration: we will foster effective relationships through engagement, communication and co-operation, supporting decisions and outcomes for the benefit of all.

Progressiveness: we will evolve and grow by encouraging development, change and continuous improvement in all that we do.

Wellbeing: we will commit to providing a safe and healthy workplace that promotes staff engagement, performance and achievement, allowing employees to flourish for the benefit of themselves and the organisation.

Our commitment to you

We commit to:

- act with integrity;
- respond in a timely fashion to inquiries;
- accept accountability for results;
- act on a basis of mutual respect; and
- aim for excellence.



What you can expect?

When you call us



When you call us we will answer your call promptly and identify ourselves by name. If the person answering the phone is unable to help you, you will be referred to the most appropriate staff member or agency should the matter fall outside of Council's service areas.

Please note however, there are times when the person or department you need to speak to may not be available, in these cases your enquiry will be recorded for the appropriate officer to respond to.

When referring your call internally or externally, the staff member will explain the situation to the person receiving your call, so you do not have to repeat yourself.

When you visit us



We will attend to you in a timely manner, and not leave you waiting unnecessarily. If we are unable to answer or resolve your matter in the first instance we will take the necessary steps to ensure a satisfactory response.

When you send us an email



Your email enquiry will be forwarded to the most appropriate staff member. We will acknowledge receipt of your email within one working day and will endeavour to respond to your email within five working days.

If the email relates to a request for services it will be referred to the appropriate staff member.

If the email relates to a dispute or complaint the email will be referred to the relevant service and handled within our complaint handling procedure.

When you contact us via our website



If you lodge a customer request via our website you will be provided with acknowledgement and your request will be forwarded to the appropriate staff member to respond to.

If the inquiry relates to a request for services, you will be provided with a reference number with which to track the progress of the request, and referred to the appropriate staff member.

Customers can also engage directly with Council's City Assist team using the live chat function on the website.

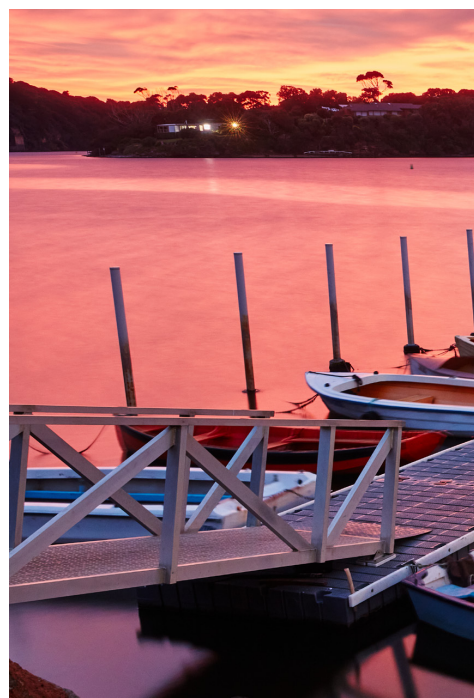
When you write us a letter



We will respond to your written correspondence within 10 working days. If the letter relates to a request for services it will be referred to the appropriate staff member.



Service Standards



Responsiveness

We will attend to you, as our valued customer, in an efficient and timely manner.

We will communicate respectfully and will not discriminate on the basis of age, gender, cultural background or sexuality.

We will endeavour to resolve your enquiry at the first point of contact, or direct you to the most appropriate officer to help you.

We will make contacting us easy, enabling you to talk to us in person, via phone or through our website.

We will acknowledge your electronic correspondence within five working days. We will respond to phone messages within three working days or the next available working day for part-time staff.

We will respond to a letter within 10 working days.

As customers you will be provided with reference information to enable you to follow up on your enquiries.

We will inform you of expected response times and processes for further contact, with all your enquiries and be realistic about what we can do.

We will identify ourselves by name and unit responsible for action on your enquiry.

As soon as updates are available we will inform you about the status of your request and let you know when it has been finalised.

Conduct and knowledge

We will treat you in a courteous and professional manner.

We will act with integrity and respect.

We will be attentive to your needs, expectations, and provide an explanation if your needs and expectations are not able to be met.

You will be provided with accurate and consistent information in your liaison with Council.

We will ensure that front line customer service employees are identifiable with a name badge for ease of communication and identification.

We will endeavour to provide you with a single point of contact for updates on your issue.

We will ensure all relevant communication is captured and recorded in our corporate systems.

We will respect your privacy.

Equity and accessibility

General information on council services will be available to you, with access to this information, 24 hours per day via telephone and/or internet.

We will readily provide information in a variety of formats to increase accessibility (print, digital, audio)

We will accept payments on a variety of platforms to meet your needs – EFTPOS, credit card, B-Pay, online or direct debit.

We will provide and maintain Council's website with up-to-date information.

Interpreters and other communication aids will be made available upon request.

We understand many people in the community have special needs. We will support the use of the National Relay Service which aids in accessibility to Council services.

We will maintain our social media platforms that encourage interaction and feedback, and provide timely responses as required.

Information obtained from you will be treated in accordance with the provisions of the Privacy and Data Protection Act 2014.





Service quality and improvements

We will provide online and office-based customer service feedback mechanisms for all stakeholders.

We will seek customer feedback via telephone, online surveys and in person.

We will use staff feedback to improve service delivery and support teamwork

We will use a variety of means to enhance our ability to engage with and connect to our community and customers.

We will communicate with you in clear and concise language.

We will provide annual training and coaching for customer service staff.

We will ensure Council maintains a defined system for managing complaints.

We will evaluate our performance and identify opportunities for improvement.

We will strive for excellence and establish key performance measures with results against these measures to be published annually.

Customer feedback

We will treat all compliments, complaints or requests received by you in a professional manner.

In every case we will explain the resolution process and provide assistance in an appropriate format.

We will share customer feedback regularly with staff, and develop and implement improvements.

Freedom of Information requests will be treated in accordance with the Victorian Freedom of Information Act 1982.

Expectations of our customers

When you contact us we expect you to treat our staff with dignity and respect; aggressive or abusive behaviour will not be tolerated.

Please provide as much information as possible including supporting documentation when making an enquiry. Please ensure all required information is provided including contact details and signatures when submitting forms or applications.

Please provide up-to-date contact details and to let us know when your circumstances change.

Please provide us with open and honest feedback on our performance so we can continue to improve our service to our community.

Your rights to resolution

We are a large and diverse organisation and endeavour to resolve issues at first point of contact. This is not always possible. If you are not satisfied with the response or action you have received, you may wish to lodge a formal complaint.

Complaints are handled in accordance with Council's Complaints Policy which can be found at

www.warrnambool.vic.gov.au





Contacting Council

Whether you have a compliment, complaint or a request we would like to hear from you.

Visit

Civic Centre at **25 Liebig St Warrnambool**. Opening hours are 8.30am to 5pm Monday to Friday.

Telephone

(03) 5559 4800

1300 003 280 (local call charges apply)

After hours

(03) 5559 4800

Council provides a contracted after hours service for emergency Council services only. The nature of these calls will be assessed by this service to determine the best course of action. All messages to this service are recorded for Council review.

In writing

Warrnambool City Council

PO Box 198

Warrnambool VIC 3280

Email

contact@warrnambool.vic.gov.au

Website

www.warrnambool.vic.gov.au

The Warrnambool City Council website is a comprehensive source of information and will be able to assist with many of your queries in the first instance. Through the Contact page on our website you can lodge a customer request for our staff to action on your behalf.

Live Chat

You can contact us for an online chat via our website. Simply press the Live Chat icon on the home page.

TTY/voice calls

If you have a hearing or speech impairment you can call through the National Relay Service (NRS)

- TTY users can phone **133677** then ask for **(03)55594800** or **1300 003 280**
- Speak & Listen (speech to speech) users can phone **1300 555 727**, then ask for **(03) 5559 4800** or **1300 003 280**
- Internet relay users can connect to NRS on **www.relayservice.gov.au** then ask for **(03) 5559 4800** or **1300 003 280**



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How to use these supporting templates and resources

These templates are designed to support your work in Section 3 of the [Gender impact assessment toolkit](#) ('the toolkit').

There is a template aligned to each of the 4 steps involved in conducting a gender impact assessment. Each template provides a useful record for reporting and can assist with demonstrating your compliance with the Gender Equality Act.

These templates are also available to download on the [Commission for Gender Equality in the Public Sector](#) website.

The use of inclusive language in this document

When this document refers to 'woman/ women' or 'man/men' it refers to female or male identifying people; this includes transgender people, cisgender people, and others who identify themselves within the spectrum of the gender identity of woman or man. This document also uses the term 'gender diverse people', who may identify as non-binary, trans, agender, genderqueer, genderfluid or with any other term. For more information see the [Victorian Government Inclusive Language Guide](#).



Template 1: Define the issues and challenge assumptions

This template is designed to support your analysis for Step 1 of the gender impact assessment process. You can read more on pages 18 to 20 of the toolkit.

A. What issue is the policy, program or service trying to address?

The Customer Service Charter sets out Council's customer service commitments to the whole community. It describes what the community can expect of Council when interacting with Councillors and Council staff, including basic standards of service. The charter also sets out the expectations Council has of its customers.

This document informs other key Council documents including the Customer Service Strategy and Communications Strategy.

B. Key questions

1. Are the people who are targeted and impacted by the policy, program or service included in the decision-making?

Council staff have been consulted in the re-drafting of the Customer Service Charter. The Draft Customer Service Charter was presented at an open Council meeting in December 2022 at which the Council approved releasing the draft for community feedback.

Is more information needed? Yes ☒ No ☐

2. Do you think that people of different genders access this policy, program or service at the same rate?

The charter is a foundation document for customer service across Council, therefore the commitments made in the Charter have the capacity to be positively influential in terms of enabling access to Council services and programs.

So while the Charter is not a program or service in itself, it has the capacity to inform staff and customers about their rights and obligations which in turn should ensure equality of access for all people to Council programs and services.

Is more information needed? Yes ☐ No ☐

3. Do you think that everyone who accesses this policy, program or service has the same needs from it?

Fundamentally, Council exists to help and support people. The Charter describes how Council will do this and needs to ensure that it does so in a way that does not discriminate.

The charter contains explicit direction that Council staff will not discriminate against people based on their gender, cultural background, age, religion or sexuality.

Is more information needed? Yes ☐ No ☒

4. Do the different social roles and responsibilities that people take on affect the way people access and use this policy, program or service?

The delivery of customer service is practised by every Council staff member, whether internally or externally, in-person or online. The charter applies to all Council staff and because of this seeks to



ensure that there is no discrimination when it comes to accessing or using Council policies, programs or services.

Is more information needed? Yes ☐ No ☒

5. What additional needs might there be for people with disabilities, or from different cultural identities, ages, gender identities, sexual orientations or religions?

Cultural identity – the charter states that no person will be discriminated against on the basis of cultural identity.

Age – the charter references that no person will be discriminated on the basis of their age.

Sexual identity – the charter states that no person will be discriminated against on the basis of their sexual orientation.

Religion – the charter states that no person will be discriminated against on the basis if their religion.

Is more information needed? Yes ☐ No ☒

C. What will you focus on in your assessment so that you consider how gender shapes the issue?

Feedback from colleagues of different genders has shaped the charter so far and a further opportunity exists for the broader community to do so when the charter is released for community consultation.



Template 2: Understand the policy context

This template is designed to support Step 2 in the gender impact assessment process and should be used in conjunction with pages 22 to 28 of the toolkit.

1. What information is available to understand who is likely to be affected by the policy, program or service? List available information.

Council customers include primarily all residents of the Warrnambool municipality but also visitors to the city.

Council has access to comprehensive census information from the Australian Bureau of Statistics which describes the demographic composition of the population.

Do you already have this information? If yes, list sources.

☒ Yes ☐ No

ABS

How will you find the further information you need? List useful sources.

☐ Internal data

☐ Desktop research

☐ Stakeholder consultations

☐ Other

Click or tap here to enter text.

What did the research and evidence tell you?

N/A

Have you consulted with affected stakeholders on this aspect?

☒ Yes ☐ No

Councillors and key staff have been consulted and the draft Customer Service Charter was released to the community for comment.

2. What information is available to understand the lived experiences of the diverse groups who will be affected? List available information.

Council regularly consults with the community in relation to “big picture” projects such as the Council Plan, annual budgets. It also consults with the community on infrastructure projects and significant policy changes.

Do you already have this information? If yes, list sources.

☒ Yes ☐ No



Council reports made on individual projects include sections on feedback received through community consultation and through these processes Council is able to build a picture on the experiences of people using or seeking to use Council services.

A number of Council services do post-event surveys to gauge the experience of participants eg immunisation service, holiday parks.

How will you find the further information you need? List useful sources.

- ☒ Internal data
- ☒ Desktop research
- ☒ Stakeholder consultations
- ☐ Other

Click or tap here to enter text.

What did the research and evidence tell you?

This is not relevant to include in the Customer Service Charter.

Have you consulted with affected stakeholders on this aspect?

- ☒ Yes ☒ No

Consultation with Councillors, staff and the community has been undertaken.

3. How is this policy, program or service likely to have different impacts for different people? List available information.

The Customer Service Charter provides our commitment to the community around the standards of service we will provide which can have a fundamental influence over how welcome people feel, whether they know they are eligible for a service and/or whether they have access to the information from Council that they require e.g. aware that they can appeal a parking fine, whether they are eligible for pensioner discounts etc.

Do you already have this information? If yes, list sources.

- ☒ Yes ☐ No

Key Council staff including the City Assist team are trained on ensuring that people have access to the information they need to access service and support.

How will you find the further information you need? List useful sources.

- ☒ Internal data
- ☒ Desktop research
- ☒ Stakeholder consultations
- ☐ Other



Click or tap here to enter text.

What did the research and evidence tell you?

City Assist team members as a “front of house” service are thoroughly trained in the diverse operations of Council and are well placed to provide help and advice to all members of the community.

Have you consulted with affected stakeholders on this aspect?

☒ Yes ☐ No

The draft Customer Service Charter was released to the wider community for comment.



Template 3: Options analysis

This template is designed to be used in conjunction with pages 30 to 33 of the toolkit to support you to undertake an options analysis to consider the gendered benefits and costs and overall gendered impact of your proposed policy, service or program design. This step pulls together all the analysis you have undertaken in Steps 1 and 2. There is an example at page 33 of the toolkit which may assist in completing this template.

A. Proposed Option 1

For each option describe the proposed policy solution, or design of the program or service you are working on.

There may be some costs incurred in delivering the charter and they can include translation costs, hiring of venues.

B. Gendered costs and benefits

Use your analysis in Steps 1 and 2 to identify the potential benefits and costs of your proposed policy, program or service. See page 31 for some guiding questions.

Benefits

Benefits ensure the provision of equitable access to information about services, support and advice available through Council.

Costs and risks

Risk: in not meeting the standards set out in the Charter Council may discriminate against some members of the community.

C. Overall gender impact

Assess the overall gender impact. Do the benefits outweigh the costs or vice versa? Figure 6 on page 32 provides some examples of negative and positive outcomes. See also the examples on page 33.

The charter is largely about attitudes and behaviour and ensuring that Council treats all people fairly and equitably is a non-negotiable expectation.

A. Proposed Option 2

For each option describe the proposed policy solution, or design of the program or service you are working on. See page 30 for what you should include.

N/A

B. Gendered costs and benefits

Use your analysis in Steps 1 and 2 to identify the potential benefits and costs of your proposed policy, program or service. See page 31 for some guiding questions.

Benefits

N/A

Costs and risks



Click or tap here to enter text.

C. Overall gender impact

Assess the overall gender impact. Do the benefits outweigh the costs or vice versa? Figure 6 on page 32 provides some examples of negative and positive outcomes. See also the examples on page 33.

Previously answered



Template 4: Making recommendations

The final step in the gender impact assessment process is to make a final recommendation based on your analysis. Provide a rationale for the proposed recommendation and include any mitigation strategies that could be used to avoid any harmful unintended outcomes

Recommendation

See page 34 of the toolkit for an example of a recommendation.

[Click or tap here to enter text.](#)

Description

It is recommended that the draft Customer Service Charter, which includes revisions suggested by several Council staff, proceed to an open Council meeting in order to obtain feedback from the general community.

The Customer Service Charter is fundamental to the shaping of behaviour and attitudes towards people of all genders and will promote gender equality in the provision of information and in access to Council services and programs.

7.4. QUARTERLY FINANCIAL REPORT - OCTOBER TO DECEMBER 2022

DIRECTORATE : Corporate Strategies

PURPOSE:

The purpose of this report is to present to Council the financial performance for the 3 months ended 31 December 2022.

EXECUTIVE SUMMARY

- This quarterly finance report compares actual financial results to budget and forecast for the three months from 1 October 2022 to 31 December 2022 – refer **Attachment 1** Quarterly Finance Report.
- The report sets out the financial results for Council's recurrent (day-to-day) operations, projects, capital works, rates, and borrowings.
- Overall the monthly actual results indicate a favourable financial position of \$0.22m compared to forecast. The forecasted end of year position is in line with the budget overall.
- This report meets the requirements of section 97 of the Local Government Act 2020 to present a quarterly financial report to Council at a public meeting that compares actual results against budget.

MOVED: CR BEN BLAIN

SECONDED: CR MAX TAYLOR

That the Quarterly Financial Report for the period October to December 2022 be received.

CARRIED - 7:0

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

5 An effective Council

5.5 Organisational and financial sustainability: Council will ensure organisational and financial sustainability through the effective and efficient use of Council's resources and assets.

ATTACHMENTS

1. Quarterly Finance Report Oct- Dec 2022 [**7.4.1** - 12 pages]

The background of the entire page is a photograph of a street in Warrnambool. On the right side, a tall, white clock tower with a blue clock face and a 'Bank of Melbourne' sign is visible. The street is lined with trees showing vibrant autumn foliage in shades of red, orange, and yellow. Several cars are parked along the street, and a pedestrian is visible in the distance. The sky is a clear, bright blue with some light clouds. A semi-transparent white box is overlaid on the lower half of the image, containing the title text.

Quarterly Financial Report October - December 2022

Quarterly Financial Report

Oct - Dec 2022

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Quarterly Financial Report

Oct - Dec 2022

I. Executive Summary

The monthly report is designed to illustrate the financial performance and position of Warrnambool City Council compared to its adopted and forecast budget for the period ending 31 December 2022.

The six months actual results indicate a favourable financial position of \$0.223m to the forecast.

Key Financial Results	Adopted Budget \$'000	Forecast \$'000	YTD Forecast \$'000	YTD Committed \$'000	YTD Variance to Forecast	
					\$'000	
Rates	44,603	44,833	44,818	44,804	(13)	▼
Recurrent Income	46,496	44,634	22,210	22,124	(86)	▼
Recurrent Expenditure	(76,158)	(78,773)	(40,633)	(40,497)	136	▲
Net Recurrent Surplus/(Deficit)	(29,663)	(34,140)	(18,423)	(18,373)	50	▲
Project Income	834	2,131	1,077	1,122	45	▲
Project Expenditure	(1,105)	(7,638)	(2,277)	(2,269)	8	▲
Net Project Surplus/(Deficit)	(271)	(5,508)	(1,200)	(1,146)	54	▲
Capital Income	1,741	15,789	3,491	3,721	230	▲
Capital Expenditure	(18,495)	(40,591)	(17,333)	(17,547)	(214)	▼
Net Capital Surplus/(Deficit)	(16,755)	(24,802)	(13,842)	(13,826)	16	▲
Loan Drawdowns	4,000	2,375	1,375	1,375	0	■
Loan Repayments	(1,882)	(1,882)	(941)	(824)	117	▲
Net Financing Position	2,118	493	434	551	117	▲
Surplus / (Deficit) Brought Forward	0	19,087	19,087	19,087	0	■
Total	32	(36)	30,873	31,097	223	▲

Recurrent: is \$0.050m favourable to forecast due to the following main reasons:

- The November forecast process identified year to date savings in salaries due to vacant positions and there are still some minor savings in salaries across a number of areas within the organisation plus there are some timing variances in materials and services.
- There is an unfavourable variance in Saleyards income due to reduced volumes (\$75k) and additional expenditure relating to the assessment of the saleyards (\$88k).

Projects: Favourable variance of \$54k mainly due to timing of projects.

Capital Works: is \$16k favourable to forecast. The Reid Oval project is higher than forecast by (\$125k) due to an overspend on bollard installation, asphaltting of car parks and an additional perimeter path and retaining wall.

Loans: The favourable variance of \$117k is due to the timing of loan borrowings.

Quarterly Financial Report

Oct - Dec 2022

2. Certification Statement

The financial position of Council has been reviewed and it has been determined that a Revised Budget under s95 of the Local Government Act 2020 is not required.

A handwritten signature in black ink, appearing to read 'D. Leahy', is written over a horizontal line.

David Leahy
Acting Chief Executive Officer

Quarterly Financial Report

Oct - Dec 2022

3. Statement of Comprehensive Income

	Adopted Budget \$'000	Forecast \$'000	YTD Forecast \$'000	YTD Committed \$'000	YTD Variance to Forecast		
					\$'000	%	
Revenue							
Rates and Charges	44,693	44,923	44,865	44,864	(1)	(0.0%)	▼
Statutory Fees and Fines	2,233	2,233	1,070	1,056	(14)	(1.3%)	▼
User Fees	18,629	19,137	9,735	9,629	(106)	(1.1%)	▼
Recurrent Grants	12,830	11,560	5,831	5,889	58	1.0%	▲
Non-Recurrent Grants	1,275	11,188	2,155	2,161	7	0.3%	▲
Contributions - Cash	1,141	4,999	1,746	1,791	45	2.6%	▲
Contributions - Non Cash	6,500	4,000	0	0	0	0.0%	▼
Other Income	345	358	132	149	17	12.5%	▲
Interest Income	110	210	210	346	136	65.1%	▲
Revenue Total	87,754	98,607	65,743	65,885	142	0.2%	▲
Expenses							
Employee Benefits	39,341	39,657	18,581	18,153	428	2.3%	▲
Materials and Services	24,945	33,778	18,413	18,707	(295)	(1.6%)	▼
Bad and Doubtful Debts	149	149	12	0	12	100.0%	▲
Finance Costs	235	235	83	113	(30)	(36.3%)	▼
Other Expenses	449	449	275	306	(31)	(11.2%)	▼
Depreciation	12,966	12,500	0	0	0	0.0%	■
Net loss / (gain) on asset disposal	624	1,047	(151)	(275)	123	81.5%	▲
							■
Expenses Total	78,708	87,814	37,212	37,004	208	0.6%	▲
Net Surplus / (Deficit)	9,046	10,793	28,531	28,881	350	1.2%	▲
Other Comprehensive Income							
Net asset revaluation	10,848	10,848	0	0	0	0.0%	■
Total Comprehensive Income	19,894	21,641	28,531	28,881	350	1.2%	▲
Net Underlying Surplus / (Deficit)							
	2,546	6,793	28,531	28,881	350	1.2%	▲

Net Surplus/(Deficit): The net surplus is \$28.881m which is \$0.350m favourable to the forecast budget.

Revenue: is \$142k favourable to forecast mainly due to higher interest income (from investments and the operating account) of \$136k, minor budget variations required for recurrent grants \$58k and public open space contributions \$48k partially offset by lower Saleyards volumes due to closure (\$75k), timing of child care fee income due to the Christmas/New Year closure (\$22k) and dispute with Council property lessee (\$66k).

Expenses: are \$208k favourable to forecast due to:

- Employee benefits – The November forecast process identified year to date savings in salaries due to vacant positions. \$381k of the current favourable forecast variance in employee costs is within Infrastructure Services and is offset by a (\$271k) unfavourable variance in contractors within materials and services due to the need to outsource some of the services as a result of vacancies with the majority of the balance to be utilised by consultants for design work. The balance is due to savings across a number of areas due to vacancies.

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- Materials and services are higher than forecast (\$295k) mainly due to the use of contractors rather than employees within the Infrastructure Services area, additional expenditure relating to the assessment of the saleyards (\$88k) offset by some favourable timing variations across the organisation.
- Net loss/(gain) on asset disposal is favourable by \$123k mainly due to the sale of an asset at Warrnambool Airport of \$150k.

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4. Balance Sheet

	2022/23 Opening Balance \$'000	Movement \$'000	YTD Closing Balance \$'000
Current Assets			
Cash & Cash Equivalents	12,837	(4,137)	8,700
Investments	25,000	6,000	31,000
Trade and Other Receivables	3,552	19,222	22,773
Other Assets	2,372	(1,360)	1,012
Current Assets Total	43,761	19,725	63,486
Non-Current Assets			
Trade and Other Receivables	1	0	1
Property Plant & Equipment	738,259	8,072	746,332
Non-Current Assets Total	738,261	8,072	746,333
Total Assets	782,022	27,797	809,818
Current Liabilities			
Trade and Other Payables	11,614	(3,264)	8,350
Trust Funds and Deposits	2,034	(53)	1,981
Provisions	6,813	0	6,813
Interest-bearing Loans and Borrowings	1,562	(824)	738
Lease Liabilities	286	0	286
Current Liabilities Total	22,308	(4,141)	18,168
Non-Current Liabilities			
Provisions	992	0	992
Interest-bearing Loans and Borrowings	9,039	1,375	10,414
Lease Liabilities	963	0	963
Non-Current Liabilities Total	10,994	1,375	12,369
Total Liabilities	33,303	(2,766)	30,537
Net Assets	748,719	30,563	779,281
Equity			
Accumulated Surplus	265,261	30,564	295,822
Reserves	483,459	0	483,459
Total Equity	748,719	30,564	779,281

Cash & Investments: The November quarter rates instalment increased the amount of cash reserves however some capital works progress payments made in December for the Jetty Flat Pavilion Redevelopment and the Lake Pertobe Playspace and Water Play Area have impacted the balance.

Trade and Other Receivables: have increased significantly from the start of the financial year due to raising the full year's rates revenue in August with instalments due quarterly. This is reducing throughout the year as customers make their instalment repayments.

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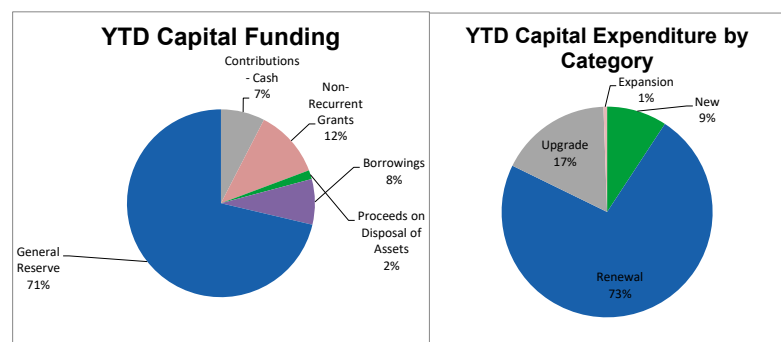
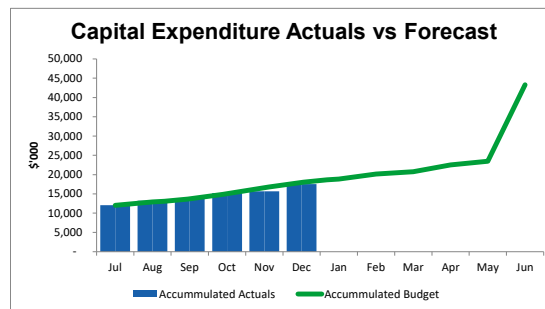
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5. Capital Expenditure and Funding

Capital Expenditure: Council has a number of major capital works underway or recently completed, including Lake Pertobe, Edwards Bridge, the Jetty Flat Pavilion redevelopment and the Port of Warrnambool Boat Ramp upgrade. Currently Council's committed amount is unfavourable compared to the year to date forecast (\$214k). The Reid Oval project is higher than forecast by (\$125k) due to an overspend on bollard installation, asphaltting of carparks and an additional perimeter path and retaining wall. The actual capital works spend to date (excluding orders) is \$11.668m.

Capital Funding: The majority of the works to date have been funded through Council funds (71%). There are significant grants that are anticipated to be received during the year. Borrowings for the Saleyard Rectification project have been removed in the forecast (and corresponding expenditure budget has been adjusted).

	Adopted Budget \$'000	Forecast \$'000	YTD Forecast \$'000	YTD Committed \$'000	YTD Variance to Forecast \$'000	
Expenditure						
New	1,318	3,270	1,519	1,620	(101)	▼
Renewal	14,873	30,904	12,755	12,813	(58)	▼
Upgrade	2,233	6,217	2,964	3,017	(53)	▼
Expansion	72	200	95	97	(2)	▼
Capital Expenditure	18,495	40,591	17,333	17,547	(214)	▼
Funding						
Contributions - Cash	200	4,091	1,255	1,327	71	▲
Non-Recurrent Grants	1,275	10,962	2,033	2,057	24	▲
Proceeds on Disposal of Assets	266	626	151	275	123	▲
Borrowings	4,000	2,375	1,375	1,375	0	■
General Reserve	12,755	22,537	12,518	12,513	(5)	▼
Capital Funding	18,495	40,591	17,333	17,547	214	▲



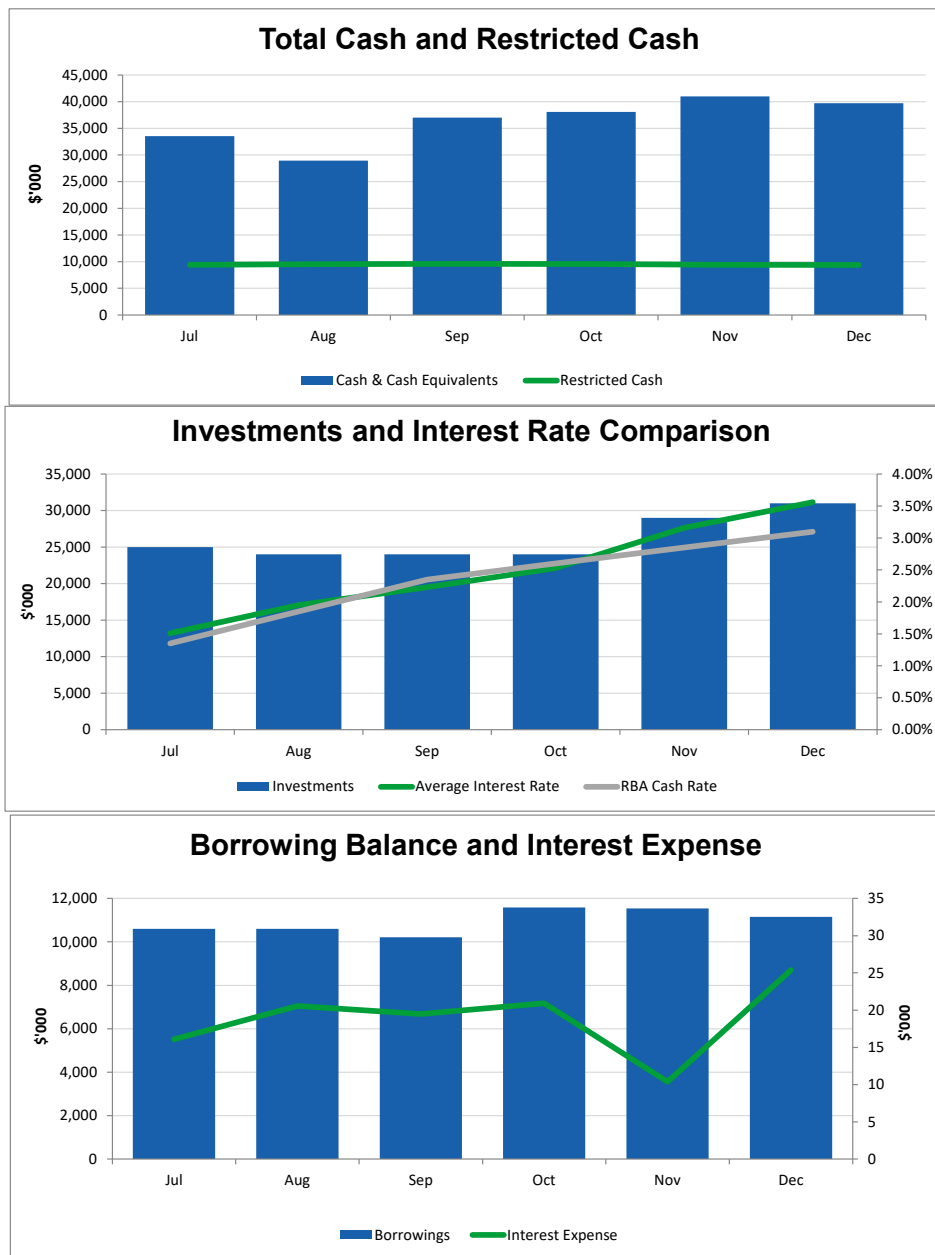
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6. Treasury Report

Cash: Total cash held (including investments) at the end of December was \$39.7m, of which \$9.4m is restricted.

Investments: The average interest rate held on investments at the end of December was 3.56% and is continuing to trend upwards with the recent interest rate rises and the speculation of future rises. The average interest rate is higher than the RBA cash rate of 3.10% which is reflective of current investment interest rates being over 4.0%.



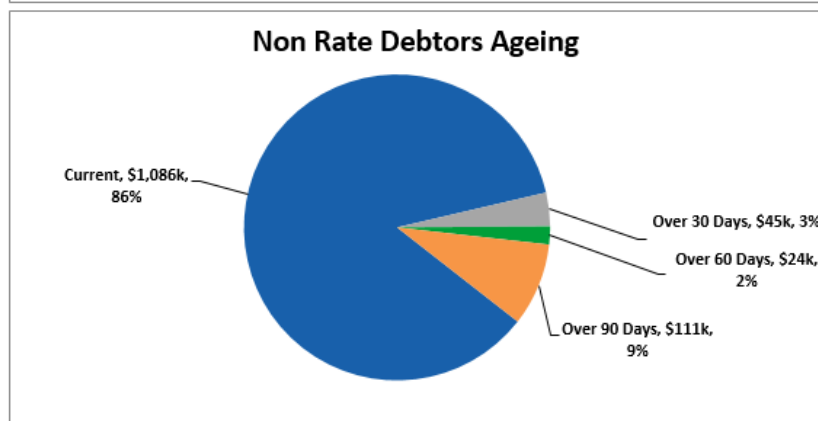
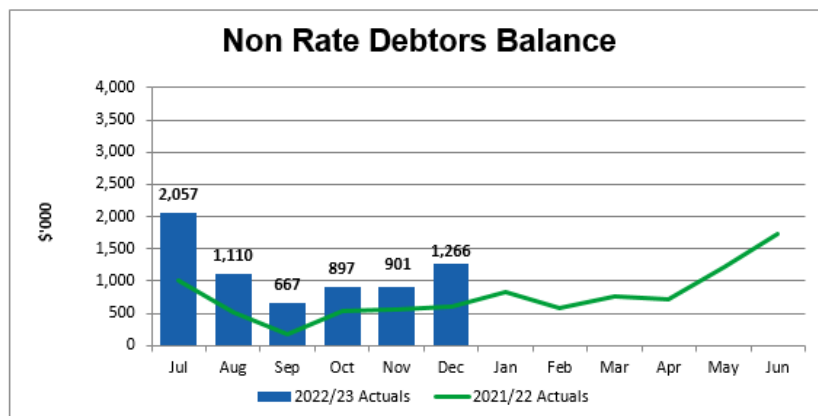
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7. Debtors Report

Non Rate Debtors: were \$1.266m in December, with \$1.086m or 86% of the debt classified as current.

- 30 Days \$45k (4%) – Two invoices for \$8,250 each relate to the 2022/23 Q1 Regional Cities Victoria Contribution. \$11k relates to building rental with payment received on the 8th of January, 2023. The balance of the outstanding 30 day debt amounts are not material and reminder invoices will be sent.
- 60 Days \$24k (2%) – \$10k relates to payment for Designated Area Representative Assessment Fee Great South Coast DAMA. This invoice was paid in January. The balance of the outstanding 60 day debt amounts are not material and reminder invoices will be sent.
- 90 Days \$111k (9%) – \$90k relates to the Department of Jobs, Precincts and Regions (DJPR) for an AgriLinks grant relating to the Buckleys Road improvement project (milestone 2) with payment received on the 3rd of January, 2023. Council is working with the other overdue debtors and setting up payment plans where appropriate.



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8. Budget/Forecast Variations

Item	Budget Variation \$	Cumulative Total \$
Adopted Budget Surplus		32,087
Rollovers - Net (adjusted November 2022)	(19,087,330)	(19,055,243)
November forecast adjustments	(68,421)	(19,123,664)
Cash Surplus Bought Forward (adjusted November 2022)	19,087,330	(36,334)
External budget variations - new grants		
October quarter variations:		
Contributions to Reid Oval - South West Sport	50,000	13,666
Contributions to Reid Oval - Nestles Cricket Club	20,000	33,666
Contributions to Reid Oval - Warrnambool Football Netball Club	70,000	103,666
Contributions to Reid Oval - Expenditure	(140,000)	(36,334)
AFLW match - Essendon contribution	35,000	(1,334)
AFLW match - Essendon contribution	(35,000)	(36,334)
Dep. Premier & Cabinet - Premier's Reading Challenge Book Fund	8,577	(27,757)
Dep. Premier & Cabinet - Premier's Reading Challenge Book Fund	(8,577)	(36,334)
JLT Insurance payment - Damage to Lighthouse Theatre electrical equip.	12,893	(23,441)
JLT Insurance payment - Damage to Lighthouse Theatre electrical equip.	(12,893)	(36,334)
Dept of Health - HPV Adolescent Council Grant - increase vaccination uptake	9,688	(26,646)
Dept of Health - HPV Adolescent Council Grant - increase vaccination uptake	(9,688)	(36,334)
LaunchVic grant for Great South Coast Startup Ecosystem 2022	250,000	213,666
LaunchVic grant for Great South Coast Startup Ecosystem 2022	(250,000)	(36,334)
Dept of Education - VSBA Improvement Stream Early Learning Facilities Grant - City Kinder	384,000	347,666
Dept of Education - VSBA Improvement Stream Early Learning Facilities Grant - City Kinder	(384,000)	(36,334)
Dept of Education - VSBA Minor Infrastructure Improvement Grant - Lions Hopkins	29,957	(6,377)
Dept of Education - VSBA Minor Infrastructure Improvement Grant - Lions Hopkins	(29,957)	(36,334)
Dept of Education - VSBA Minor Infrastructure Improvement Grant - South	74,250	37,916
Dept of Education - VSBA Minor Infrastructure Improvement Grant - South	(74,250)	(36,334)
Dept of Education - VSBA Inclusion Stream Equipment Grants Round 2 - City	9,971	(26,363)
Dept of Education - VSBA Inclusion Stream Equipment Grants Round 2 - City	(9,971)	(36,334)
Dept of Education - VSBA Inclusion Stream Equipment Grants Round 2 - Lions Hopkins	9,521	(26,813)
Dept of Education - VSBA Inclusion Stream Equipment Grants Round 2 - Lions Hopkins	(9,521)	(36,334)
Dept of Education - VSBA Inclusion Stream Equipment Grants Round 2 - Sherwood Park	9,950	(26,384)
Dept of Education - VSBA Inclusion Stream Equipment Grants Round 2 - Sherwood Park	(9,950)	(36,334)
Dept of Education - VSBA Inclusion Stream Equipment Grants Round 2 - Florence Collins	9,799	(26,535)
Dept of Education - VSBA Inclusion Stream Equipment Grants Round 2 - Florence Collins	(9,799)	(36,334)
Department of Education reimbursement of Library Hub furniture	62,039	25,705
Department of Education reimbursement of Library Hub furniture	(62,039)	(36,334)
DJPR - South Warrnambool Flood Investigation Funding	60,000	23,666
DJPR - South Warrnambool Flood Investigation Funding	(60,000)	(36,334)
DJPR - Roadside Weeds & Pest Management Funding	7,064	(29,270)
DJPR - Roadside Weeds & Pest Management Funding	(7,064)	(36,334)
TAC Funding for Mortlake Road/Brenton Street Connection	51,100	14,766
TAC Funding for Mortlake Road/Brenton Street Connection	(51,100)	(36,334)
Dept of Transport funding for Jamieson Street Crossing	10,000	(26,334)
Dept of Transport funding for Jamieson Street Crossing	(10,000)	(36,334)
TAC Road Safety Planning funds	22,500	(13,834)
TAC Road Safety Planning funds	(22,500)	(36,334)
Dept of Health - Workforce Mental Health Community Navigator	137,000	100,666
Dept of Health - Workforce Mental Health Community Navigator	(137,000)	(36,334)
Australian Drug Foundation - Local Drug Action Team funding	29,000	(7,334)
Australian Drug Foundation - Local Drug Action Team funding	(29,000)	(36,334)

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Item	Budget Variation \$	Cumulative Total \$
DELWP - Domestic Wastewater Management Plan	20,000	(16,334)
DELWP - Domestic Wastewater Management Plan	(20,000)	(36,334)
DJPR - Council Rapid Antigen Testing Program	30,000	(6,334)
DJPR - Council Rapid Antigen Testing Program	(30,000)	(36,334)
Library Board of Victoria - Health & Wellbeing Grant	30,455	(5,879)
Library Board of Victoria - Health & Wellbeing Grant	(30,455)	(36,334)
DELWP - Life Saving Victoria training for Aquazone staff	700	(35,634)
DELWP - Life Saving Victoria training for Aquazone staff	(700)	(36,334)
Regional Arts Victoria - WAG First Nations Grant	41,666	5,332
Regional Arts Victoria - WAG First Nations Grant	(41,666)	(36,334)
Public Libraries of Victoria - Social Seniors Grant	1,500	(34,834)
Public Libraries of Victoria - Social Seniors Grant	(1,500)	(36,334)
VicHealth - VicHealth Local Government module implementation	11,000	(25,334)
VicHealth - VicHealth Local Government module implementation	(11,000)	(36,334)
TAC - Wombat Crossing Queens Road Aquazone	49,000	12,666
TAC - Wombat Crossing Queens Road Aquazone	(49,000)	(36,334)
Internal budget variations - transfers between cost centres		
October quarter variations:		
AFLW match - Council contribution	15,000	(21,334)
AFLW match - Council contribution	(15,000)	(36,334)
Transfer energy saving to upgrade solar at Jetty Flat	15,000	(21,334)
Transfer energy saving to upgrade solar at Jetty Flat	(15,000)	(36,334)
Horne Road Industrial Estate developer contributions 2nd payment	250,000	213,666
Horne Road Industrial Estate developer contributions 2nd payment	(250,000)	(36,334)
Forecast Budget Surplus/(Deficit)		
		(36,334)

7.5. PROPOSED AMENDMENT TO THE WARRNAMBOOL PLANNING SCHEME - RIVERVIEW TERRACE

DIRECTORATE : City Growth

PURPOSE:

This report provides information on a planning scheme amendment request received from Myers Planning Group on behalf of P & M Altmann to rezone land at Riverview Terrace (nos. 31, 32, 1/30, 2/30, 3/30/ 4/30, 5/30 and 6/30) land at Hopkins Point Road (Nos. 4, 6 and 10-12) and all of the lots within Casuarina Court, Warrnambool to the General Residential Zone 1. A combined planning application for a 2 lot subdivision at 32 Riverview Terrace is also proposed. It is recommended that Council request authorisation from the Minister for Planning to prepare an amendment to the Warrnambool Planning Scheme.

EXECUTIVE SUMMARY

- Myers Planning Group (proponent) on behalf of P & M Altmann (landowner of 32 Riverview Terrace) has requested Council prepare an amendment to the Warrnambool Planning Scheme to rezone existing Rural Living zoned land on the north side of Hopkins Point Road, Warrnambool. See map below showing extent of proposed rezoning.
- The amendment request proposes to rezone the land from the Rural Living Zone to the General Residential Zone 1.
- A combined planning application, PP2022-0060 for a 2 lot subdivision and creation of an easement at 32 Riverview Terrace is also included in the proposal.
- It should be noted that land known as 'Motang Estate' is not included in the proposed rezoning.
- It is considered the current zoning does not align with the current land use and development and is incorrect, and that the rezoning is appropriate.

MOVED: CR BEN BLAIN

SECONDED: CR RICHARD ZIEGELER

That Council

1. In accordance with Section 8A of the *Planning and Environment Act 1987* (the Act) request authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to the Warrnambool Planning Scheme to rezone land at Riverview Terrace (nos. 31, 32, 1/30, 2/30, 3/30/ 4/30, 5/30 and 6/30), land at Hopkins Point Road (Nos. 4, 6 and 10-12) and Nos. 1, 2, 3 and 4 Casuarina Court, Warrnambool to the General Residential Zone 1.
2. Following the authorisation of the Minister for Planning, in accordance with Section 9, 19 and 96C of the Act, prepare and exhibit a combined amendment to the Warrnambool Planning Scheme and permit application, including draft Planning Permit PP2022-0060 to subdivide the land and creation of an easement at Lot 1 PS 317314K, 32 Riverview Terrace, Warrnambool into 2 lots.

CARRIED - 7:0

BACKGROUND

Historically all of the land subject to the amendment request has been within the Rural Living Zone for over 20 years.

The proponent has now requested Council to prepare an amendment to the Warrnambool Planning Scheme to rezone the land to the General Residential Zone 1 (GRZ). The GRZ is consistent with the zoning of surrounding land to the west and east, and will provide the landowners with modest development opportunities.



Locality Plan

ISSUES

In this location, the Rural Living Zone has a minimum subdivision lot size of 6,000m² with an average lot size of 10,000m². The proposed subdivision application (**see Attachment 1**) is currently prohibited, therefore the rezoning must occur before the application can be considered.

Pursuant to Section 96A of the Planning and Environment Act, a planning application can be considered concurrently with a planning scheme amendment, which is what the proponent has applied for. Section 96C of the Act requires a draft planning permit to be exhibited as part of the combined process. The draft permit will be prepared once authorisation to prepare the amendment has been received.

The current zoning is inappropriate when considered against the existing pattern of development within the area, adjoining land zonings, and the purpose of the Rural Living Zone, which is, inter alia, is 'to provide for residential use in a rural environment', and 'to provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses'.



Zoning Plan

The Design and Development Overlay Schedule 2 applies to the subject land. Amongst other things, the overlay limits the lot sizes for subdivision to 6,000m² minimum and 10,000m² average. It is proposed to amend the overlay to delete reference to the subdivision lot sizes for the subject area.

The Logans Beach Strategic Framework Plan (2017) recommends rezoning of the subject area to the General Residential Zone. However following an assessment of the area, together with consultation with the residents, the plan does not support the inclusion of the land to the north known as the 'Motang Estate'. Accordingly the Motang Estate land is not included in the amendment.

The Logans Beach Strategic Framework Plan also recommends rezoning of the land on the south side of Hopkins Point Road (Logans Beach area) to the Neighbourhood Residential Zone. In 2019, Council requested authorisation from the Minister for Planning to prepare an amendment to implement the recommendations of the Logans Beach Strategic Framework Plan. The Minister for Planning refused authorisation for the amendment based on concerns regarding potential impacts on the landscape values, proposed density and character of the land on the south side of Hopkins Point Road (Logans Beach area).

Discussions have been held with officers at the Department of Environment, Land, Water and Planning (DELWP) who are comfortable with Council proceeding with the rezoning of the land on the north side of Hopkins Point Road. DELWP consider the two areas quite distinct and do not consider the refusal grounds of authorisation are relevant to the north side of Hopkins Point Road. However a considerable amount of further strategic work, with a substantial budget cost, will need to be undertaken before DELWP would further consider the rezoning of land within the Logans Beach area on the south side of Hopkins Point Road.

FINANCIAL IMPACT

The costs associated with the preparation and exhibition of the amendment can be met within the 2022/23 City Strategy and Development Budget and all statutory fees will be paid by the proponent.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

4 A connected, inclusive place

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

5 An effective Council

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

5.6 Risk mitigation: Council will mitigate and manage organisational risks through sound management systems and processes.

TIMING

In accordance with the provisions of the *Planning and Environment Act 1987*, and Minister's Directions.

COMMUNITY IMPACT / CONSULTATION

Exhibition of the planning scheme amendment and combined planning permit application, including a draft planning permit, will be undertaken in accordance with the requirements of the Planning and Environment Act, which requires submissions to be lodged within one month from the date of exhibition.

A flow chart outlining the process is attached (see **Attachment 2**).

LEGAL RISK / IMPACT

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

OFFICERS' DECLARATION OF INTEREST

None declared.

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

The planning scheme amendment to rezone the land from Rural Living Zone to General Residential Zone is required to facilitate the subdivision of 32 Riverview Terrace. The rezoning will also correct what is considered an existing anomalous zoning where the land has remained in the Rural Living Zone despite being appropriately serviced and located between two residential zoned areas.

The amendment is considered to have a net community benefit due to the combined positive environmental, social and economic impacts, primarily through the provision of additional residential land.

ATTACHMENTS

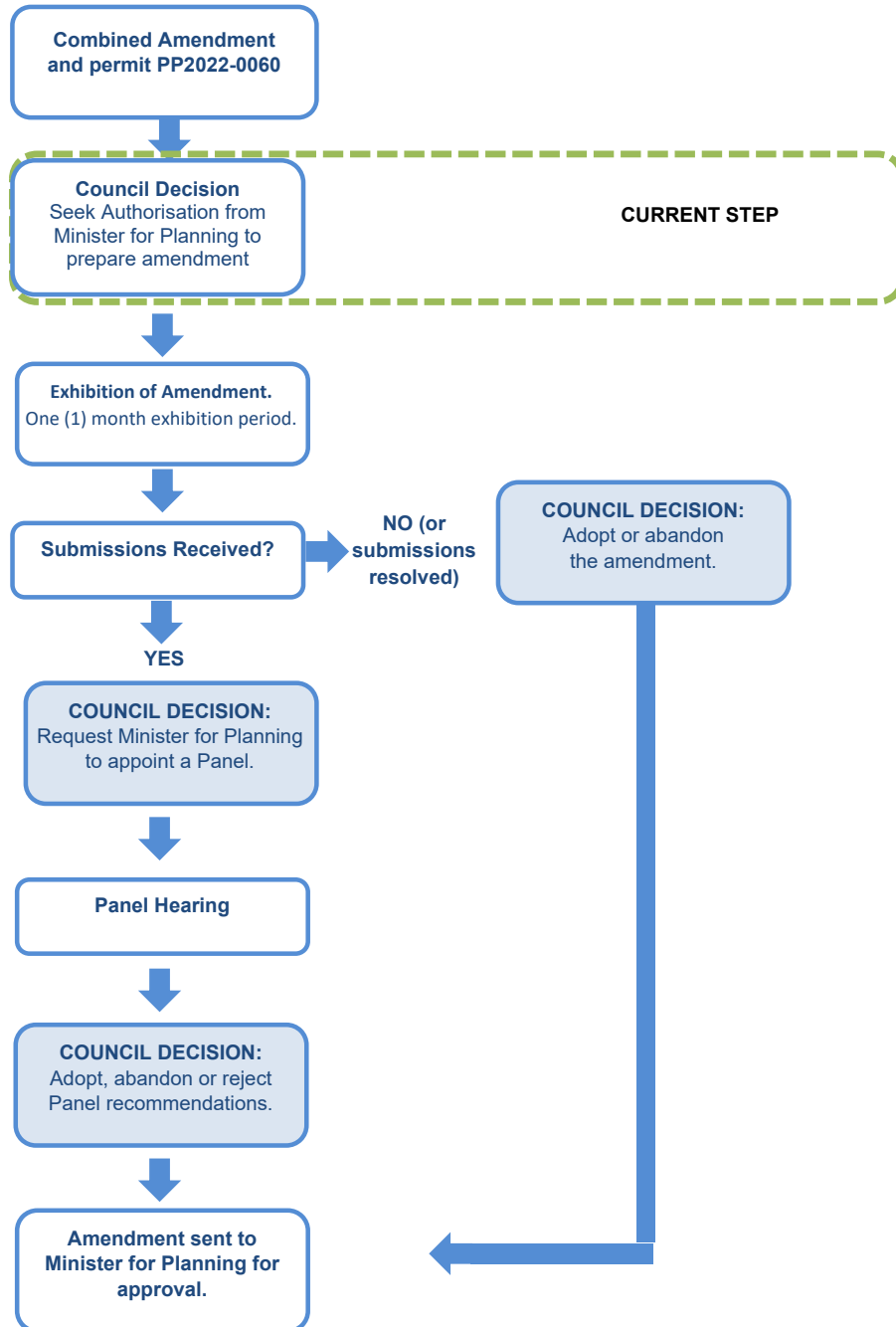
1. 21-434 Riverview Terrace Proposed Plan of Subdivision [7.5.1 - 1 page]
2. Planning Scheme Amendment Flowchart for Council reports [7.5.2 - 1 page]



<div><div>MYERS</div><div>PLANNING GROUP</div></div>	182B Lava Street Warrnambool VIC 3280 Phone: (03) 5562 9443 www.mpgdesignstudio.com.au	revision: description: date:	project: PROPOSED PLAN OF SUBDIVISION AT 32 RIVERVIEW TERRACE WARRNAMBOOL VIC. 3280	date: FEB 2022	<div><div>N</div></div>
	Reg No DP-AD 40515 ABN 53253414622	<div>NOT FOR CONSTRUCTION</div>	client: MARILYN AND PHILLIP ALTMANN	scale: AS SHOWN A3	
	ALL WORKS TO BE CARRIED OUT IN STRICT COMPLIANCE WITH THE NATIONAL CONSTRUCTION CODE (NCC) OF AUSTRALIA. CONTRACTORS TO CHECK ALL SITE DIMENSIONS & LEVELS BEFORE COMMENCEMENT OF WORK. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE. © MPG DESIGN STUDIO 2021	drawing title: PROPOSED PLAN OF SUBDIVISION	designed by: HE		
			drawn by: LM/HE		
			project no.: 21-434 rev.: /		
				dwg no: SK1 of SK 1	

21-434 Riverview Terrace Proposed Plan of Subdivision (rev1.1).jpg

PLANNING SCHEME AMENDMENT FLOWCHART



7.6. PLANNING APPLICATION PP2022-0201 - 8 HENRY STREET WARRNAMBOOL

DIRECTORATE : City Growth

PURPOSE:

This report summarises the planning assessment that provides a recommendation for the application for the construction of two dwellings on a lot, and recommends that Council issue a Notice of Decision to grant a permit subject to conditions

EXECUTIVE SUMMARY

- Council has received an application to construct two side-by-side dwellings on an existing residential lot in the General Residential zone (following demolition of an existing single dwelling).
- The new dwellings will each have a single garage serviced by a new double crossover onto Henry Street.
- The application triggers a permit for development of two or more dwellings on a lot.
- The application was subject to public notice, which resulted in eight submissions, all in objection to the proposed development. Grounds of objection were almost entirely in relation to the intended use of the dwelling, specifically for public housing operated by the Salvation Army. The use does not require planning permission and is therefore not being assessed.
- The application has been assessed against the relevant planning controls and has found that proposed development is supported by planning policy, and meets the objectives of the scheme. If the application is supported, a Notice of Decision would be required as all objections have been sustained.

MOVED: CR RICHARD ZIEGELER
SECONDED: CR ANGIE PASPALIARIS

That Council, having caused notice of Planning Application No. PP2022-0201 to be given under Section 52 of the Planning and Environment Act 1987 and or the planning scheme, and having considered all the matters required under Section 60 of the Planning and Environment Act 1987 issue a Notice of Decision declaring an intent to grant a permit under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 2 PS 329667G PSH WAN TSH WARR, 8 Henry St, WARRNAMBOOL VIC 3280, for the Construction of two (2) dwellings in accordance with the endorsed plans, subject to the following conditions:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the amended plans submitted on 21 October 2022 but modified to show:

- a) The internal dimensions of each garage having a minimum length of six (6) metres and a minimum width of 3.5 metres.**
- b) Confirmation via either a note on plans or an elevation including height and construction materials showing intended fencing between the two proposed dwellings**

2. Layout Not Altered

The layout of the site and size, design and location of the buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

3. Landscaping Completion

All landscaping must be completed within twelve (12) months of occupation of the dwellings, to the satisfaction of the responsible authority.

4. Landscaping Maintenance

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority.

5. Construction Amenity

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

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

6. Stormwater Management Plan

Before the commencement of construction a detailed Stormwater Management Plan is to be submitted to and endorsed by the responsible authority. The stormwater works must be designed in accordance with the current responsible authority's Design Guidelines, the endorsed application plans and must include:

- a) Identification of any existing drainage on the site;
- b) Details of how the works on the land are to be drained and/or retarded;
- c) Computations in support of the proposed drainage;
- d) A proposed Legal Point of Discharge for each dwelling;
- e) An underground drainage system to convey minor flows (as defined by the IDM) to the drainage outfall for the development;
- f) Details of how the stormwater discharge from the development will be limited such that post development flows for the 20% and the 1% AEP do not exceed pre-development flows;
- g) Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways and groundwater in accordance with Clause 56.07-4 of the Planning Scheme;
- h) Where residential tank systems are included in the stormwater treatment drain for the development, agreements to the satisfaction of Council for the provision and maintenance of these systems;
- i) Evidence that stormwater runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within lots without causing damage or nuisance to adjoining lots; and

- j) **Where drainage is required to be conveyed across privately owned land, easements to be created or demonstration that the consent of the landholder has been provided.**

7. Stormwater Works

The endorsed Stormwater Management Plan is to be implemented to the satisfaction of the responsible authority prior to use or occupation of any new dwelling.

8. Vehicle Access

Before the use or occupation of the development, the applicant must provide vehicle access to the satisfaction of the responsible authority. This includes the removal of existing redundant vehicle crossings and reinstatement of affected kerb, nature strip and footpath. Satisfactory clearance is to be provided to any stormwater pit, power or telecommunications pole, manhole cover, marker, or street tree. Any relocation, alteration or replacement required shall be at the applicant's expense.

NOTES

Road Reserve Works Permit

Before the commencement of any works within the road reserve, a Road Reserve Works Permit must be obtained from Council. All conditions on the Permit must be complied with.

Asset Protection Permit

Before the commencement of any physical works to the site, an Asset Protection Permit must be obtained from Council. This purpose of this permit is to protect Council assets from damage which can result from the works and from the movement of heavy equipment and materials on and off the site. All conditions on the Permit must be complied with.

Discharge of Polluted Water

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

Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.

Refer to Environment Protection Authority Victoria (EPA) guidelines.

CARRIED – 7:0

BACKGROUND

The subject site is approximately 510m² in a rectangular shape midway along the north side of Henry Street between Wellington Street and Alexandra Crescent, located in an established residential neighbourhood. All lots in the area have been developed, and the prevailing character is single dwellings on smaller lots, where many dwellings are traditionally designed with either hipped or peaked roofs, brick veneer or weatherboard cladding, with consistent setbacks and siting. There are some examples (e.g. 1, 6, and 14 Henry Street) of infill development, either via subdivision or multiple dwellings in various configurations. An existing single dwelling with associated outbuildings is centrally located on the site, accessed via a single crossover on the western side. No significant vegetation is observed.

The site itself could be characterised as relatively flat, however Henry Street as it travels west begins to rise quite steeply. Dwellings on the southern side of the street back onto the Urban Flood zone, and the low-lying areas along the banks of the Merri River. The streetscape along Henry Street could be characterised as reasonably informal, where street trees are limited, and parking would appear to include both formal accessways, and some evidence of parking along the nature strip.

The proposal seeks to permit the construction of two dwellings on the subject lot, following the demolition of the existing single dwelling. The proposed dwellings would be sited in a 'side by side' arrangement using a parti wall extending across the front half, followed by a courtyard separating two mirrored layouts. Private open space would be located to the rear (north), with two small storage sheds along the back boundary.

The proposed built form involves two single-storey structures with hipped roof profiles, clad primarily in face brickwork and metal colourbond roofing. Each dwelling includes a single garage, two bedrooms, one bathroom, and an open-space area for kitchen and living. Both garages would be accessed via a double crossover.

ISSUES

Objections came exclusively from local residents, where submissions were received from eight parties, all local owners or occupiers in close proximity to the subject site. Grounds of objection were focussed on the perceived impact of the intended use, namely that the dwellings would be used for public housing. Two objectors also brought up potential impacts from the built form, and most objectors also pointed to the perceived impact on traffic and parking. While planning case law firmly indicates that Council's role is limited to specific planning concerns, the relevant grounds of objection were individually assessed, and the recommendation is shown to be appropriate.

FINANCIAL IMPACT

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

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

4 A connected, inclusive place

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

5 An effective Council

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

5.6 Risk mitigation: Council will mitigate and manage organisational risks through sound management systems and processes.

TIMING

A decision on the application has already exceeded statutory requirements.

COMMUNITY IMPACT / CONSULTATION

In line with Council's instrument of delegation, as a result of having more than five objections a consultation meeting was held with a quorum of Councillors on 15 November 2022. Two parties plus the applicant were in attendance.

The application was also internally referred to Council's infrastructure department, where comments provided have been included in the assessment. No external referrals were undertaken or required.

LEGAL RISK / IMPACT

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

OFFICERS' DECLARATION OF INTEREST

No conflict declared.

COLLABORATIVE PROCUREMENT

Not applicable.

CONCLUSION

The development of the site with two dwellings represents an appropriate scale design response in context with the surrounding residential area. The development also achieves an increase in residential density in an area which is ideally located in close proximity to Warrnambool's Central Business District and on a site that is capable of accommodating change. Appropriate infrastructure will be required to be provided in association with the development as conditions of the planning permit. The proposed development will foster both increased housing diversity and housing affordability within an existing residential area of Warrnambool which are key objectives of planning policy.

The proposed development will result in residential urban consolidation consistent with the purpose of the zone, which aims to encourage a diversity of housing types, focus on housing affordability and housing growth particularly in locations offering good access to services and transport and encourage development that respects the neighbourhood character of the area. An assessment against Clause 55 (ResCode) has been completed where standards and objectives have been met.

In relation to specific grounds of objection, the parking requirement for a two bedroom dwelling is one space, where two spaces are provided for each dwelling. Accordingly, there is no underlying assumption that on-street parking will be affected in any way. The nature of stated use of the dwellings does not require planning permission. The Planning Scheme does not provide a specific land use for social or public housing, and the use of a 'dwelling' is as-of-right under the zone. In other words, a dwelling can be used on the site without planning permission, and the planning trigger in question is appropriate development. The building height of less than 5m is well under the maximum allowable under the zone, and overshadowing diagrams have shown that the development complies with the standard, and the existence of paling fencing at all boundaries would result in negligible impact.

As the grounds of objection should not lead to refusal, and having considered relevant decision guidelines, the proposed construction of two dwellings at 8 Henry Street Warrnambool is an appropriate planning outcome.

ATTACHMENTS

1. PP2022 0201 Delegate Report 8 Henry Street [7.6.1 - 14 pages]
2. Planning Clause 55 Report Two or More Dwellings [7.6.2 - 21 pages]
3. 8 Henry St - Planning Report - Gray Kinnane [7.6.3 - 24 pages]
4. 8 Henry St - Plans - Gray Kinnane [7.6.4 - 12 pages]



Delegate Planning Assessment Report

Application Details:

Application is for:	Construction of two (2) dwellings
Applicant's/Owner's Name:	Salvation Army Housing (Victoria) C/- GrayKinnane Pty Ltd PO Box 512 ASCOT VALE VIC 3032
Date Received:	8 August 2022
Statutory Days:	131 from receipt of FI to 9 January 2023
Application Number:	PP2022-0201
Planner:	Rob Wandell
Land/Address:	Lot 2 PS 329667G PSH WAN TSH WARR 8 Henry St WARRNAMBOOL VIC 3280
Zoning:	General Residential (GRZ1)
Overlays:	None
Under what clause(s) is a permit required?	32.08-6 (construct two or more dwellings on a lot)
Restrictive covenants on the title?	None
Current use and development:	Residential / Accommodation (single dwelling)

Proposal

The proposal seeks to permit the construction of two dwellings on the subject lot, following the demolition of the existing single dwelling. The proposed dwellings would be sited in a 'side by side' arrangement using a parti wall extending across the front half, followed by a courtyard separating two mirrored layouts. Private open space would be located to the rear (north), with two small storage sheds along the back boundary.

Figure 1: Proposed site plan (source: applicant submission)

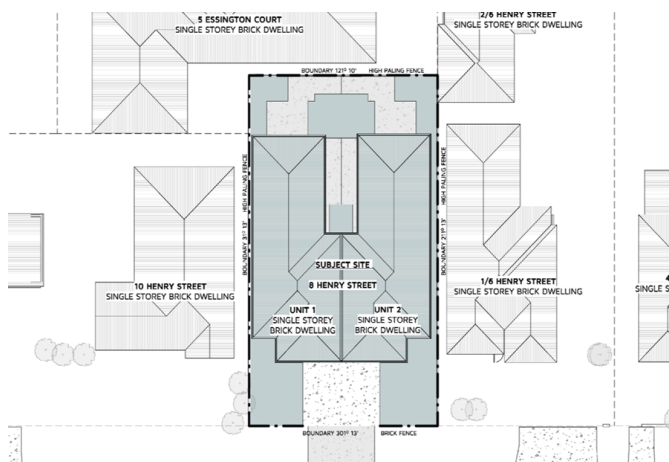
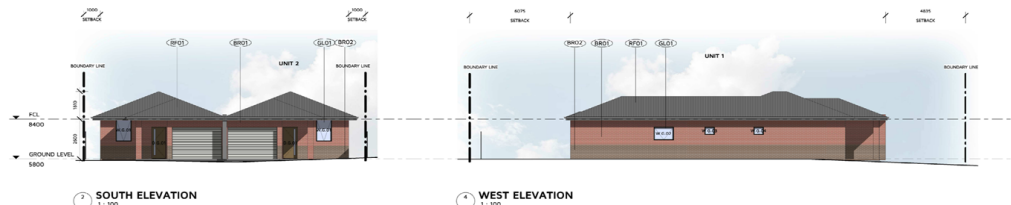


Figure 2: Proposed south (front) and west (side) elevations (source: applicant submission)



Subject site & locality

Figure 3: Aerial photograph showing site context (source: Exponare, 2022)



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Figure 4: Site photographs (source: Officer site visit, January 2023)



(standing at 6 Henry facing west)



(standing at subject site facing east)

The site itself could be characterised as relatively flat, however Henry Street as it travels west begins to rise quite steeply. Dwellings on the southern side of the street back onto the Urban Flood zone, and the low-lying areas along the banks of the Merri River. The streetscape along Henry Street could be characterised as reasonably informal, where street trees are limited, and parking would appear to be include both formal accessways, and some evidence of parking along the nature strip.

Permit/Site History

Planning Permit History

A review of Council's online system has revealed that no planning permit history pertains to the subject site since the system's inception.

ABORIGINAL CULTURAL HERITAGE

- Is the site in an area of significance? Yes
- Is the proposed development exempt? Yes. In accordance with Clause 9(1)(a) of the *Aboriginal Heritage Regulations 2018* the construction of one or two dwellings on a lot or allotment is an exempt activity.
- Has the site been significantly disturbed in the past? N/A
- Is a Cultural Heritage Management Plan required? No
- Has the applicant provided an approved Cultural Heritage Management Plan? N/A

Covenants/Restrictions

No covenants, encumbrances or other restrictions are registered on the Certificate of Title associated with the subject site.

Public Notification

The application has been advertised pursuant to Section 52 of the *Planning and Environment Act 1987*, by way of:

- Letters to adjoining and adjacent properties owners and occupiers;
- A sign being placed on the site; and
- A notice on Council's website.

The notification has been carried out correctly.

Council received eight (8) submissions to the proposed development, where all submissions are considered as an objection to the application. As a result of consultation referenced below, no objectors withdrew and all eight objections have been sustained.

Consultation

A formal request for further information was sent 29 August 2022 relating to advice from Council's infrastructure department concerning the original dimensions of the proposed crossover. A response including amended plans was provided 31 August 2022 to allow the application to proceed to the notification.

As a result of notification, eight objections were received. While specific objections provided details and explanation in various forms, it is fair to conclude that grounds of objections fell into three main categories, as follows:

- marginal impact on traffic and parking which is already problematic
- adverse behaviour, drug use, safety concerns of potential tenants
- decreased standard of living with specific reference to decreased property values

While all eight objectors referenced these themes in some capacity, two additional specific points were raised by individual objectors. First, the existing tenant indicated that they did not believe the removal of a three bedroom dwelling and replacement with only 2 bedroom options would be suitable for their specific needs. Additionally, one specific objector (not a direct neighbour) listed loss of privacy and overshadowing on account of building height as a concern.

Grounds of objection are addressed in a future section of the report.

In line with Council's instrument of delegation, when an application receives more than 4 objections it must be decided at a Council meeting. Accordingly, a consultation meeting with Councillors was arranged at Council offices on 15 November 2022. The meeting was attended by a quorum of Councillors, Council planning officers, two objectors, and the applicant.

Referrals

External referrals were not undertaken or required.

An internal referral was sent to Council's infrastructure department, including the amended plan which factored in the original advice concerning crossover dimensions. A written response was provided 26 September 2022 indicating consent with suggested conditions. These conditions have been added as requested.

Assessment

PLANNING POLICY

Municipal Planning Strategy (MPS)

The following clauses within the MPS are the most relevant to the application:

- Clause 02.01 Context
Warrnambool is Victoria's largest coastal regional city and is the fastest growing economy and population in South West Victoria.

- Clause 02.02 – Vision
The Council Plan (2017-2021) sets out the vision for Warrnambool as ‘a cosmopolitan city by the sea’. The four objectives relevant to land use planning are as follows:
 - Sustain, enhance and protect the natural environment.
 - Foster a healthy, welcoming city that is socially and culturally rich.
 - Maintain and improve the physical places and visual appeal of the city.
 - Develop a smarter economy with diverse and sustainable employment.
- Clause 02.03 – Strategic Directions
Clause 02.03-1 – Settlement
Clause 02.03-5 – Built Environment and Heritage
Clause 02.03-6 – Housing

Housing diversity

Sites within established urban areas have the potential to accommodate further residential development.

There is also capacity for more intensive forms of residential development within proximity to open space, activity centres and along public transport routes.

Warrnambool has a range of dwelling sizes. Every 5 in 10 dwellings contain three bedrooms. Two bedroom and four bedroom dwellings represent one in six of all dwellings.

Over the next two decades, Warrnambool's population is projected to age and household sizes are expected to continue to get smaller. Dwelling sizes, however, are anticipated to increase. By 2031, one quarter of the City's dwellings could consist of four or more bedrooms. More diversity in dwelling sizes is needed.

Council's strategic directions for housing diversity are:

- *Providing infill opportunities to accommodate residential development.*
- *Ensuring future populations have access to a diverse range of housing options including increasing the supply of housing for smaller households.*

Housing affordability

The affordability of housing has significant impacts on the liveability and economic prosperity of the community. A lack of affordable housing is a barrier to attracting key workers and tertiary students to the City. It also has detrimental impacts on sole parents, single people, young people, older people (65+ years) and children of sole parents.

Council's strategic directions for housing affordability are:

- *Facilitating smaller lot sizes and housing for the ageing and student populations close to community services.*
- *Providing social housing in future growth area planning.*

Under Clause 02.04, Warrnambool's Strategic Framework Plan shows the subject site located within the urban settlement boundary of Warrnambool, in an otherwise undesignated area (ie. not a growth area or activity centre). Notably, the site is just south of the West Warrnambool Industrial Precinct.

The development of the site with two dwellings represents an appropriate scale design response in the context of the surrounding residential area. The development also achieves an increase in residential density in an area which is ideally located in close proximity to Warrnambool's Central Business District and on a site that is capable of accommodating

change. Appropriate infrastructure will be required to be provided in association with the development as conditions of the planning permit. The proposed development will contribute to the social housing stock within the City being managed by Salvation Army Housing Victoria (SAHV) and will provide rental accommodation for tenants who have qualified for inclusion on the Victorian Housing Register. The proposed development will foster both increased housing diversity and housing affordability within an existing residential area of Warrnambool which are key objectives of the MPS.

Planning Policy Framework (PPF)

The following clauses within the PPF are the most relevant to the application:

- Clause 11 – Settlement

Clause 11.01 Victoria

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

Clause 11.02 Managing growth

- Clause 11.02-2S – Structure Planning

Objective:

To facilitate the orderly development of urban areas.

Strategies:

Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- *Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.*
- *Provide for the development of sustainable and liveable urban areas in an integrated manner.*
- *Assist the development of walkable neighbourhoods.*

- Clause 15 – Built Environment and Heritage

Clause 15.01 Built environment

- Clause 15.01-1S – Urban design
- Clause 15.01-2S – Building design
- Clause 15.01-5S – Neighbourhood character
- Clause 15.02-1S – Energy and resource efficiency
- Clause 15.03-2S – Aboriginal cultural heritage

- Clause 16 – Housing

Clause 16.01 Residential development

- Clause 16.01-1S – Integrated Housing
- Clause 16.01-2S – Location of residential development
- Clause 16.01-3S – Housing Diversity

Objective:

To provide for a range of housing types to meet diverse needs.

Strategies:

- *Ensure housing stock matches changing demand by widening housing choice.*
- *Facilitate diverse housing that offers choice and meets changing household needs through: a mix of housing types, adaptable internal dwelling design and universal design.*
- *Encourage the development of well-designed medium-density housing that: respects neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency of housing.*
- *Support opportunities for a range of income groups to choose housing in well-serviced locations.*
- *Ensure planning for growth areas provides for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.*
- Clause 16.01-3R – Housing Diversity – Great South Coast
- Clause 16.01-4S – Housing Affordability

Objective:

To deliver more affordable housing closer to jobs, transport and services.

Strategies:

- *Improve housing affordability by:*
 - *Increasing choice in housing type, tenure and cost to meet the needs of households as they move through life cycle changes and to support diverse communities.*
 - *Encouraging a significant proportion of new development to be affordable for households on very low to moderate incomes.*
- *Increase the supply of well-located affordable housing by:*
 - *Facilitating a mix of private, affordable and social housing in suburbs, activity centres and urban renewal precincts.*

The proposal is in accordance with the relevant policy objectives and strategies of the Planning Policy Framework (PPF). The development of the subject site with two dwellings will continue established settlement patterns within the region, whereby residential land which is in an appropriate location is provided with medium density infill housing to increase the residential housing stock. The development of the site with two new dwellings will allow for more affordable housing to be provided in a well-located area of Warrnambool which can be

utilised as a form of public housing being administered by Salvation Army Housing Victoria (SAHV). The PPF encourages the development of existing residential land in this manner.

ZONE

General Residential (32.08 and Schedule)

Pursuant to Clause 32.08-6, a planning permit is required for the construction of two or more dwellings on a lot. A development must meet the requirements of Clause 55, where a separate Clause 55 assessment is attached below.

The proposed development will result in residential urban consolidation which is consistent with relevant provisions of the MPS and PPF and the purpose of the zone which aims to encourage a diversity of housing types, focus on housing affordability and housing growth particularly in locations offering good access to services and transport and encourage development that respects the neighbourhood character of the area. The subject site is well located in close proximity to the Central Business District of Warrnambool and is zoned to be used for residential purposes. A Clause 55 assessment has been completed as detailed below where standards and objectives have been met.

Pursuant to Clause 32.08-4, an application to construct a dwelling or residential building on a lot size above 500m² must provide a minimum of 30% of the lot as garden area. The application details that a garden area measuring 30.21% of the area of the lot will be provided in association with the proposed development which exceeds the minimum requirement for a lot size of 510m².

Under Clause 32.08-10, a building must not exceed 11 metres in height or three (3) storeys at any point. The maximum height of the proposed dwellings is approximately 4.41 metres which complies with the maximum height requirement.

Pursuant to Clause 32.08-13 the relevant decision guidelines include the following:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone.*
- *For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55.*

The proposal is consistent with the Municipal Planning Strategy, the Planning Policy Framework and the purpose of the General Residential Zone and would not adversely impact any existing solar energy facilities on adjoining lots. A detailed assessment against Clause 55 has been completed and the proposed development complies with all objectives and standards.

PARTICULAR PROVISIONS

Car Parking (52.06)

Clause 52.06 applies to applications where there is an increase in the number of dwellings or bedrooms on the site. Clause 52.06-5 provides car parking rates for specific uses. The statutory parking requirement for dwellings with one or two bedrooms is one (1) space.

Clause 52.06-9 details that car parking spaces in garages must be at least 6 metres long and 3.5 metres wide for a single space as measured inside the garage. The standard minimum dimensions for a car parking space is 2.6 metres in width by 4.9 metres in length. Further to this, the design standards detail that where two or more car parking spaces are provided for a dwelling, at least one space must be undercover.

One car parking space is required to be provided for each of the new dwellings as each dwelling contains two bedrooms. Four car parking spaces of which two are undercover are provided. The single garages do meet the required minimum internal measurements each having a length of 5.980 metres and widths of 3.48 metres. The applicant has been advised of this area of non-compliance and has agreed to an amended plans condition which will require the single garages to meet the minimum internal dimensions of Clause 52.06-9 being 6 metres in length and 3.5 metres in width.

Two or more dwellings on a lot (Clause 55)

The provisions of Clause 55 apply to proposals for the construction of two or more dwellings on a lot. The proposal generally complies with the provisions of Clause 55. A detailed Clause 55 assessment is attached to this report.

GENERAL PROVISIONS

Approval of an Application or Plan (Clause 65.01)

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

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

The proposed development of the site with two dwellings provides an orderly planning outcome and responds to the decision guidelines of Clause 65.01. The proposed development will not adversely impact the amenity of the surrounding residential area. Subject to compliance with conditions of the permit it is not anticipated that there will not be any adverse

environmental impacts associated with the development. Stormwater management will be required to be addressed in relation to the new built form on the subject site. No native vegetation is located on the site or in close proximity to the site that will be impacted as a result of this development. Traffic flow and road impacts are anticipated as negligible from the proposed development.

OBJECTIONS

As previously outlined, eight submissions have been received in objection to the application. The submitters are all generally immediate neighbours, with 6 of 8 objectors residing on Henry Street. Grounds of objection have been classified in five categories, where three categories were mentioned by all parties, and two were raised by individual parties only.

1. *marginal impact on traffic and parking which is already problematic*

The parking requirement for a two bedroom dwelling is one space, whereas two spaces are provided for each dwelling. Accordingly, there is no underlying assumption that on-street parking will be affected in any way. The marginal difference between one three-bedroom dwelling, and two two-bedroom dwellings (one bedroom) would have negligible impact on commensurate population of the neighbourhood. Many objectors have raised the issue that industrial traffic including heavy trucks have been observed on the street, but obviously the appropriate urban infill of one lot has no impact on whether that traffic continues or not. As the particular provision for parking has been met, and there is no demonstrable impact on traffic or parking configurations on the street, the proposal should not be refused on the basis of this particular ground.

2. *adverse behaviour, drug use, safety concerns of potential tenants*

The nature of this ground for objection is inherently linked with the stated use of the dwellings, namely for social or public housing. The Planning Scheme does not provide a specific land use for social housing, and the use of a 'dwelling' is as-of-right under the zone. In other words, a dwelling can be used on the site without planning permission, and the planning trigger in question is appropriate development. Indeed, the existing dwelling is used for social housing without the requirement for a planning permit. Consequently, the assessment here does not include any details of how the dwelling will be used (ie. what segment of the population will reside there), and focusses solely on whether the development is appropriate (read: built form, visual impact, integration with the streetscape). This is in line with the case law as described in *Woolworths Ltd v Yarra Ranges SC [2008] VCAT 789*, where the Tribunal commented:

the Tribunal is limited by its statutory jurisdiction. It can only decide a matter based on the actual application before it, and for the limited purpose or 'trigger' for which a permit is required, and having regard to the relevant provisions and decision guidelines in the Planning and Environment Act 1987 and in the planning scheme that relate to the permit requirement.

Similarly, in *McDonald's Australia Limited v Yarra Ranges SC [2012] VCAT 1539*, 'in principle' type objections were deemed not relevant, where consideration is meant to be confined to buildings and works elements, and not the use. In this case Council has no jurisdiction to consider whether the as-of-right use would speculatively lead to undesirable social consequences.

3. *decreased standard of living with specific reference to decreased property values*

Similar to the above, property values have consistently been ruled by the Tribunal as not a relevant planning consideration.

4. *removal of a three bedroom dwelling and replacement with only 2 bedroom options would not be suitable*

This objection was raised by the current tenant who contends the conversion of the existing dwelling to a smaller format would preclude them from continuing their lease. This objection is not an 'in principle' objection as stated above, as it relates to the built form and development outcome as proposed. However, as described in the planning policy section, the underlying policy supports and promotes the concept of dwelling diversity. In this regard, the planning outcome must focus on the aggregate outcome, even though it may result in a short-term issue for any one individual.

5. *loss of privacy and overshadowing on account of building height*

The building height of less than 5m is well under the maximum allowable under the zone, and overshadowing diagrams have shown that the development complies with the standard, and the existence of paling fencing at all boundaries would result in negligible impact. Indeed, an assessment against Clause 55 standards and objectives has concluded that all standards are being met.

In summary, all grounds of objection have been considered, and the proposal should not be refused based on the objections alone.

Conclusion

Having considered the decision guidelines, the proposed construction of two (2) dwellings at 8 Henry Street Warrnambool is appropriate for the following reasons:

- Both dwellings face Henry Street and present in the same manner that a potential single dwelling could be constructed without requiring a planning permit with the main difference being the provision of garaging to each dwelling;
- The form of the dwellings is consistent with the surrounding residential area, particularly the existing side by side dwellings located to the west and other infill examples on the street. The proposed dwellings are articulated, and incorporate landscaping elements which will reduce the impact on the streetscape. The design and layout serves to reduce the visual bulk of the built form of the dwellings. Accordingly, the proposal is appropriate in terms of the overall impact of the bulk of the dwellings and neighbourhood character considerations;
- The proposed dwellings will not adversely affect the surrounding residential area, the existing neighbourhood character or the streetscape subject to compliance with conditions of the planning permit;
- The construction of the proposed dwellings meets the minimum garden area requirement of Clause 32.08-4. There is sufficient space to accommodate the minimum 30% garden area;
- The garages provided in association with the two new dwellings will be required to meet the minimum internal dimensions which are detailed in Clause 52.06-9 which relates to design standards for car parking. A condition of the permit will ensure compliance with this clause and ensure that functional undercover car parking spaces are provided on the site;
- An assessment against the provisions of Clause 55 of the Warrnambool Planning Scheme for the construction of two dwellings on a lot has been completed and has demonstrated that the proposed new dwellings are in accordance with the objectives and standards of Clause 55;
- The proposal is generally consistent with the provisions of the MPS and PPF, which encourage more intensive forms of residential development allowing for greater housing diversity and housing affordability within close proximity to open space, activity

centres and along public transport routes that provide appropriate development infrastructure; and

- The proposal is generally in accordance with the decision guidelines of Clause 65

Recommendation

That council:

- having caused notice of Planning Application No. PP2022-0201 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme, and

having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to determine the application under the provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 2 PS 329667G PSH WAN TSH WARR, 8 Henry St WARRNAMBOOL VIC 3280, for the Construction of two (2) dwellings in accordance with the endorsed plans, subject to the following conditions:

1. Amended Plans Required

Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the amended plans submitted on 21 October 2022 but modified to show:

- a) The internal dimensions of each garage having a minimum length of six (6) metres and a minimum width of 3.5 metres.
- b) Confirmation via either a note on plans or an elevation including height and construction materials showing intended fencing between the two proposed dwellings

2. Layout Not Altered

The layout of the site and size, design and location of the buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the responsible authority.

3. Landscaping Completion

All landscaping must be completed within twelve (12) months of occupation of the dwellings, to the satisfaction of the responsible authority.

4. Landscaping Maintenance

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority.

5. Construction Amenity

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

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

6. Stormwater Management Plan

Before the commencement of construction a detailed Stormwater Management Plan is to be submitted to and endorsed by the responsible authority. The stormwater works must be designed in accordance with the current responsible authority's Design Guidelines, the endorsed application plans and must include:

- a) Identification of any existing drainage on the site;
- b) Details of how the works on the land are to be drained and/or retarded;
- c) Computations in support of the proposed drainage;
- d) A proposed Legal Point of Discharge for each dwelling;
- e) An underground drainage system to convey minor flows (as defined by the IDM) to the drainage outfall for the development;
- f) Details of how the stormwater discharge from the development will be limited such that post development flows for the 20% and the 1% AEP do not exceed pre-development flows;
- g) Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways and groundwater in accordance with Clause 56.07-4 of the Planning Scheme;
- h) Where residential tank systems are included in the stormwater treatment train for the development, agreements to the satisfaction of Council for the provision and maintenance of these systems;
- i) Evidence that stormwater runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within lots without causing damage or nuisance to adjoining lots; and
- j) Where drainage is required to be conveyed across privately owned land, easements to be created or demonstration that the consent of the landholder has been provided.

7. Stormwater Works

The endorsed Stormwater Management Plan is to be implemented to the satisfaction of the responsible authority prior to use or occupation of any new dwelling.

8. Vehicle Access

Before the use or occupation of the development, the applicant must provide vehicle access to the satisfaction of the responsible authority. This includes the removal of existing redundant vehicle crossings and reinstatement of affected kerb, nature strip and footpath. Satisfactory clearance is to be provided to any stormwater pit, power or telecommunications pole, manhole cover, marker, or street tree. Any relocation, alteration or replacement required shall be at the applicant's expense.

NOTES

Road Reserve Works Permit

Before the commencement of any works within the road reserve, a Road Reserve Works Permit must be obtained from Council. All conditions on the Permit must be complied with.

Asset Protection Permit

Before the commencement of any physical works to the site, an Asset Protection Permit must be obtained from Council. This purpose of this permit is to protect Council assets from damage which can result from the works and from the movement of heavy equipment and materials on and off the site. All conditions on the Permit must be complied with.

Discharge of Polluted Water

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

Polluted drainage must not be discharged beyond the boundaries of the lot from which it emanates or into a watercourse or easement drain.

Refer to Environment Protection Authority Victoria (EPA) guidelines.

Planner
Responsible:

Delegate: Rob Wandell

Signature:

Signature:



Date:

Date:

9 January 2023



Assessment - Two or More Dwellings on a Lot and Residential Buildings (Clause 55)

Refer to Clause 55 of the Planning Scheme for objectives, decision guidelines and a full description of standards.

APPLICATION: PP2022-0201

ADDRESS: 8 Henry St WARRNAMBOOL VIC 3280

CLAUSE 55.02 NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE		
Objective	Standard	Assessment
<p>Clause 55.02-1 Neighbourhood Character</p> <p>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</p> <p>To ensure that development responds to the features of the site and the surrounding area.</p>	<p>Standard B1</p> <p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>	<p>✓ Complies</p> <p>The proposed development of the site consists of the construction of two (2) dwellings on an existing residential lot which currently contains an existing single storey dwelling, carport and small shed.</p> <p>The new dwellings are single storey in design and are complementary to the existing residential environment which generally comprises established dwellings on medium sized lots with some medium density infill development, subdivision and residential renewal being evident.</p> <p>The design of the dwellings will respect the existing neighbourhood character of the</p>

		<p>surrounding area by including hipped roofing and a design which is simple in form. The use of a limited range of construction materials including face brickwork and corrugated iron roofing in combination with the scale of the dwellings having appropriate setbacks from the external lot boundaries will ensure that the development integrates well within the surrounding residential area. The front setbacks of the dwellings, articulation to the front facades, and use of vegetation all serve to reduce the visual bulk of the overall built form when viewed from the street.</p>
<p>Clause 55.02-2 Residential Policy</p> <p>To ensure that residential development is provided in accordance with any policy for housing policies in the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To support medium densities in areas to take advantage of public transport and community infrastructure and services.</p>	<p>Standard B2</p> <p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>	<p>✓ Complies</p> <p>The MPS and PPF both provide high level strategy policy support for urban consolidation and increased housing diversity and housing affordability within existing residential areas.</p> <p>The subject site is appropriately located with regard to services and facilities to support the construction of medium density infill residential development with two dwellings on a conventional sized lot.</p> <p>The subject site is located in relatively close proximity to the Central Business District of Warrnambool which provides for the needs of households with the entire range of commercial uses provided within the central commercial</p>

		<p>area.</p> <p>Public transport is provided in close proximity to the subject site with a public bus stop located 125 metres to the north of the site on Merrivale Drive. The public bus route (No.6) provides access to the City centre and other areas of Warrnambool via further links on the public bus network.</p>
<p>Clause 55.02-3 Dwelling Diversity</p> <p>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</p>	<p>Standard B3</p> <p>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</p> <ul style="list-style-type: none"> • Dwellings with a different number of bedrooms. • At least one dwelling that contains a kitchen, bath or shower, and a toilet and a wash basin at ground floor level. 	<p>N/A</p> <p>This development relates to the construction of two (2) new dwellings on the subject site and as such this objective does not apply to the proposed development of the site.</p>
<p>Clause 55.02-4 Infrastructure</p> <p>To ensure development is provided with appropriate utility services and infrastructure.</p> <p>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</p>	<p>Standard B4</p> <p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for</p>	<p>✓ Complies</p> <p>The subject site is located within an existing urban area. The proposed development will make use of existing infrastructure which already services the dwellings in the surrounding area. The developer will be responsible for upgrading this infrastructure, as necessary, to accommodate the proposed development in order to ensure that the two new dwellings are appropriately serviced.</p>

	the upgrading of or mitigation of the impact on services or infrastructure.	
Clause 55.02-5 Integration with the Street Integrate the layout of development with the street	Standard B5 Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility. Development should be oriented to front existing and proposed streets. High fencing in front of dwellings should be avoided if practicable. Development next to existing public open space should be laid out to complement the open space.	✓ Complies The two new dwellings will integrate appropriately with the street, and the design of the development will result in both of the new dwellings facing the street with appropriate interactivity and surveillance options. The development presents the streetscape with an articulated form and the dwellings are appropriately set back from the street in order to allow for landscaping to be provided to the front of the dwellings. The provision of one new double vehicle crossover for the development to provide access to both dwellings will not adversely impact the streetscape in a negative manner. The new crossover will provide for appropriate and functional vehicle access to the driveway, garage and uncovered parking space. The absence of front fencing will allow for the provision of an open streetscape with clear visibility of the new dwellings.
CLAUSE 55.03 SITE LAYOUT AND BUILDING MASSING		
Objective	Standard	Assessment

<p>Clause 55.03-1 Street Setback</p> <p>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</p>	<p>Standard B6</p> <p>Walls of buildings should be set back from streets:</p> <ul style="list-style-type: none"> At least the distance specified in a schedule to the zone; or If no distance is specified in a schedule to the zone, the distance specified in Table B1. <p>Table B1 details that if there is an existing building on both the abutting allotments facing the same street, and the site is not on a corner, the minimum setback is the average distance of the setbacks of the front wall of the existing buildings, or 9m. Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>	<p>✓ Complies</p> <p><u>Requirement:</u> 5.98 metres Proposed: 5.985 metres</p> <p>The adjoining site to the west at 10 Henry has an existing dwelling with a front setback of 6.16 metres, where the dwelling to the east at 6 Henry has a front setback of inferred from plans at 5.8m (the setback measurement as shown is now to the closest front wall).</p> <p>The proposed front setbacks to the garage of both dwellings at 5.985m metres complies with the minimum setback requirement.</p>
<p>Clause 55.03-2 Building Height</p> <p>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</p>	<p>Standard B7</p> <p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p>	<p>✓ Complies</p> <p><u>Maximum height in the GRZ1:</u> 11 metres & 3 storeys.</p> <p><u>Proposed:</u> Maximum height of the built form of the development is 4.41 metres and comprises one storey.</p> <p>The roofing of the dwellings is traditional in design with hipped forms being provided. Hipped roofing of dwellings is prevalent within the surrounding residential area and the levels of the new dwellings results in a built form that is not overly dominant within the surrounding</p>

		area.
<p>Clause 55.03-3 Site Coverage</p> <p>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</p>	<p>Standard B8</p> <p>The site area covered by buildings should not exceed:</p> <ul style="list-style-type: none"> If no maximum site coverage is specified in a schedule to the zone, 60 per cent. 	<p>✓ Complies</p> <p><u>Maximum site coverage:</u> 60%</p> <p><u>Proposed:</u> 53%</p> <p>The building coverage on the site will cover approximately 271m² of the 510m² total lot size.</p>
<p>Clause 55.03-4 Permeability and stormwater management</p> <p>To reduce the impact of stormwater run-off on the drainage system.</p> <p>To facilitate on-site stormwater infiltration.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p>	<p>Standard B9</p> <p>The site area covered by the pervious surfaces should be at least:</p> <ul style="list-style-type: none"> If no minimum is specified in a schedule to the zone, 20 per cent of the site. <p>The stormwater management system should be designed to:</p> <ul style="list-style-type: none"> Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (<i>Victorian Stormwater Committee, 1999</i>). Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces. 	<p>✓ Complies</p> <p><u>Minimum permeability:</u> 20%</p> <p><u>Proposed:</u> 57%</p> <p>Permeable areas on the site will measure 245m².</p> <p>A Stormwater Management Plan will be required to be provided as a condition of the permit and stormwater works will be required to be carried out in accordance with the approved Plan.</p>
<p>Clause 55.03-5 Energy Efficiency</p> <p>To achieve and protect energy efficient</p>	<p>Standard B10</p> <p>Buildings should be:</p>	<p>✓ Complies</p> <p>All habitable areas, including habitable rooms and secluded private open space areas have</p>

<p>dwellings and residential buildings.</p> <p>To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.</p>	<ul style="list-style-type: none"> • Oriented to make appropriate use of solar energy. • Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. • Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone are not unreasonably reduced. <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to the north-facing windows is maximised.</p>	<p>been located to maximise solar access and no habitable rooms rely on secondary light sources.</p> <p>The northern orientation of the lot and integrated courtyard results in the habitable rooms of the dwellings having a direct northern outlook where feasible.</p> <p>Bedroom 1 of each dwelling only have windows on the southern elevation however this is suitable due to the setback of these windows which will allow for adequate sunlight to be provided to these rooms.</p> <p>The design of the dwellings has considered the prevention of any issues associated with overlooking adjoining sites however this should not adversely impact the daylight and solar energy provided to these windows.</p>
<p>Clause 55.03-6 Open Space</p> <p>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</p>	<p>Standard B11</p> <p>If any public or communal open space is provided on site.</p>	<p>✓ Complies</p> <p>No public or communal space is located adjacent to the site.</p>
<p>Clause 55.03-7 Safety</p> <p>To ensure the layout of development provides for the safety and security of residents and property.</p>	<p>Standard B12</p> <p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p>	<p>✓ Complies</p> <p>The entrances to the development will be clearly delineated. The dwellings will directly front Henry Street ensuring obvious and unobscured entrances for pedestrians directly</p>

	<p>Planting which creates unsafe spaces along streets and accessways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>	<p>from the street with porch entry areas being provided. The siting of the dwellings also allows for passive surveillance of the street with habitable room windows associated with a bedroom of each dwelling at first floor level overlooking the street.</p>
<p>Clause 55.03-8 Landscaping</p> <p>To encourage development that respects the landscape character of the neighbourhood.</p> <p>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</p> <p>To provide appropriate landscaping.</p> <p>To encourage the retention of mature vegetation on the site.</p>	<p>Standard B13</p> <p>The landscape layout and design should:</p> <ul style="list-style-type: none"> • Protect any predominant landscape features of the neighbourhood. • Take into account the soil type and drainage patterns of the site. • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the 12</p>	<p>✓ Complies</p> <p>A Planting Concept Plan and associated Planting Schedule has been submitted with the application which provides appropriate planting (including the provision of deciduous canopy trees) and landscape design features.</p> <p>Conditions of the permit will require that the proposed landscaping is completed and maintained to the satisfaction of Council.</p>

	<p>months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p>	
<p>Clause 55.03-9 Access</p> <p>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</p>	<p>Standard B14</p> <p>The width of accessways or car spaces should not exceed:</p> <ul style="list-style-type: none"> • If the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of the crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>	<p>✓ Complies</p> <p>Vehicle access to the two new dwellings will be provided directly from Henry Street via one double (6m) vehicle crossover, including appropriate splays.</p> <p>The existing vehicle crossover located at the western end of the frontage will be removed.</p> <p>The width of the crossovers is 35% of the 17 metre frontage of the site. The standard provides for up to 40% of a frontage to be occupied by crossovers if the street frontage has a width of less than 20 metres.</p> <p>While the standard suggests no more than one single-width crossover should be provided for each dwelling, the provision of these in one central location is assessed as an improved outcome.</p> <p>The crossover will allow for adequate and appropriate access to be provided to each dwelling for service, emergency and delivery vehicles.</p>

<p>Clause 55.03-10 Parking Location</p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p>	<p>Standard B15</p> <p>Car parking facilities should:</p> <ul style="list-style-type: none"> • Be reasonably close and convenient to dwellings and residential buildings. • Be secure. • Be well ventilated if enclosed. <p>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</p>	<p>✓ Complies</p> <p>On-site single garages are proposed in association with each of the new dwellings. The garages are conveniently located to each dwelling with internal access from the dwellings to the garages being provided. The garages allow for one vehicle to be parked undercover on the site.</p> <p>Additional space is also available to the front of each of the garage doors to allow for one visitor car parking space to be provided on the site.</p> <p><u>Note:</u> The proposed sizes of the single garages associated with each dwelling, as detailed on the plans, do not comply with the design standards of Clause 52.06-9. A condition of the permit will require compliance with this clause with each garage being required to have minimum internal dimensions of six (6) metres in length by 3.5 metres in width.</p>
<p>CLAUSE 55.04 AMENITY IMPACTS</p>		
<p>Objective</p>	<p>Standard</p>	<p>Assessment</p>
<p>Clause 55.04-1 Side and Rear Setbacks</p> <p>To ensure that the height and setback of a building from a boundary respects the</p>	<p>Standard B17</p> <p>A new building not on or within 200mm of a boundary</p>	<p>✓ Complies</p> <p>The dwellings are set back from all boundaries to comply with the required heights at</p>

existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.	<p>should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> If no distance is specified in the schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. 	boundaries.
<p>Clause 55.04-2 Walls on Boundaries</p> <p>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>Standard B18</p> <p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary should not abut the boundary:</p> <ul style="list-style-type: none"> If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> ➤ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot. 	<p>✓ Complies</p> <p>No walls are proposed to be located on the external boundaries of the subject site with the dwellings being set back a minimum distance of one (1) metre from the nearest lot boundary.</p>
<p>Clause 55.04-3 Daylight to Existing Windows</p> <p>To allow adequate daylight into existing habitable room windows.</p>	<p>Standard B19</p> <p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky.</p>	<p>✓ Complies</p> <p>The development has been appropriately set back from all habitable room windows to abutting properties to comply with this standard.</p>

<p>Clause 55.04-4 North Facing Windows</p> <p>To allow adequate solar access to existing north-facing habitable room windows.</p>	<p>Standard B20</p> <p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be set back from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p>	<p>✓ Complies</p> <p>There are no north facing windows on neighbouring properties that are within 3 metres of the site boundary.</p>
<p>Clause 55.04-5 Overshadowing Open Space</p> <p>To ensure buildings do not significantly overshadow existing secluded private open space.</p>	<p>Standard B21</p> <p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9am and 3pm on 22 September.</p>	<p>✓ Complies</p> <p>Overshadowing is detailed on the shadow diagrams which have been provided with the application. There will be a limited increase of overshadowing as a result of the siting of the new dwellings.</p> <p>Any additional overshadowing would be mitigated by existing boundary fences.</p>

<p>Clause 55.04-6 Overlooking</p> <p>To limit views into existing secluded private open space and habitable room windows.</p>	<p>Standard B22</p> <p>A habitable room window, balcony, terrace, deck, or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio.</p> <p>Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck, or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</p> <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7 metres above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level. ▪ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. 	<p>✓ Complies</p> <p>Overlooking of ground floor windows is entirely mitigated by the existing of fencing at all boundaries to a height of 1.8m.</p>
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Clause 55.04-7 Internal Views To limit views into existing secluded private open space and habitable room windows of dwellings and residential buildings within a development.	Standard B23 Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	N/A No lower level dwellings.
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<p>Clause 55.04-8 Noise Impacts</p> <p>Protect residents from external noise and contain noise sources in developments that may affect existing dwellings.</p>	<p>Standard B24</p> <p>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.</p> <p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>	<p>✓ Complies</p> <p>The external noise sources associated with the proposal would be no different to that reasonably expected of a standard residential area.</p> <p>Subject to the appropriate location of plant and equipment this standard will be met.</p>
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CLAUSE 55.05 ON-SITE AMENITY AND FACILITIES		
Objective	Standard	Assessment
Clause 55.05-1 Accessibility To encourage the consideration of people with limited mobility in the design of developments.	Standard B25 The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	✓ Complies The entries to all dwellings can readily be made accessible for people with limited mobility as they can be entered at grade.
Clause 55.05-2 Dwelling Entry To provide each dwelling/residential building with its own sense of identity.	Standard B26 Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> ➤ Be visible and easily identifiable from streets and other public places. ➤ Provide shelter, a sense of personal address and a transitional space around the entry. 	✓ Complies The entries to the new dwellings will be directly from Henry Street and be clearly visible due to the location of obvious front entranceways located in close proximity to the garages associated with each dwelling. The provision of porch entry areas in association with each of the dwellings provides a transitional space from the exterior to the interior of the dwellings and ensures both protection from the weather and a sense of identity for both of the dwellings which is considered to be desirable.

<p>Clause 55.05-3 Daylight to New Windows</p> <p>To allow adequate daylight into new habitable room windows.</p>	<p>Standard B27</p> <p>A window in a habitable room should be located to face:</p> <ul style="list-style-type: none"> ▪ An outdoor space clear to the sky or a light court with a minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or ▪ A verandah provided it is open for at least one third of its perimeter, or ▪ A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	<p>✓ Complies</p> <p>All habitable windows will open out onto a space clear to the sky which has at least a 3m² light court for daylight access.</p>
<p>Clause 55.05-4 Private Open Space</p> <p>To provide reasonable recreation and service needs of residents by adequate private open space.</p>	<p>Standard B28</p> <p>A dwelling should have a private open space and if no area or dimensions are specified in a schedule to the zone the private open space should consist of the following:</p> <ul style="list-style-type: none"> ▪ An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or ▪ A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or ▪ A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. 	<p>✓ Complies</p> <p><u>Minimum:</u> 25m² secluded private open space, 40m² overall with a minimum dimension of 3 metres</p> <p>Each dwelling has an area of 49m² of secluded private open space with a minimum dimension of 3 metres provided at ground level. The secluded private open space is located to the north of both of the dwellings.</p> <p>Additional areas of private open space are provided to the front of the dwellings as garden areas which adjoin Henry Street.</p>

Clause 55.05- 5 Solar Access to Open Space To allow solar access into the secluded private open space of new dwellings/buildings.	Standard B29 The private open space should be located on the north side of the dwelling, if appropriate.	✓ Complies The secluded private open space of the new dwellings is located to the north.
Clause 55.05-Storage To provide adequate storage facilities for each dwelling.	Standard B30 Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	✓ Complies Storage space is able to be included within both the proposed garage and shed associated with each of the dwellings. The garage and shed associated with each dwelling can adequately provide storage space of 6m ³ .
CLAUSE 55.06 DESIGN DETAIL		
Objective	Standard	Assessment

<p>Clause 55.06-1 Design Detail</p> <p>To encourage design detail that respects the existing or preferred neighbourhood character.</p>	<p>Standard B31</p> <p>The design of buildings, including:</p> <ul style="list-style-type: none"> • Façade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, <p>Should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>	<p>✓ Complies</p> <p>The front facades of the dwellings have been articulated and present in an interesting manner with porch entry areas and a hipped roof form. The new garages will be visually compatible with the development and the preferred character of the area.</p> <p>The design is modern but will respect the existing neighbourhood character of the surrounding residential area by having traditional design elements. The finish of the new dwellings will also be complementary to the existing dwellings located along the street.</p>
<p>Clause 55.06-2 Front Fences</p> <p>To encourage front fence design that respects the existing or preferred neighbourhood character.</p>	<p>Standard B32</p> <p>The design of front fences should complement the design of the dwelling and any fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed 1.5 metres on a street that is not classified as a Road Zone, Category 1.</p>	<p>N/A</p> <p>No front fencing is proposed.</p>

<p>Clause 55.06-3 Common Property</p> <p>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</p> <p>To avoid future management difficulties in areas of common ownership.</p>	<p>Standard B33</p> <p>Developments should clearly delineate public, communal and private areas.</p> <p>Common property, where provided</p>	<p>✓ Complies</p> <p>The development of the site with two new dwellings will clearly define the entire area of the site to be used for private residential purposes. The construction of two new dwellings will span almost the entire width of the lot with only narrow accessways provided to the sides of each dwelling to gain access to the rear yard areas.</p>
<p>Clause 55.06-4 Site Services</p> <p>To ensure site services can be installed and easily maintained.</p> <p>To ensure that site facilities are accessible, adequate and attractive.</p>	<p>Standard B34</p> <p>The design and layout of dwellings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and should blend in with the development.</p> <p>The site facilities including mailboxes should be located for convenient access.</p> <p>Bin and recycling enclosures located for convenient access.</p> <p>Mailboxes provided and located for convenient access as required by Aust. Post.</p>	<p>✓ Complies</p> <p>Adequate areas are available on the site for the provision of mailboxes, service metres, clotheslines, bin storage and general storage in appropriate locations.</p> <p>The provision of an adequately sized single garage and shed in association with each of the dwellings also aids in the provision of appropriate areas being available for bin storage and general storage in association with each of the dwellings.</p>

Planner
Responsible:

Delegate: Rob Wandell

Signature:

Signature:



Date:

Date:

9 January 2023



Town Planning Submission

8 Henry Street, Warrnambool

Warrnambool Planning Scheme

August 2022



01

1.0 Introduction

Planning approval is sought for the construction of two dwellings on land at 8 Henry Street, Warrnambool.

The site is within a General Residential Zone (Schedule 1) pursuant to the provisions of the Warrnambool Planning Scheme and is not subject to any overlay controls.

The application seeks the following approval under the Warrnambool Planning Scheme for:

- Construct two or more dwellings on a lot pursuant to Clause 32.08-6 of the General Residential Zone.

This report provides an assessment of the proposal against relevant provisions of the Warrnambool Planning Scheme and should be read in association with:

- Architectural plans prepared by Baumgart Clark Architects.

Background

The housing is proposed for existing clients of the Salvation Army Housing Victoria (SAHV) and would be provided at an affordable rental rate. The dwellings would be designed to a silver accessible standard.

The existing dwellings on the subject site are currently 'social housing' in that the tenants qualified for inclusion on the Victorian Housing Register.

The proposal is to temporarily relocate the existing tenants during the redevelopment period, then they would be given the opportunity to return to one of the proposed dwellings.

The additional dwellings delivered by the redevelopment will be tenanted



by individuals, couples and/or families in need of social housing and identified from the Victorian Housing Register Priority List.

The social housing rent model used by Salvation Army Housing Victoria is based on 25% of total income plus applicable Commonwealth Rental Assistance ("CRA"). Many social housing tenants receive a Commonwealth Pension and CRA and it is expected that most, if not all, of the 'new' tenants will be relying on Government provided income (being a pension and CRA).

Salvation Army Housing has applied for 100% capital funding from the Victorian Government as part of the Social Housing Growth Fund Regional Round. If successful, Salvation Army Housing Victoria may proceed with one or more of the redevelopments partly or wholly funded by Salvation Army Housing Victoria.

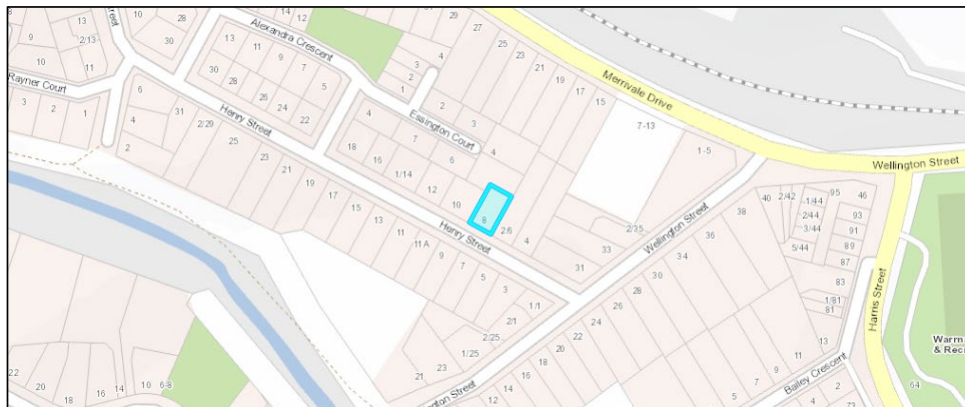


02

Site Analysis

2.1 Subject Site

The subject site is located on the northern side of Henry Street, within a residential area of Warrnambool, approximately 1.0 kilometres from the Warrnambool Principal Activity Centre.



Cadastral map of the subject site

The land is formally described as Lot 2 on Lodged Plan 329667G and is not encumbered by any covenants, easements or other restrictions.

The lot comprises a rectangular shaped parcel of land with a skewed north-south orientation. The lot has a frontage to Henry Street frontage of 17.0 metres, a depth to the southern boundary of 29.99 metres. The land has an area of 510 square metres.

The land is relatively flat and does not contain vegetation of any significance.



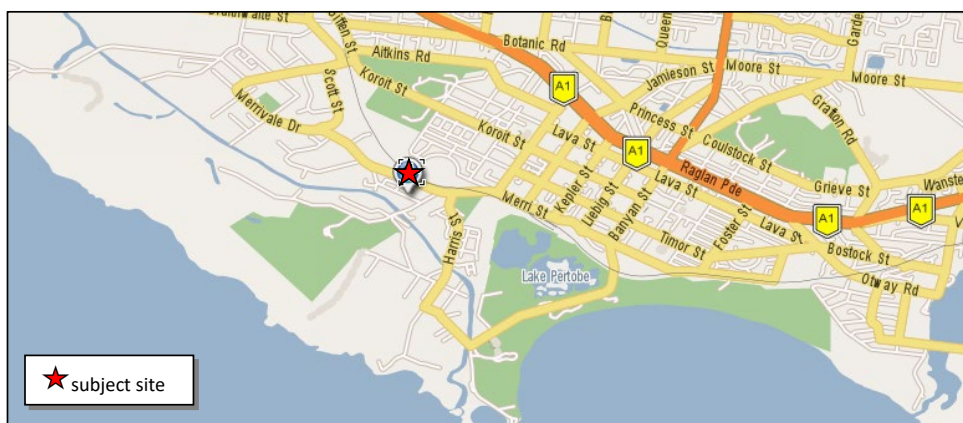
The lot has been developed with a single storey brick dwelling that is orientated to the Henry Street. A crossover is provided to the western side of the frontage providing access to a detached carport that abuts the western boundary. An area of secluded private open space is featured to the rear of the dwelling. A low scale brick fence is featured alongside the frontage.



Aerial Photo of the subject site (Source: Nearmaps)

2.2 Surrounds

The subject site is located within a predominately residential area of Warrnambool approximately 1.0 kilometres southwest from the Warrnambool Principal Activity Centre.



Location Map



Henry Street, to the site's frontage, comprises a local residential street that connects to Duirs Street to the west and Wellington Street to the east. Nature strips and kerbside parking are featured to both sides of the road reserve. The Route 6 Bus (Warrnambool to Merrivale) provides a stop 400 metres from the site, on Merrivale Drive connecting residents to Warrnambool Principal Activity Centre and the wider public transport network.

The site is well serviced by retail, recreational and community facilities with several education opportunities including Merrivale Primary School and Brauer College as well as having several childcare centres and kindergartens nearby. Harris Reserve is proximate to the site and the river environs of the Merri River and the coastal environs of the Thunder Point Coastal Reserve are within comfortable walking distance.

Residential properties surrounding the subject are varied in architectural styles and scale however are predominantly single storey brick dwellings with hipped tiled roof forms. The pattern of development includes crossovers and accessways to off street parking, often within the front setback. Secluded private open spaces are provided to the rear of dwellings.

In relation to the site's immediate context, the land at west at 10 Henry Street has been developed with a single storey dwelling of brick construction that featured a hipped tiled roof form. A crossover is featured to the western side of the frontage providing access to off street parking alongside the dwelling. An area of secluded private open space is featured to the rear of the dwelling.

The adjoining lot to the east, at 6 Henry Street, has been developed with three single storey dwellings provided in tandem and accessed via a crossover and communal accessway to the eastern side of the frontage. Small areas of secluded private open space are featured to the northside of each dwelling.

To the rear, the land at 5 Essington Court, has been developed with a single storey dwelling of brick construction that features a hipped tiled roof form. An area of secluded private open space is provided to the northside of the dwelling with a small service yard abutting the subject site.



03

3.0 Proposal

Planning approval is sought for the construction of two dwellings on land at 8 Henry Street, Warrnambool.

Built Form

The application proposes to demolish the existing dwelling on the land in order to construct two (2) single storey dwellings in a side-by-side arrangement.

The dwellings will feature an identical floor plan mirrored off a common wall with a porch/entry area, single garage, two bedrooms, common bathroom/powder room and kitchen and living area with direct access to a north facing secluded private open space area of 64 square metres.

The proposed development will incorporate face brickwork with a hipped roof form.



Street Elevation

The proposal will feature a double crossover to the middle of the site providing a common accessway for both dwellings. Landscaping will be provided to the front and the rear of the site, including canopy trees.



The dwellings will have a maximum height of 4.41 metres. The development will feature a total site coverage of 53.00 percent, permeable surfaces of 47.00 percent and a total garden area of 30.21 percent.



04

Relevant Planning Provisions

Clauses of the Warrnambool Planning Scheme of relevance to the application are identified below:

04.1 Zoning

Under the Warrnambool Planning Scheme, the subject land is within the General Residential Zone

General Residential Zone

The purpose of this zone is:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

An assessment has been undertaken against the objectives and standards of Clause 55 of the Warrnambool Planning Scheme.

04.2 Planning Policy Framework

The Purpose & Vision and Planning Policy (PPF) at Clauses 02 to 19 of



the Warrnambool Planning Scheme seek to ensure that land use and development planning policies in Victoria meet the objectives of planning in Victoria as set out in the Planning and Environment Act 1987.

The Purpose & Vision and PPF contains a range of policies that are to be considered and balanced to achieve the overarching objective of planning and 'net community benefit'.

The Purpose & Vision and PPF includes the following relevant policies:

Municipal Planning Strategy

- 02.02 Vision
- 02.03 Strategic Directions
- 02.04 Strategic Framework Plan

Included at Clause 2 of the Planning Scheme is the Municipal Planning Strategy (MPS), which provides an overview of the municipality and important local planning objectives.

Planning Policy Framework

- **Clause 11 Settlement**
 - 11.01-1S Settlement
 - 11.01-1R Settlement – Great South Coast
- **Clause 15 Built Environment and Heritage**
 - 15.01-1S Urban Design
 - 15.01-1L-01 Urban design (Local)
 - 15.01-2S Building design
 - 15.01-4S Healthy neighbourhoods
 - 15.01-5S Neighbourhood character
 - 15.02-1S Energy and resource efficiency
- **Clause 16 Housing**
 - 16.01-1S Housing Supply
 - 16.01-1L Housing Growth



- 16.01-2S Housing affordability
- **Clause 18 Transport**
 - 18.01-1S Land use and transport integration
 - 18.01-3S Sustainable and safe transport

04.4 Particular & General Provisions

The following key Particular and General Provisions are relevant to the proposal:

- 52.06 Car Parking
- 55 (Dwellings & Residential Buildings)
- 52.34 Bicycle facilities
- 65 Decision guidelines

04.5 Operational Provisions

Clause 71 outlines the way in which the Planning Scheme operates.

Clause 71.02-1 outlines the purpose of the Planning Policy Framework and seeks to ensure that the objectives of planning in Victoria are fostered through *'appropriate land use and development planning policies and practices that integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development'*.

Clause 71.02-3 refers to 'Integrated Decision Making' and states that responsible authorities *'should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations, however, in bushfire affected areas, planning and responsible authorities must prioritise the protection of human life over all other policy considerations.'*



05

5.0 Planning Assessment

An assessment of the proposed development requires consideration of the following matters:

- The level of strategic support for the proposed development in the Purpose & Vision and Planning Policy (PPF) at Clauses 02 to 19 of the Warrnambool Planning Scheme;
- The appropriateness of the proposed development having regard to the surrounding context and the relevant built form and urban design policies contained in the Planning Scheme;
- Clause 55 (ResCode) of the Warrnambool Planning Scheme inclusive of amenity considerations for the future occupiers and surrounding uses/occupiers; and
- The suitability of access and car parking arrangements.

An assessment against these issues has been provided below.

5.1 Strategic Considerations

The relevant policy directions outlined in the scheme encourage well-designed development which make effective use of existing infrastructure and provide additional and diverse housing opportunities.

In particular, Clause 11.0 (Settlement) and Clause 16 (Housing) of the Warrnambool Planning Scheme seek to facilitate a consolidation of established urban areas and encourage the provision of diversity in housing choice. Clause 16.01-1S of the Warrnambool Planning Scheme seeks to (inter alia):



Objective:

Facilitate well-located, integrated and diverse housing that meets community needs; and

Strategies:

Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.

Support opportunities for a range of income groups to choose housing in well-serviced locations.

Council's Local Planning Policy Framework also identifies that need to provide additional and diverse housing opportunities. In particular, Council at Clause 02.03-5 seeks that "Sustainable Development" is envisaged as:

A socially and economically sustainable Warrnambool will generally include a mix of shops and services, community facilities, employment choices, housing choices, a network of open spaces, and public transport options.

Council seeks to accommodate additional and accessible housing so to contribute to a sustainable community with the strategic directions at Clause 02.03-6 (Housing) including:

Providing infill opportunities to accommodate residential development.

Ensuring future populations have access to a diverse range of housing options including increasing the supply of housing for smaller households.

Furthermore, Council recognises that housing affordability is a localised issue that needs to be addressed with the policy direction at Clause 02.03-6 stating:

The affordability of housing has significant impacts on the liveability and economic prosperity of the community. A lack of affordable



housing is a barrier to attracting key workers and tertiary students to the City. It also has detrimental impacts on sole parents, single people, young people, older people (65+ years) and children of sole parents.

Council's strategic directions for housing affordability are:

- *Facilitating smaller lot sizes and housing for the ageing and student populations close to community services.*
- *Providing social housing in future growth area planning.*

Further strategic support is found at Clause 16.01-1L (Housing Supply) where the strategies include:

Support increased residential densities in growth areas and established urban areas within proximity to existing or planned transport corridors, activity centres and open space.

Support residential infill development within established urban areas that complements the area's neighbourhood character.

In accordance with these policies, the proposal to construct two dwellings to provide additional accommodation in this location and would provide for affordable and accessible social housing for a larger cross-section of the community that is located within proximity to the Warrnambool Principal Activity Centre.

The residential nature of the development is also in accordance with the site's General Residential zoning, which includes the purpose (inter alia):

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

The scale of development and the proposed layout will also respect the built form and neighbourhood character objectives of the Scheme which is discussed further below.



05.2 Neighbourhood Character & Design

The most relevant provisions in determining the appropriateness of the proposed development in terms of respecting neighbourhood character and the maintenance of residential amenity are Neighbourhood character considerations required to be addressed by the application are detailed at the Decision Guidelines of the GRZ1, ResCode Standard B1 (Neighbourhood Character) and Clause 15.01-1 (Urban Design).

The planning policy framework seeks to encourage residential development that respects existing neighbourhood character of the area. Clause 02.03-5 (Built Heritage and Development) provides direction with respect to Neighbourhood Character Considerations as follows:

Parts of Warrnambool are increasingly a focus for medium density redevelopment. Within the inner residential areas, there are buildings and streets of historic value and a mix of housing style that form the character of the area.

Failure to consider neighbourhood character has resulted in some development within the inner areas being out of character. Heritage and character considerations do not preclude infill development, rather they add to the range of design considerations that should be considered and responded to.

Council's strategic direction for neighbourhood character is:

- *Integrating infill development with the existing architectural, historic and landscape character of the neighbourhood.*

The local strategy at Clause 15.01-1L (Urban Design) provides the following strategies for guidance (inter alia):

Support development that contributes to active street frontages.

Support development that applies design techniques (including façade variation, contrast, repetition, colour, texture and detail) that will integrate a building with its surrounds.

Avoid the removal and lopping of significant exotic and indigenous



trees to facilitate the construction of buildings and works or installation of utility services.

The subject site is located in an established area where the existing neighbourhood character of the immediate area includes single storey dwellings (with some more second storey extensions), with generous open space areas and minimal boundary construction.

The application provides a considered response by providing for modest side-by-side development, that is setback from side boundaries, that follows the rhythm and pattern of development along the street.

The built form will be well articulated via the use of recesses and varied setbacks with the design response including habitable rooms and fenestration that addresses the street frontage and will activate the frontage with the public realm.

The proposed development will incorporate materials such as face brickwork with a hipped roof form, complementing the existing materials and roof forms within the surrounding context.

The development is setback from the frontage so to allow for generous front garden areas which will include the planting of shrubs and low level planting as shown in the landscape plan that accompanies the application. Furthermore, a double crossover is proposed so to provide access to a single garage for each of the dwellings.

The development provides for an appropriate environmentally sustainable outcome. The development incorporates water sensitive urban design features including a water tank for each dwelling and will provide passive solar access to living areas. Canopy tree planting in the front and rear setbacks which will soften the impact of the built form.

05.3 Clause 55 – Two or More Dwellings on a Lot

The proposal to develop the site with a residential building requires an assessment against requirements at Clause 55 of the Warrnambool Planning Scheme. A detailed assessment is provided at Attachment 1 of this submission.



The assessment identifies that the proposed development responds well to all standards and objectives of the planning scheme to provide for appropriate amenity and character outcomes.

With regards to onsite amenity of future residents, the proposed dwellings will each have comfortable and accessible floor plans with internal areas having direct access to secluded private open space areas from living rooms.

The proposal has responded to the orientation of the site with open space areas that will receive adequate solar access and is located on the north side of each dwelling. These areas are accessible direct from common living areas while all habitable rooms within the development benefit from direct solar access, ensuring there is no reliance upon borrowed light.

The dwellings will have a clearly identifiable front entrance that is well articulated and will provide shelter and a sense of address. The layout of the car parking onsite will facilitate entry and egress from the site in an efficient manner.

The development minimises offsite amenity impacts with boundary setbacks that address requirements of the relevant standards with boundary wall construction avoided. This reduces overshadowing of abutting allotments. The development's single storey design and well-articulated form minimises visual bulk impacts on surrounding properties.

Character consideration related to building height, site coverage, site permeability and front setback are all satisfied by the development.

05.4 Access and Car Parking

In accordance with the requirements of Clause 52.06, the proposed development generates the following statutory car parking requirements:

Land Use	Applied Parking Rate	Parking Measure	Required Parking	Provided Parking
Dwelling	<i>1 space to each one or two bedroom dwelling.</i>	2 dwellings	2 spaces	4 spaces
Total			2 spaces	4 spaces



As the table above demonstrates, car parking for the development is provided in accordance with requirements of the Planning Scheme with covered parking available for each dwelling within a single garage and tandem car parking space arrangement.

The proposed development also adequately addresses the design standards related to car parking at Clause 52.06-8 as a result of the following:

- Providing a double crossover to access each dwelling
- Allowing all vehicles to safely enter and exit the site in an efficient manner;
- Providing minimum headroom of 2.4 metres for car parking spaces;
- Providing garages with car parking dimensions in accordance with the table at Clause 52.06-8;
- Achieving appropriate gradients for parking spaces and the accessway; and
- Providing passive surveillance and landscaping of car parking spaces and the accessways.

05.6 General Provisions

Clause 65 requires that before deciding on an application or approval of a plan, the Responsible Authority must consider a number of matters. An assessment against these provisions is provided as follows:

- The proposal is consistent with the matters set out in Section 60 of the *Planning and Environment Act 1987*.
- The proposal is consistent with the Planning Policy Framework, including the Municipal Strategic Statement.
- The proposal is consistent with the purpose of the General Residential Zone affecting the land.
- The proposed development would not have an adverse impact on



the amenity of the area.

- There is no public open space within proximity of the subject site.
- The proposed development will not cause or contribute to land degradation, salinity or reduce water quality.
- The proposed development will be connected to underground drainage and as such will not have any adverse impact on the quality of stormwater within and exiting the site.
- The subject site does not contain any indigenous native vegetation in the meaning of the Planning Scheme.
- The proposed development would not contribute to any flood, erosion or fire hazard.



06

6.0 Conclusion

It is submitted that the proposal for the construction of two dwellings on land at 8 Henry Street, Warrnambool is consistent with the Planning Policy Framework and other relevant provisions set out in the Warrnambool Planning Scheme.

The proposed development represents a quality purpose designed response to the neighbourhood character objectives and other objectives of Clause 55 and will provide a high standard of onsite amenity specifically for people with a disability without unreasonably affecting the amenity of the adjoining dwellings.

The development will provide for a low-rise development that sits within a considered residential setting. It has also been configured to preserve the amenity of abutting properties whilst maximising onsite amenity for future residents.

We submit that the proposal is worthy of Council support.



01

Attachment

Clause 55 Assessment

CLAUSE	STANDARD	ASSESSMENT
55.02-1 Neighbourhood Character	B1	COMPLIES The design response is appropriate to the area and respects the existing and emerging character of the area as outlined in the detailed discussions that form part of the report.
55.02-2 Residential Policy	B2	COMPLIES The proposal satisfies the residential policy objectives as outlined in the detailed discussions that form part of the report.
55.02-3 Dwelling Diversity	B3	COMPLIES The proposed development will contribute to dwelling diversity in the area, by way of providing for an accessible and affordable housing within an area dominated by single dwellings on large lots.
55.02-4 Infrastructure	B4	COMPLIES The site is located in an established urban area of Warrnambool where the existing infrastructure can accommodate any additional demands likely to result from the proposed development.
55.02-5 Integration with the Street	B5	COMPLIES Each dwelling will be oriented to the street frontage and will each be provided with legible and easily identifiable front entrance.
55.03-1 Street Setback	B6	COMPLIES Each dwelling is setback 5.98 metres, in accordance with the Standard.



CLAUSE	STANDARD	ASSESSMENT
55.03-2 Building Height	B7	COMPLIES The development features a maximum overall height of 4.41 metres.
55.03-3 Site Coverage	B8	COMPLIES Site coverage of 53% percent is proposed that meets the maximum of 60%
55.03-4 Permeability	B9	COMPLIES Site permeability of 47% is proposed that exceeds the minimum of 20%.
55.03-5 Energy Efficiency	B10	COMPLIES The proposal provides for habitable room windows which maximise energy efficiency for each dwelling and secluded private open space areas respond to the orientation of the land and are located on the north side of the dwelling. Shadow diagrams submitted with the application demonstrate that overshadowing of abutting properties will be acceptable and will not detrimentally impact on the energy efficiency of adjoining dwellings.
55.03-6 Open Space	B11	COMPLIES No public open space areas adjoin the site.
55.03-7 Safety	B12	COMPLIES The dwellings are orientated towards the street frontage with porch areas for each dwelling clearly visible from the streetscape. Habitable room windows are provided at ground fronting the street, ensuring a good level of passive surveillance.
55.03-8 Landscaping	B13	COMPLIES Open space areas within the development have been designed to accommodate landscaping, including the provision of canopy trees.
55.03-9 Access	B14	COMPLIES Vehicular access to the development is to be via a double crossover to the frontage providing for 35%
55.03-10 Parking Location	B15	COMPLIES Easily accessible parking is provided for each dwelling in a single garage arrangement. The garages will be secure and well ventilated.



CLAUSE	STANDARD	ASSESSMENT
55.04-1 Side and Rear Setbacks	B17	COMPLIES Side and rear setbacks are provided in accordance with the standard.
55.04-2 Walls on Boundaries	B18	COMPLIES No walls on boundaries are proposed.
55.04-3 Daylight to Existing Windows	B19	COMPLIES The development provides appropriate setbacks and light courts to neighbouring habitable room windows.
55.04-4 North Facing Windows	B20	COMPLIES There are no north facing windows within 3.0 metres of the boundary of the site.
55.04-5 Overshadowing Open Space	B21	COMPLIES Shadow diagrams submitted with the application demonstrate that overshadowing of abutting properties is within acceptable parameters under the standard.
55.04-6 Overlooking	B22	COMPLIES Habitable windows of the development will not require screening due to the single storey scale of the proposal and the location of boundary fences.
55.04-7 Internal Views	B23	COMPLIES No internal views are proposed by way of window locations.
55.04-8 Noise Impact	B24	COMPLIES There are no noise sources located in close proximity to the site and the residential development will not generate unreasonable offsite noise impacts.
55.05-1 Accessibility	B25	COMPLIES At grade entrances are provided to each dwelling.
55.05-2 Dwelling Entry	B26	COMPLIES The entry to each dwelling is easily identifiable from the street and is sheltered appropriately to create a sense of personal address.
55.05-3 Daylight to New Windows	B27	COMPLIES The necessary light courts are provided to new windows within the development.



CLAUSE	STANDARD	ASSESSMENT
55.05-4 Private Open Space	B28	COMPLIES Each dwelling is provided a SPOS area that responds to the orientation of the site having direct access from living rooms. Total private open space areas for each dwelling is in the form of a backyard that exceeds the minimum area and width requirements of the standard
55.05-5 Solar Access to Open Space	B29	COMPLIES Each dwelling has SPOS area with good solar access that responds to the orientation of the site. No dwelling relies on a south facing SPOS area.
55.05-6 Storage	B30	COMPLIES Storage is provided to the standard in the form of a shed in the SPOS area.
55.06-1 Design Detail	B31	COMPLIES The proposed development, including design detailing, responds appropriately to the urban design and neighbourhood character policies as outlined in the detailed discussions that form part of the report.
55.06-2 Front Fences	B32	COMPLIES No front fencing is proposed.
55.06-3 Common Property	B33	COMPLIES Common areas are designed so to be easily maintained.
55.06-4 Site Services	B34	COMPLIES Sufficient space is provided for services to be installed and maintained. The location of bins, mailboxes and meters will be easily accessible for providers such as Australia Post.

SAH VARIOUS WARRNAMBOOL SITES - 8 HENRY STREET

SALVATION ARMY HOUSING
2174

TOWNPLANNING APPLICATION FOR THE DEMOLITION OF DWELLING ON SITE 8 HENRY STREET, AND CONSTRUCTION OF TWO (2) SINGLE STOREY DWELLINGS.

PROPERTY DETAILS

ADDRESS:	8 HENRY STREET WARRNAMBOOL, 3280
LOT/PLAN NUMBER:	LOT 2 PS329667
STANDARD PARCEL IDENTIFIER (SPI):	2/PS329667
LOCAL GOVERNMENT AREA (COUNCIL):	WARRNAMBOOL
COUNCIL PROPERTY NUMBER:	128988
DIRECTORY REFERENCE:	VicRoads 514 G8

SITE DIMENSIONS

AREA:	510m²
PERIMETER:	94m

SHEET LIST		
SHEET NUMBER	SHEET NAME	CURRENT REVISION
0100	EXISTING NEIGHBOURHOOD DESCRIPTION SITE PLAN	A
0101	DESIGN RESPONSE SITE PLAN	A
0102	STREETSCAPE ELEVATIONS	A
0150	EXISTING & DEMOLITION PLAN	A
0201	PROPOSED SITE PLAN - GROUND FLOOR	E
0250	SITE ROOF PLAN	A
0301	PROPOSED ELEVATIONS	B
0450	PROPOSED FLOOR PLAN	B
0600	SITE DEVELOPMENT PLAN	C
0650	PLANTING CONCEPT PLAN	A
0900	SHADOW DIAGRAMS	A



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DIMENSIONS
USE FIGURED DIMENSIONS, DO NOT SCALE DRAWINGS. CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE SITE BEFORE COMMENCING ANY WORKS OR MAKING ANY SHOP DRAWINGS WHICH MUST BE SUBMITTED AND REVIEWED BEFORE MANUFACTURE.

REVISIONS

A	03/05/2022	ISSUED FOR TOWNPLANNING
B	30/08/2022	REVISED CROSSOVER

TITLE

COVER PAGE

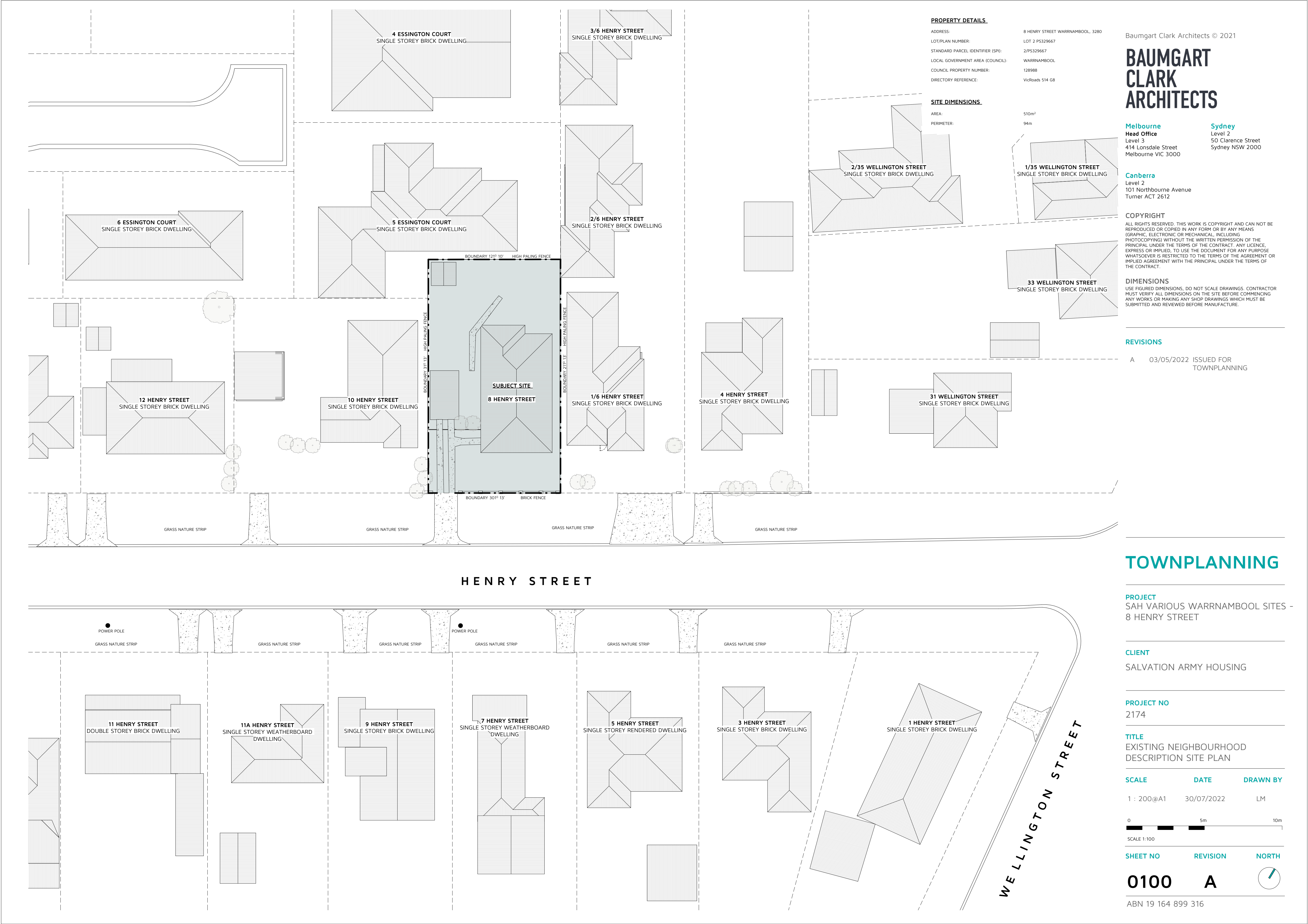
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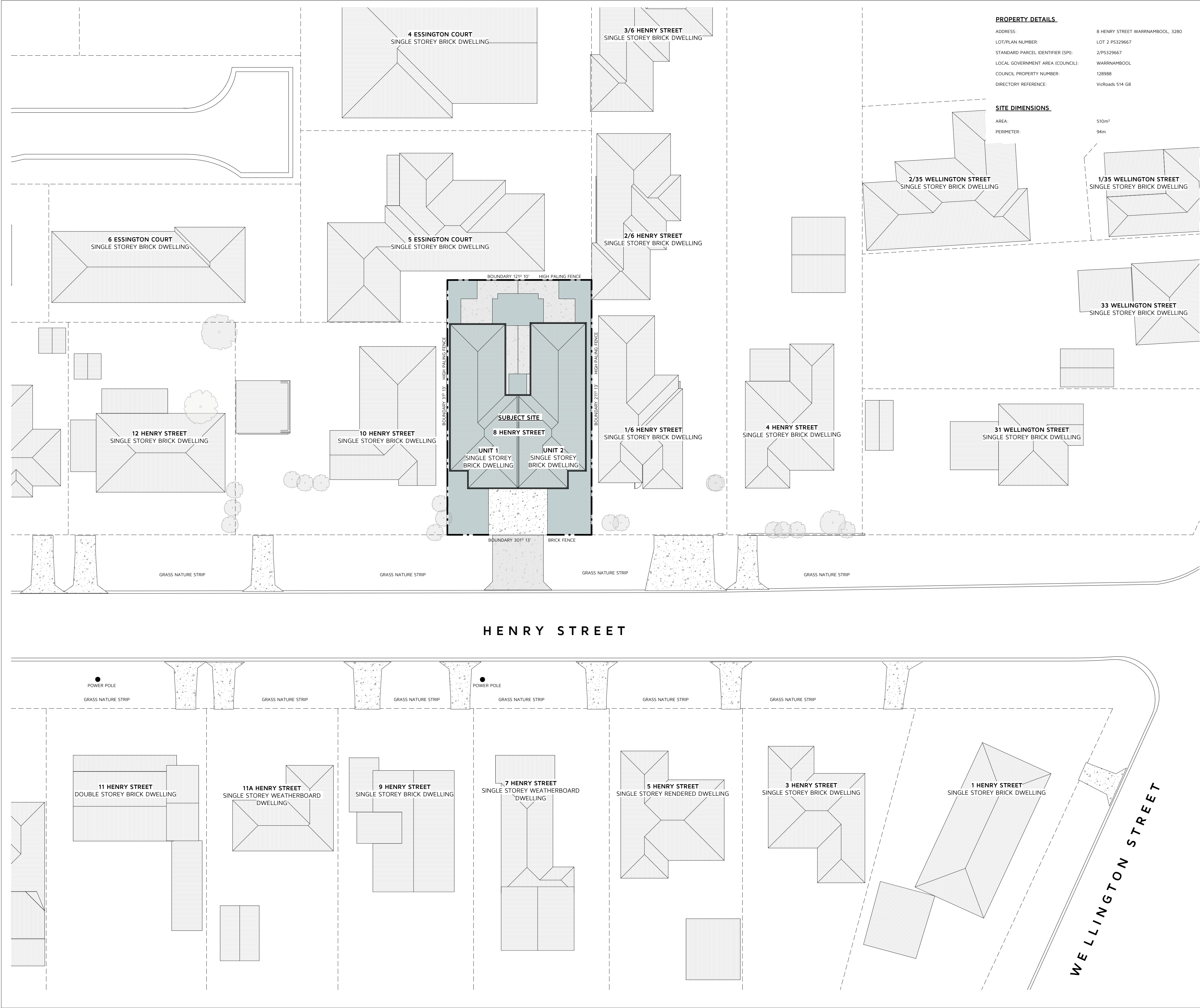
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REVISION

B

ABN 19 164 899 316





PROPERTY DETAILS

ADDRESS: 8 HENRY STREET WARRNAMBOOL, 3280
LOT/PLAN NUMBER: LOT 2 P5329667
STANDARD PARCEL IDENTIFIER (SPI): 2/P5329667
LOCAL GOVERNMENT AREA (COUNCIL): WARRNAMBOOL
COUNCIL PROPERTY NUMBER: 128988
DIRECTORY REFERENCE: VicRoads 514 G8

SITE DIMENSIONS

AREA: 510m²
PERIMETER: 94m

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REVISIONS

A 03/05/2022 ISSUED FOR TOWNPLANNING

TOWNPLANNING

PROJECT

SAH VARIOUS WARRNAMBOOL SITES - 8 HENRY STREET

CLIENT

SALVATION ARMY HOUSING

PROJECT NO

2174

TITLE

DESIGN RESPONSE SITE PLAN

SCALE

1 : 200@A1

DATE

30/07/2022

DRAWN BY

LM

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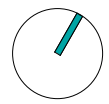
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SAH VARIOUS WARRNAMBOOL SITES - 8 HENRY STREET

CLIENT
SALVATION ARMY HOUSING

PROJECT NO
2174

TITLE
STREETSCAPE ELEVATIONS

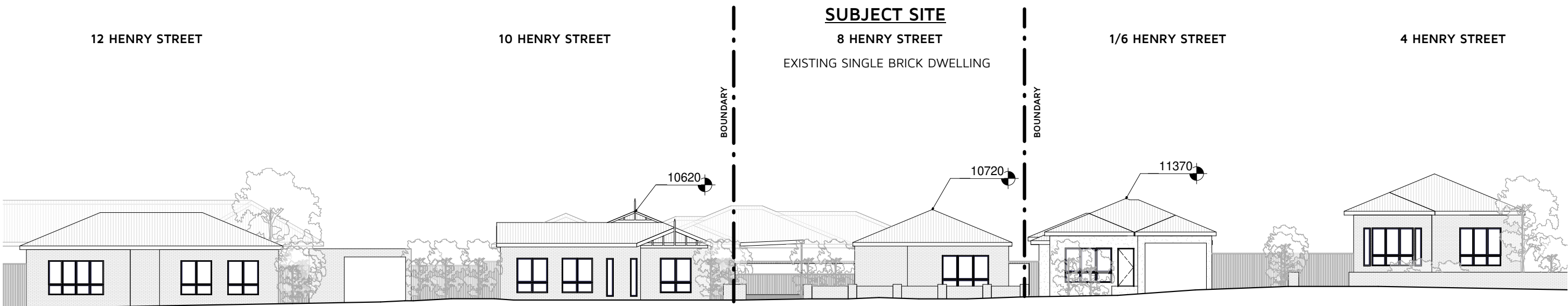
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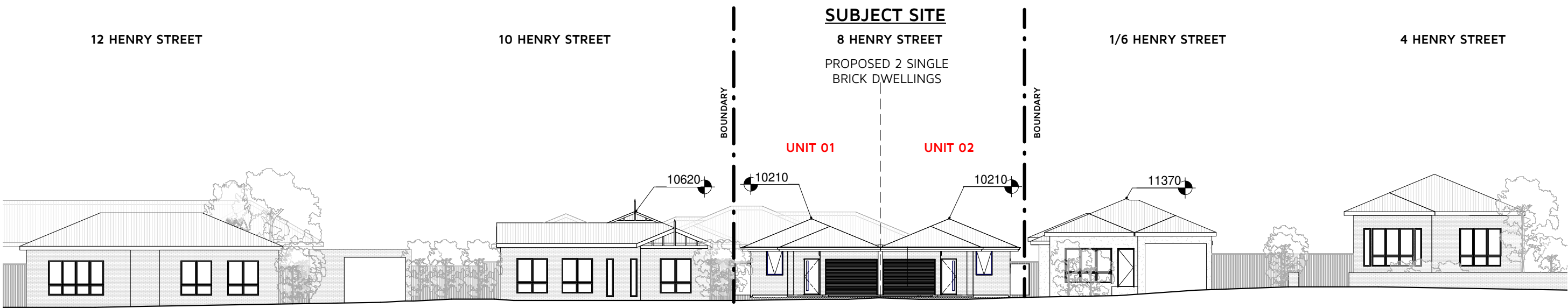
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1 EXISTING STREETSCAPE ELEVATION
1 : 200



2 PROPOSED STREETSCAPE ELEVATION
1 : 200

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TOWNPLANNING

TOWNPLANNING

PROJECT

SAH VARIOUS WARRNAMBOOL
SITES - 8 HENRY STREET

CLIENT

SALVATION ARMY HOUSING

PROJECT NO

2174

TITLE

EXISTING & DEMOLITION PLAN

SCALE

DATE _____

DRAWN BY

1 : 100@A1

30/07/2022

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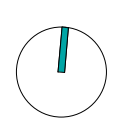
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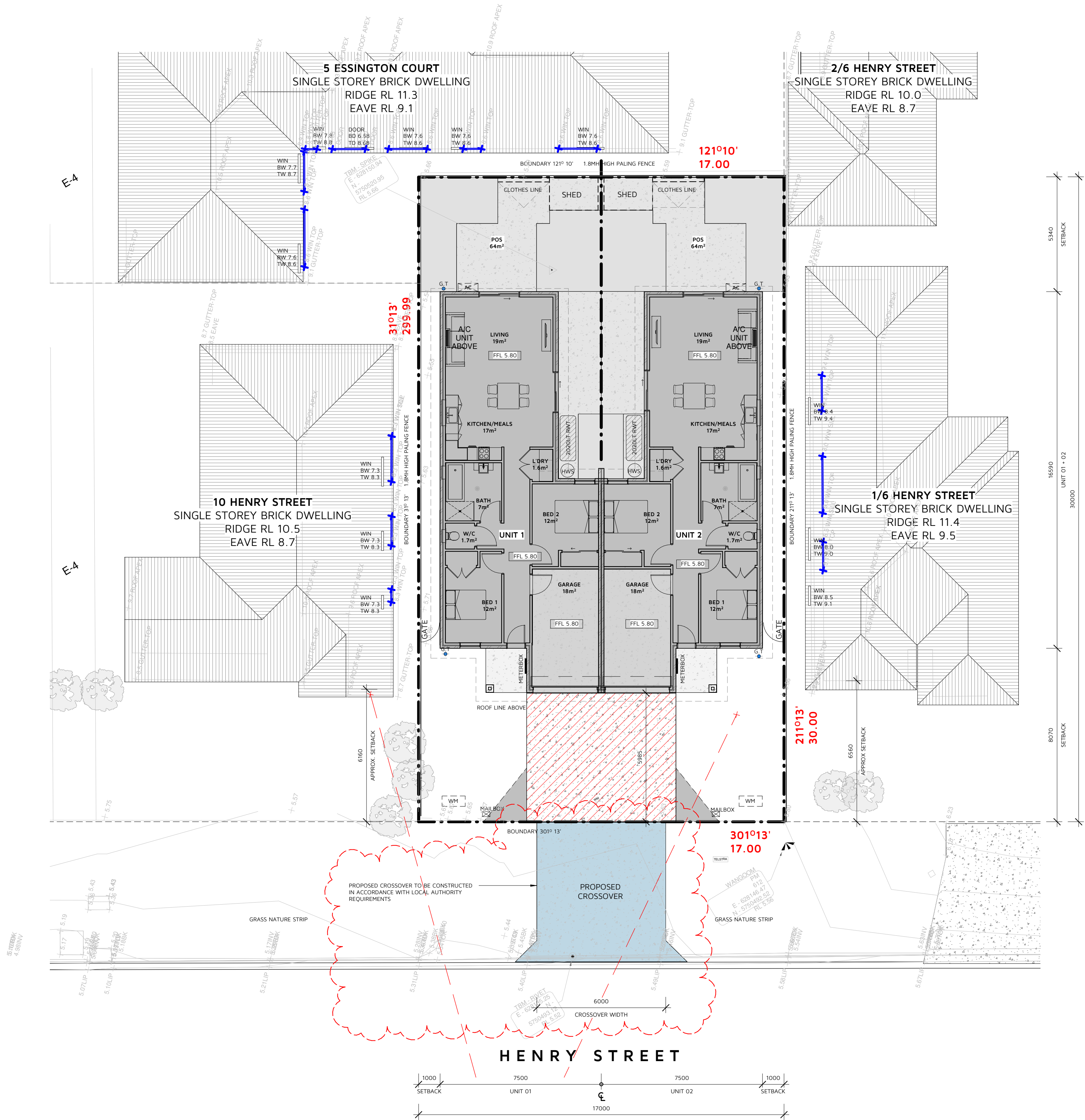
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ABN 19 164 899 316



LEGEND

- MB** METER BOX
- A/C** AIR CONDITIONING UNIT
- DP** DOWNPIPE
- HWS** HOT WATER UNIT
- RWT** RAIN WATER TANK
- CORNER SPLAY** 2.5M DEEP X 2M DEEP X 2M LONG TO MAINTAIN CLEAR SIGHT LINES. FENCE AND VEGETATION TO BE NO HIGHER THAN 900MM.
- LIGHTING BOLLARD**
- MAILBOX LOCATION**
- GROUP WATER METER LOCATION**
- GROUP ELEC. METER LOCATION**
- EXTERNAL WATER TAP**
- CONCRETE DRIVEWAY/ CAR SPACE**
- AREA OF DRIVEWAY/ CARSPACES TO BE PERMEABLE SURFACE**
- PROPOSED CROSSOVER**
- LILYDALE TOPPING PATH OR SIMILAR**
- PROPOSED LIGHT BOLLARD LOCATION**

GENERAL CHECKLIST

INTERNAL FINISHES	CROSSOVER
BY OWNER <input type="checkbox"/>	BY OWNER <input type="checkbox"/>
BY BUILDER <input type="checkbox"/>	BY BUILDER <input type="checkbox"/>
CLOTHESLINE <input type="checkbox"/>	NEW CROSSOVER <input type="checkbox"/>
BY OWNER <input type="checkbox"/>	BY OWNER <input type="checkbox"/>
BY BUILDER <input type="checkbox"/>	BY BUILDER <input type="checkbox"/>
LETTER BOX <input type="checkbox"/>	REPLACE CROSSOVER <input type="checkbox"/>
BY OWNER <input type="checkbox"/>	BY OWNER <input type="checkbox"/>
BY BUILDER <input type="checkbox"/>	BY BUILDER <input type="checkbox"/>
SHED <input type="checkbox"/>	
BY OWNER <input type="checkbox"/>	
BY BUILDER <input type="checkbox"/>	

UNIT SIZES

LEVEL	UNIT 1	UNIT 2
PORCH	3.91m²	3.91m²
DWELLING	114.0m²	114.0m²
GARAGE	18.00m²	18.00m²
TOTAL	135.91m²	135.91m²

ELECTRICAL NOTES

ALL LIGHT SWITCHES ARE LOCATED AT 1050 FROM FFL.

THERMAL OVERLOAD SWITCHES TO BE PROVIDED IN THE KITCHEN BENCH GPOS AND MICROWAVE PANTRY GPO, TO ALLOW FOR EASY RESET FOR TENANTS

CLIPSAL ROCKER GPO'S TO THE REMAINDER OF THE HOME

TV ANTENNA TO ALL UNITS - SUPPLY INSTALL

SMOKE DETECTORS
BROOKES (GREENBAND)

EXHAUST FANS
DISCHARGE RATE:
40L/S DISCHARGE RATE TO KITCHEN AND LAUNDRY EXHAUST FANS.
25L/S DISCHARGE RATE TO BATHROOM AND SANITARY COMPARTMENT EXHAUST FANS.

LIGHTING
THE LAMP POWER DENSITY OR ILLUMINATION POWER DENSITY OF ARTIFICIAL LIGHTING NOT TO EXCEED:

- IN A CLASS 1 BUILDING (WITHIN THE BUILDING), 5 W/M²
- ON A VERANDAH OR BALCONY ATTACHED TO THE CLASS 1, 4 W/M²
- IN A CLASS 10 BUILDING (GARAGE, SHED...) 3 W/M²

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REVISIONS

A	02/03/2022	ISSUED TO CONSULTANTS
B	31/03/2022	ISSUED FOR REVIEW
C	03/05/2022	ISSUED FOR TOWNPLANNING
D	25/07/2022	ISSUED FOR REVIEW
E	30/08/2022	REVISED CROSSOVER

TOWNPLANNING

PROJECT
SAH VARIOUS WARRNAMBOOL SITES -
8 HENRY STREET

CLIENT

SALVATION ARMY HOUSING

PROJECT NO

2174

TITLE

PROPOSED SITE PLAN -
GROUND FLOOR

SCALE

As
indicated@A1

30/07/2022

LM



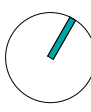
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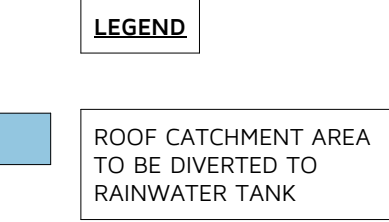
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TOWNPLANNING

PROJECT
SAH VARIOUS WARRNAMBOOL SITES -
8 HENRY STREET

CLIENT
SALVATION ARMY HOUSING

PROJECT NO
2174

TITLE

SITE ROOF PLAN

SCALE	DATE	DRAWN BY
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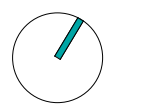
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PROJECT
SAH VARIOUS WARRNAMBOOL SITES -
8 HENRY STREET

CLIENT
SALVATION ARMY HOUSING

PROJECT NO
2174

TITLE
PROPOSED ELEVATIONS

SCALE DATE DRAWN BY
As 30/07/2022 LM
indicated@A1

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SCALE 1:100

SHEET NO REVISION

0301 B

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FINISHES SCHEDULE

WALLS/ROOFING

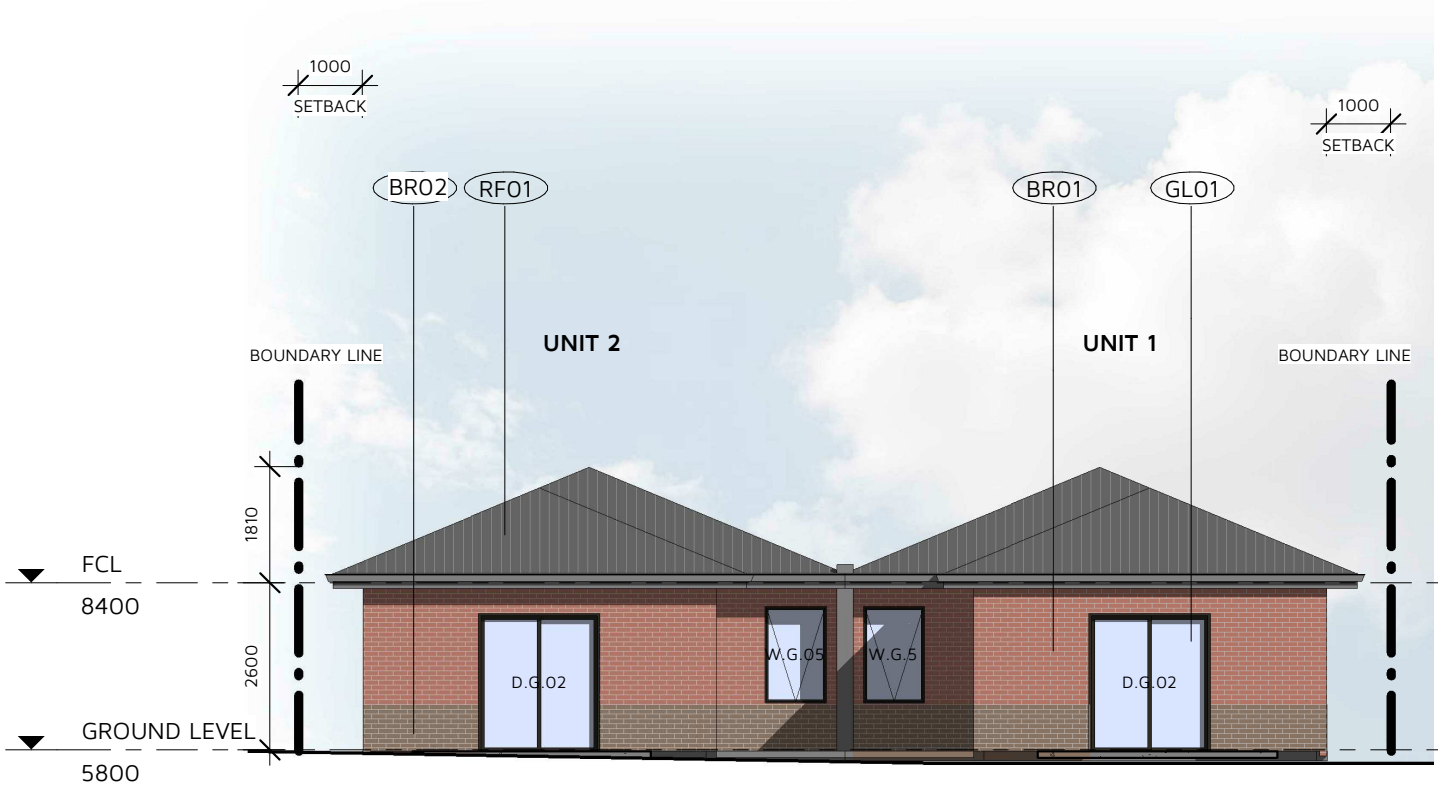
- BR01 RED STIMULATE BRICK (TOP)
BR02 LIGHT BROWN LEISURE BRICK (BOTTOM)
WB01 GREY WEATHERBOARDS (VERTICAL)
RF01 CORRUGATED SHEETING MONUMENT OR SIMILAR
GL01 CLEAR GLAZING
GL02 OBSCURE GLAZING

DRIVEWAY

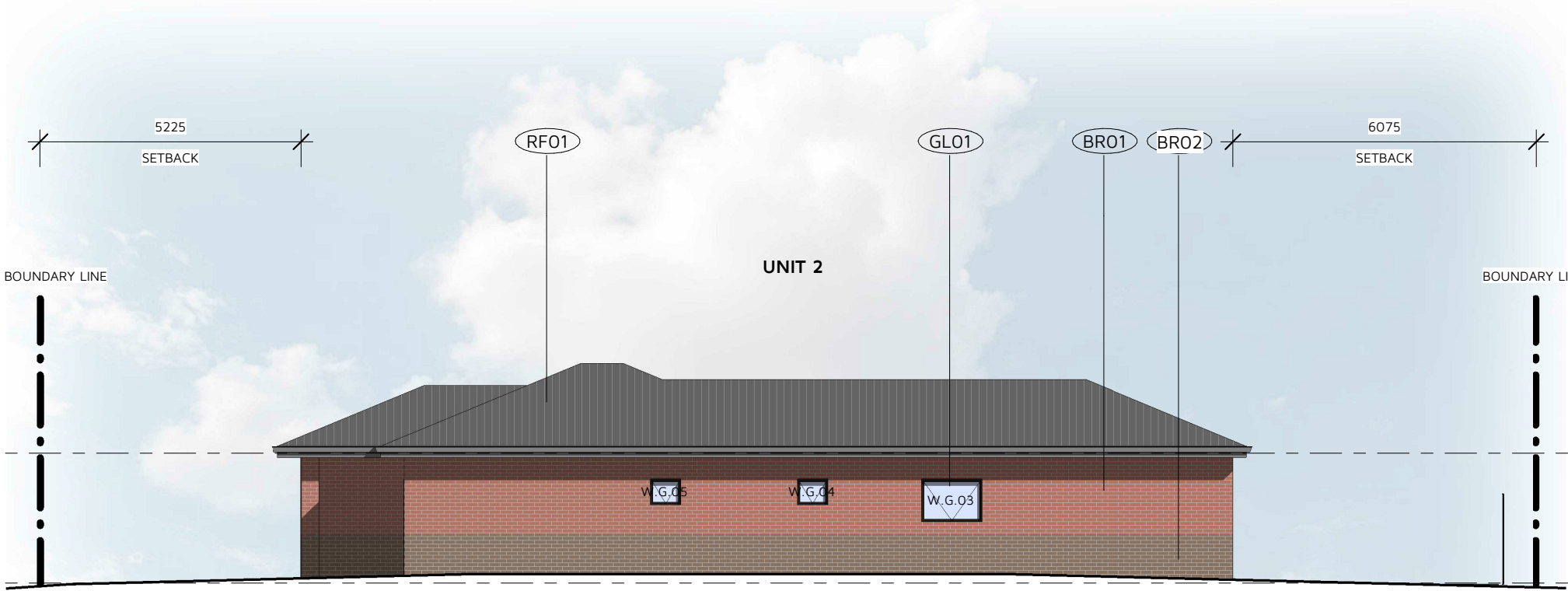
- PV01 PERMEABLE PAVING - COLOUR MUTED OR SIMILAR

MISCELLANEOUS

- PA01 PAINTED CHARCOAL GREY OR SIMILAR
PA02 POWDER COATED CHARCOAL GREY OR SIMILAR
PA03 PAINTED LIGHT SOFFIT



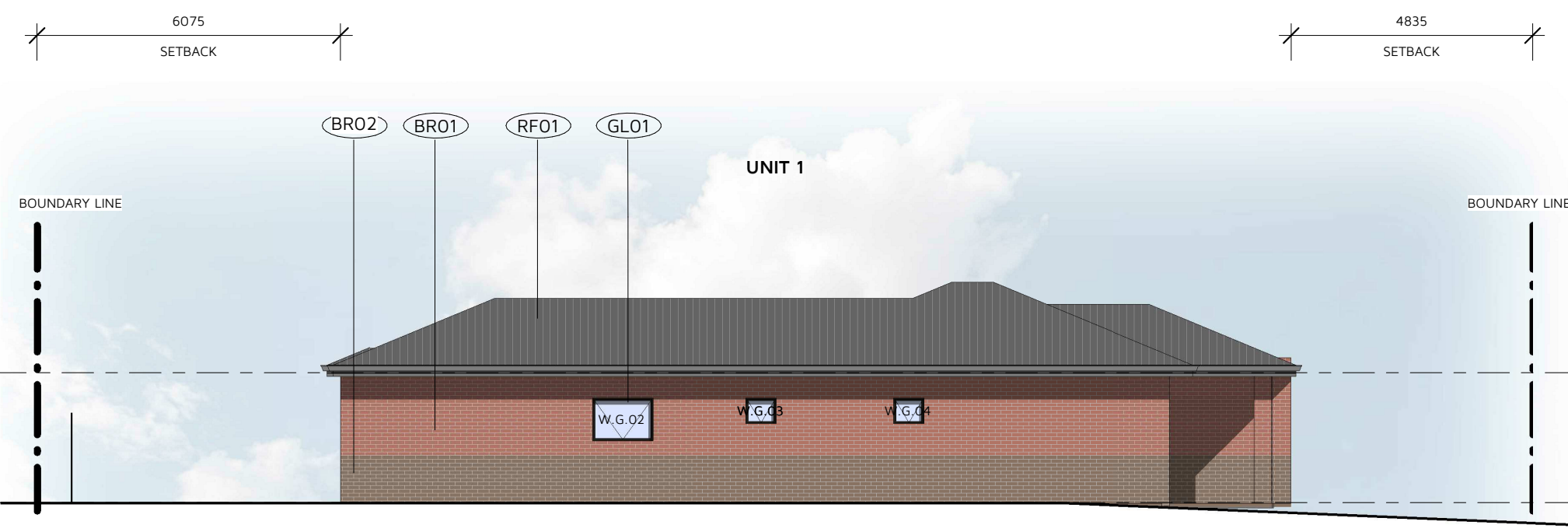
1 NORTH ELEVATION
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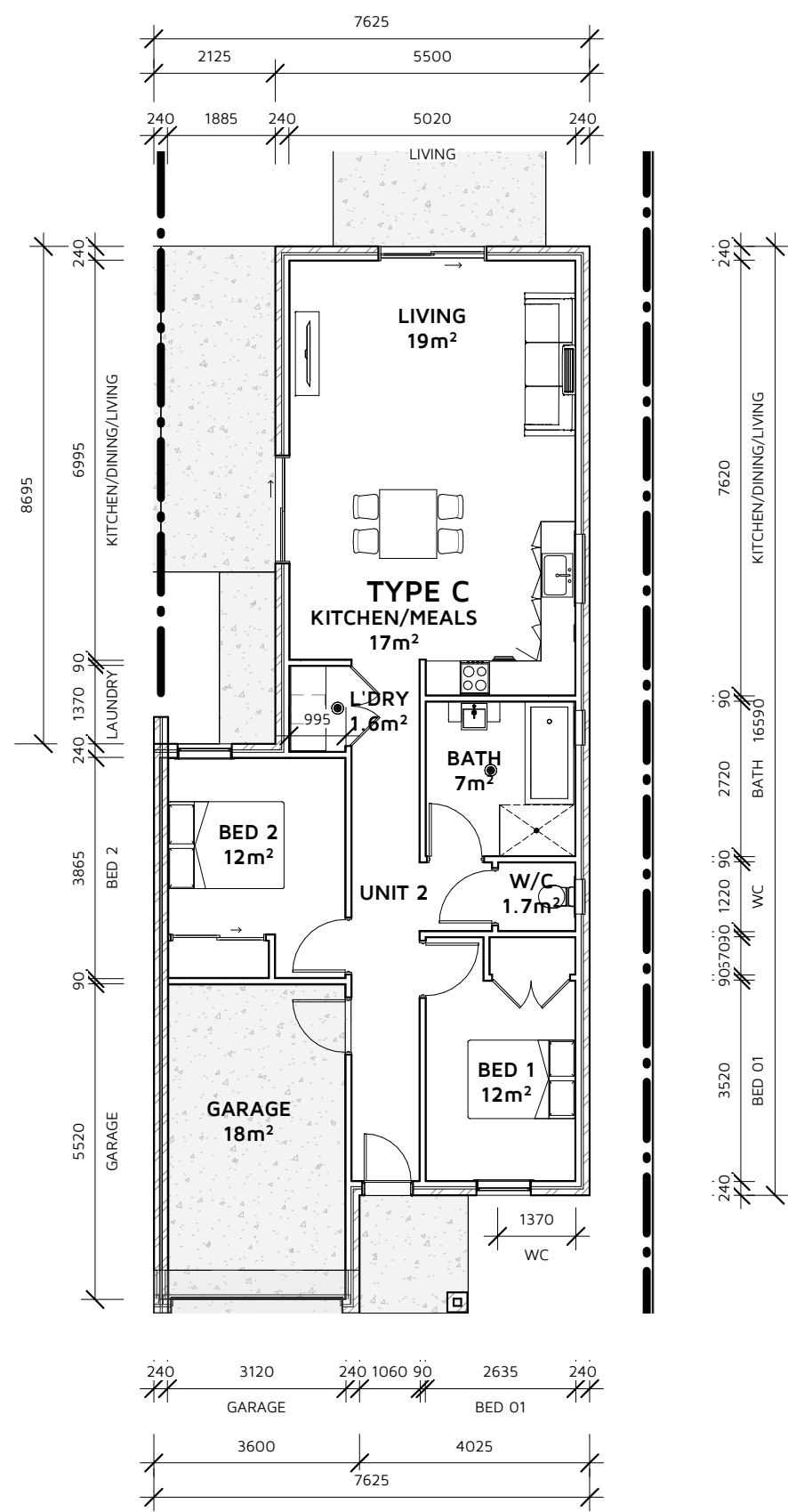
3 EAST ELEVATION
1 : 100



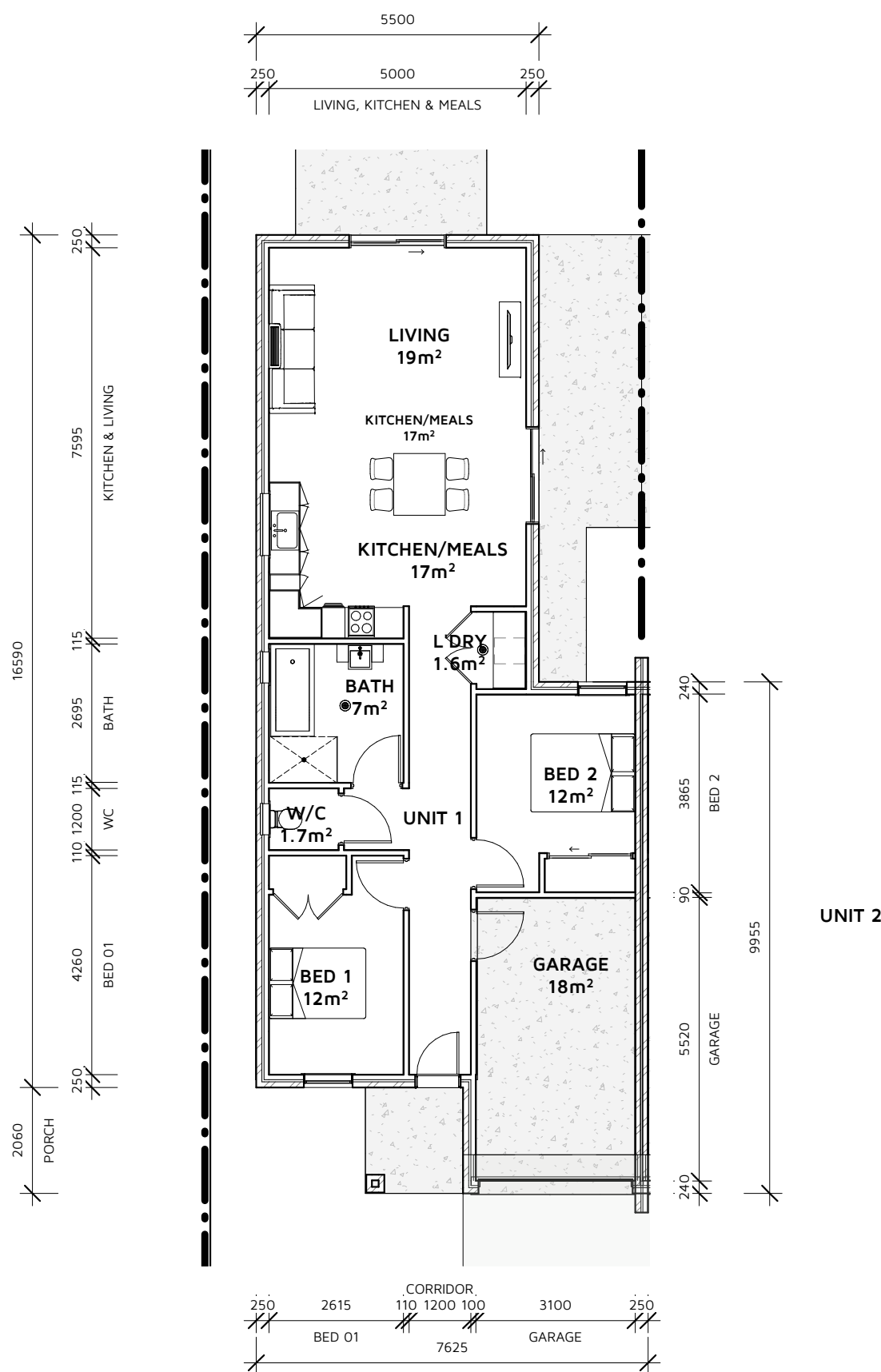
2 SOUTH ELEVATION
1 : 100



4 WEST ELEVATION
1 : 100



1
1100
PROPOSED GROUND FLOOR PLAN - UNIT 2
1 : 100



2
1100
PROPOSED GROUND FLOOR PLAN - UNIT 1
1 : 100

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TOWNPLANNING

PROJECT
SAH VARIOUS WARRNAMBOOL SITES -
8 HENRY STREET

CLIENT
SALVATION ARMY HOUSING

PROJECT NO
2174

TITLE
PROPOSED FLOOR PLAN

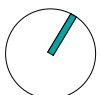
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GENERAL NOTES

Subgrade preparation

Site preparation to be carried out in accordance with best horticultural practice and under suitable conditions. Disturbance to indigenous soil structure is to be minimised. The use of machinery that may damage soil structure or profile is not acceptable. Sub-grade to all lawn and planted areas is to be cultivated to a minimum depth of 150mm and shaped to achieve drainage falls prior to topsoiling. Subgrade to be tested prior to preparation and conditioning to determine ph, salinity and gypsum requirement. Any gypsum required is to be distributed at the manufacturers recommended rate and cultivated into the sub-grade at a minimum depth of 150mm . Proposed topping areas to be graded / drained to prevent water discharge into neighbouring properties

Weed control

Remove and dispose of environmental weeds off site prior to subgrade preparation, topsoiling and planting works .

Soil Preparation

Topsoil is to be spread in maximum 150mm layers, lightly compacted by use of a 150 –200kg roller, or by thoroughly walking until it accords with finished kerb levels or to within 75mm below edging levels to accommodate mulch. Imported topsoil for garden beds is to be medium texture general purpose garden soil and lightly compacted to minimum 300mm depth to garden beds. Soil is to comply with s.a.a. 2223-1978, and as follows:

- free from perennial weeds and their roots, bulbs and rhizomes
- free from building rubble and any other matter deleterious to plant growth
- ph to be 6.0 - 7.0
- texture to be light to medium friable loam
- free from silt material

Imported topsoil for lawn rejuvenation / establishment shall have the above characteristics, but shall be a free draining sandy loam, lightly compacted to minimum 100mm depth

Mulch

The specified mulch for garden beds is to be an aged organic material with 60 - 80 percent of its volume being wood chips particles in a size range of 25 – 50 mm maximum. Mulch is to be spread at a consolidated depth of 75mm

Planting Procedure

If soil to planting hole is dry – fill with water and allow to drain completely. Tree roots are to be teased outwards if matted or circling occurs prior to backfilling. Place tree in centre of hole on firm soil to prevent sinking, ensuring top of the rootball is flush with the surrounding soil surface and the trunk is vertical. Backfill material is to be in a loose, friable state, with no bricks, rocks or foreign material - if sufficient material is not available form the original hole to backfill, a similar soil type must be sourced and used. Soil material must be firmly backfilled in layers to prevent large air pockets from occurring, then thoroughly watered in. Trees to be staked with two 2250mm x 70mm hardwood stakes driven firmly into the ground – stakes must not be placed through the rootball area. Trees are to be secured to each stake with a strong, soft and flexible material, tight enough to support the tree in windy conditions - yet loose enough to stimulate development of a good supportive root system. Tree tie material must not injure tree bark or restrict trunk growth for a minimum period of three years. Slow release fertiliser (3/6 month formulation) such as 'Osmocote' is to be applied to the top of the rootball area away from the trunk / stem to manufacturers specifications and watered in immediately. All trees to be mulched to a diameter of 1200mm wide and to a depth of 100mm but must not be in contact with the tree trunk. Mulch is to be an aged organic material with 60 - 80 percent of its volume being wood chip particles in a size range of 25 - 50mm maximum. Mulch is to be spread at a consolidated depth of 75mm. The planting hole surface is to be shaped to minimise waterlogging/excessive water retention but retain the mulch material neatly. The site must be left in a clean and safe condition

Plant Establishment Period

The landscape is to be maintained by applying best horticultural practice to promote healthy plant performance for a 13 week establishment period following the approval of Practical Completion by the responsible authority including (but not limited to) the following tasks - Pruning as necessary to maintain plants in a healthy and structurally sound manner, pest and diseases - vegetation to be pest and disease free, mulching, staking and tying -75mm mulch depth to be maintained around tree bases throughout maintenance period, watering - as often as necessary to ensure healthy and vigorous growth in accordance with current local watering regulations, weeding - maintained in a weed free state over the entire mulch area by spraying or mechanical mean, fertilising - 3/6 x monthly slow release fertiliser in accordance with manufacturers recommended application rates, replacement of deceased, stolen or vandalised plants beyond repair or regrowth with the same species as specified in the plant schedule within the assigned maintenance period

Irrigation

An in-ground automatic drip irrigation system to be installed to all garden areas and planter boxes (If applicable) in accordance with current local watering regulations

Timber Edging

Timber edging to be 75mm x 25mm treated pine secured to 300mm long treated pine stakes at nom. min 1000mm spacings with galvanised screws and installed to all junctions between garden beds, lawn and topping / pebble areas

Drainage

Landscape and / or building contractor(s) are responsible for civil and hydraulic computations for landscape building works including, but not limited to surface and sub surface drainage for all landscape areas prior to commencement of works

General

While care has been taken to select tree species with non-invasive root systems it is recommended that root control barriers be installed for any trees located within two metres of any building lines. Climbing plants (If applicable) are to be trained to supportive mesh, wire or lattice fixed over entire fence section from base to top. Do not scale from plan - contractor to verify all dimensions on site prior to commencing construction

Plants - Quality of Trees and Shrubs

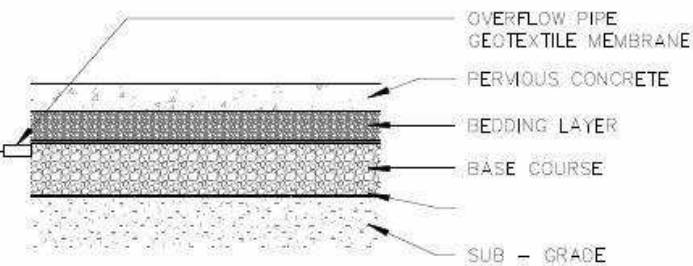
Trees and shrubs shall be healthy nursery stock free from insects, diseases and weeds. The specified plant heights, and pot sizes are minimums. If plant material is unavailable in these sizes, larger stock must be used. Plant substitution is not acceptable unless confirmed by the responsible authority in writing. The contractor is to supply and install semi mature trees which meet the following criteria: Have a minimum planted height to sizes as indicated in the plant schedule, have a minimum trunk calliper of 50mm at ground level, be undamaged and free of diseases and insect pests, not be root bound or have circling or girdling roots but have roots grown to the edge of - the container, should bear a single straight trunk, strong branching pattern, and full canopy. show healthy, vigorous growth

Protection of Existing Trees

This plan is to be read in conjunction with the relevant arboricultural report. All existing vegetation shown on the endorsed plan (subject site and neighbouring properties) to be retained must be suitably marked before any development (including demolition) commences on the land and that vegetation must not be removed, destroyed or lopped without the written consent of the responsible authority. Before the commencement of works (including demolition) start, tree protection barriers must be erected around trees (subject site and neighbouring properties) to form a defined tree protection zone during demolition and construction in accordance with tree protection measures as per AS 4970-2009 (Tree protection in development sites) and to the satisfaction of the responsible authority.

Any pruning that is required must be carried out by a trained and competent arborist with a thorough knowledge of tree physiology and pruning methods to carry out pruning to the Australian standard - AS 4373-2007 (Pruning of amenity trees). All tree protection practices must be adhered to in accordance with the arboricultural report and to the satisfaction of the responsible authority

TYPICAL PERMEABLE CONCRETE DETAIL

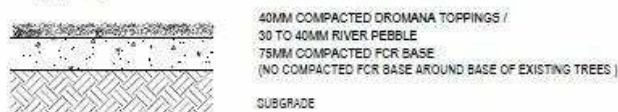


Surface Finishes Detail

Garden Beds



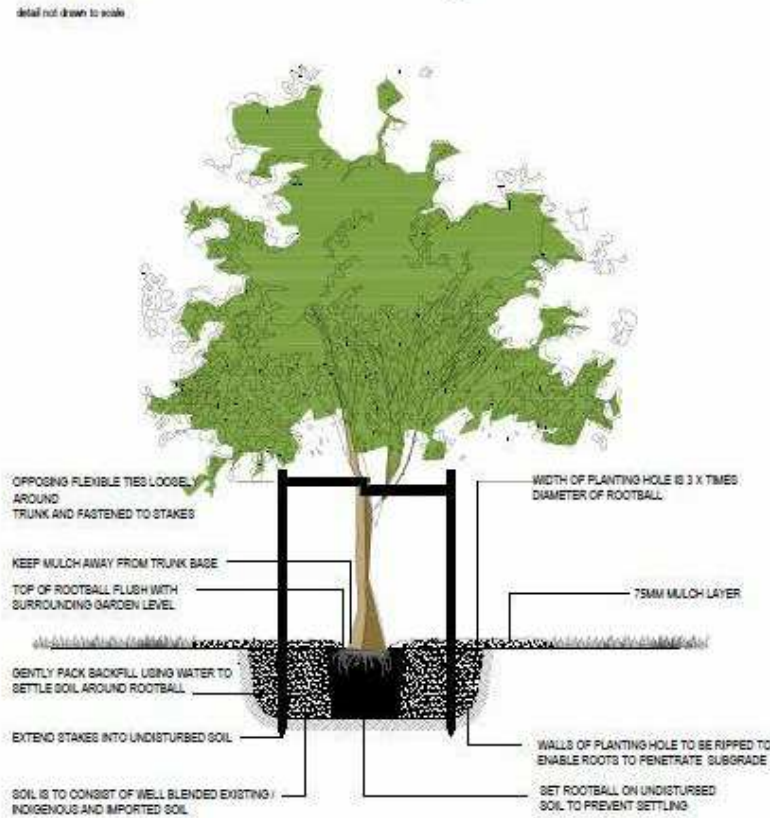
Topping / Pebble areas



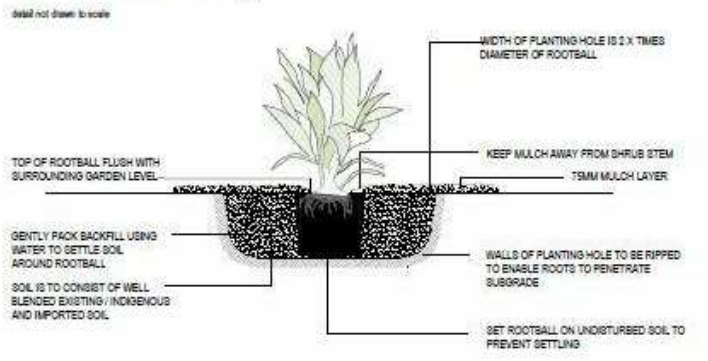
Lawn areas



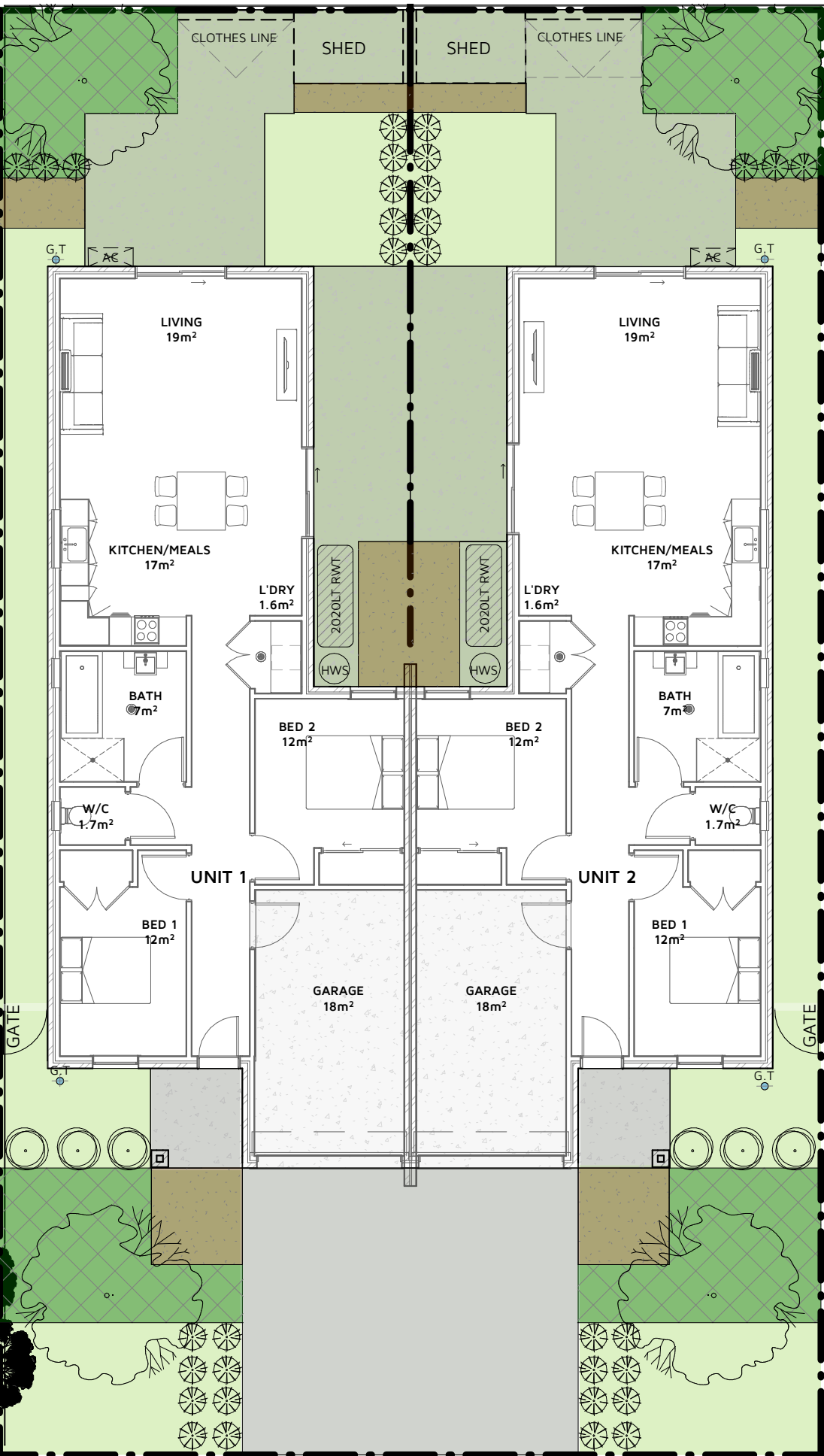
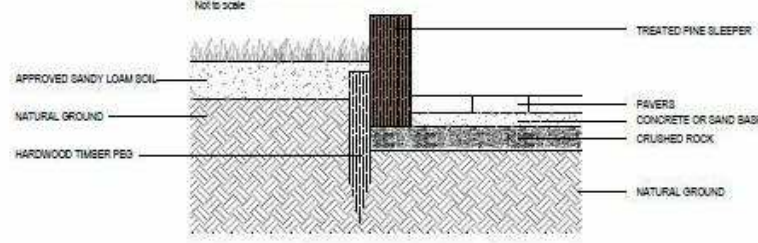
Advanced Tree Planting



Shrub Planting

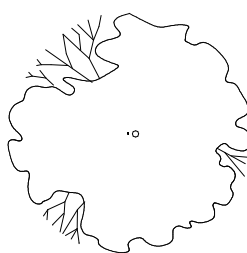


Timber Edge Treatment



PLANT SCHEDULE/ LEGEND

CODE	BOTANICAL NAME	COMMON NAME	QTY	SUPPLY SIZE	MATURE H X W
TREES					
ACB	ACER BUERGERIANUM	TRIDENT MAPLE	4	MIN. 1.6m HIGH	6m X 5m
SHRUBS					
ACL	ACACIA COGNATA 'LIMELIGHT'	NARROW LEAF BOWER WATTLE	6	20cm POT	1.2m X 1m
TUSsocks/ GRASSES/ EVERGREEN PERENNIALS					
LL	LOMANDRA LONGIFOLIA	SPINY HEADED MAT RUSH	16	14cm POT	.7m X .65m
DCB	DIANELLA REVOLUTA VAR. REVOLUTA	BLACK ANTHEP FLAX LILY	16	14cm POT	.6m X .6m



PROPOSED DECIDUOUS TREES



PROPOSED GROUND COVER LOW PLANTING



PROPOSED EVERGREEN SHRUBS



PROPOSED CONCRETE AREAS



PROPOSED LILYDALE TOPPINGS



PROPOSED LAWN AREAS

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REVISIONS

A 03/05/2022 ISSUED FOR TOWNPLANNING

TOWNPLANNING

PROJECT

SAH VARIOUS WARRNAMBOOL SITES - 8 HENRY STREET

CLIENT

SALVATION ARMY HOUSING

PROJECT NO

2174

TITLE

PLANTING CONCEPT PLAN

SCALE

DATE

DRAWN BY

As indicated@A1

30/07/2022

LM

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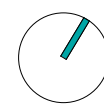
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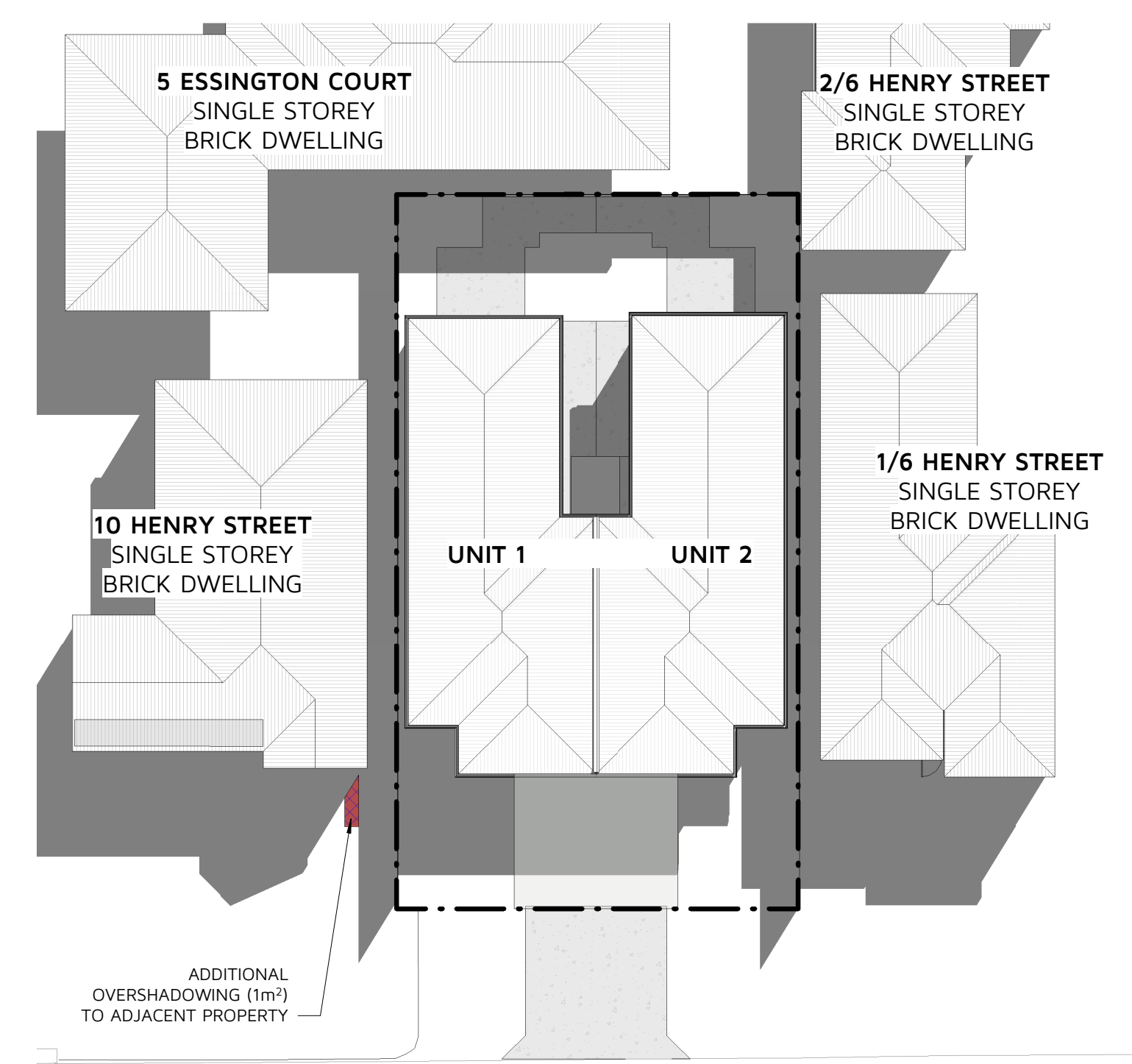
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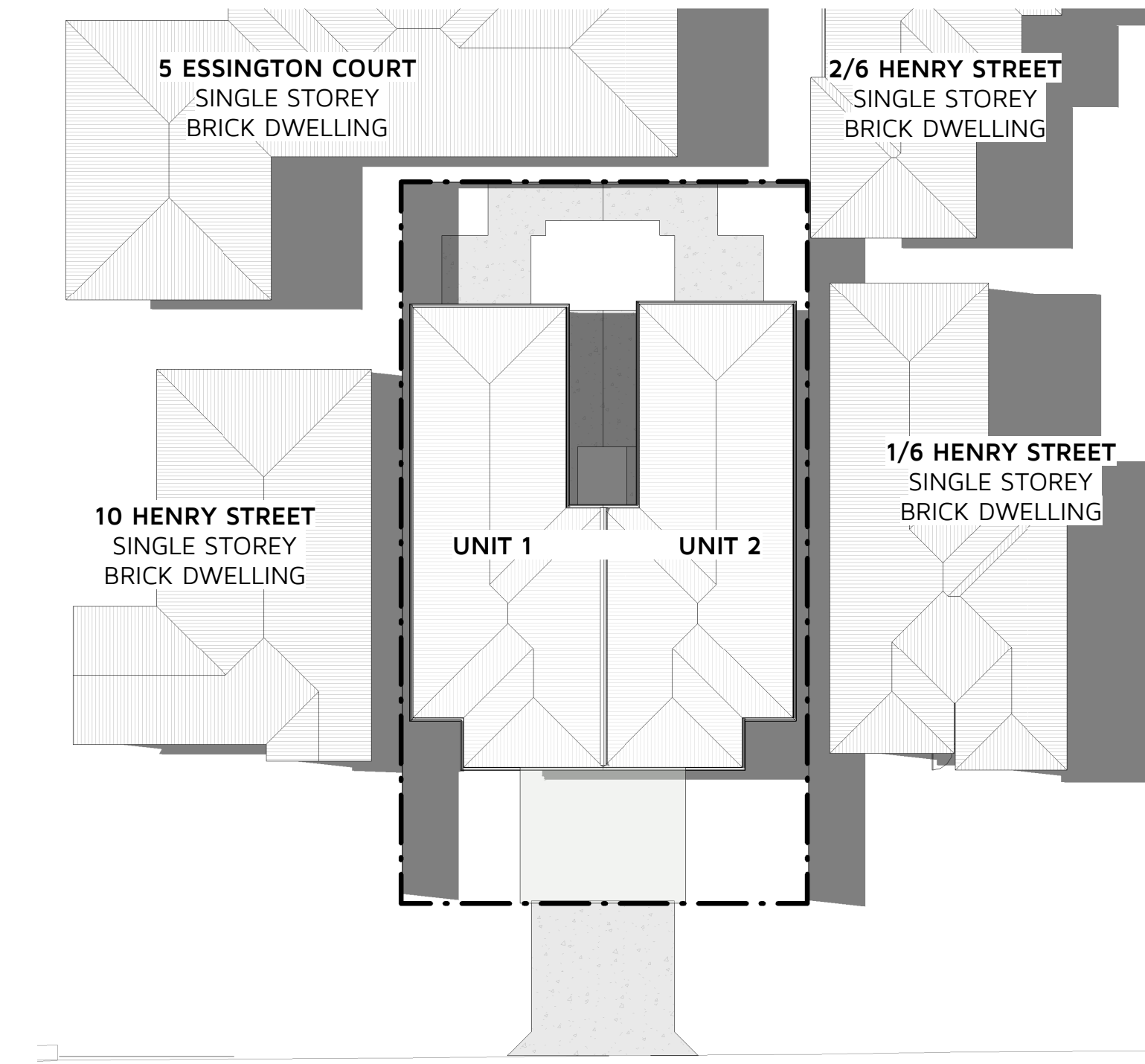


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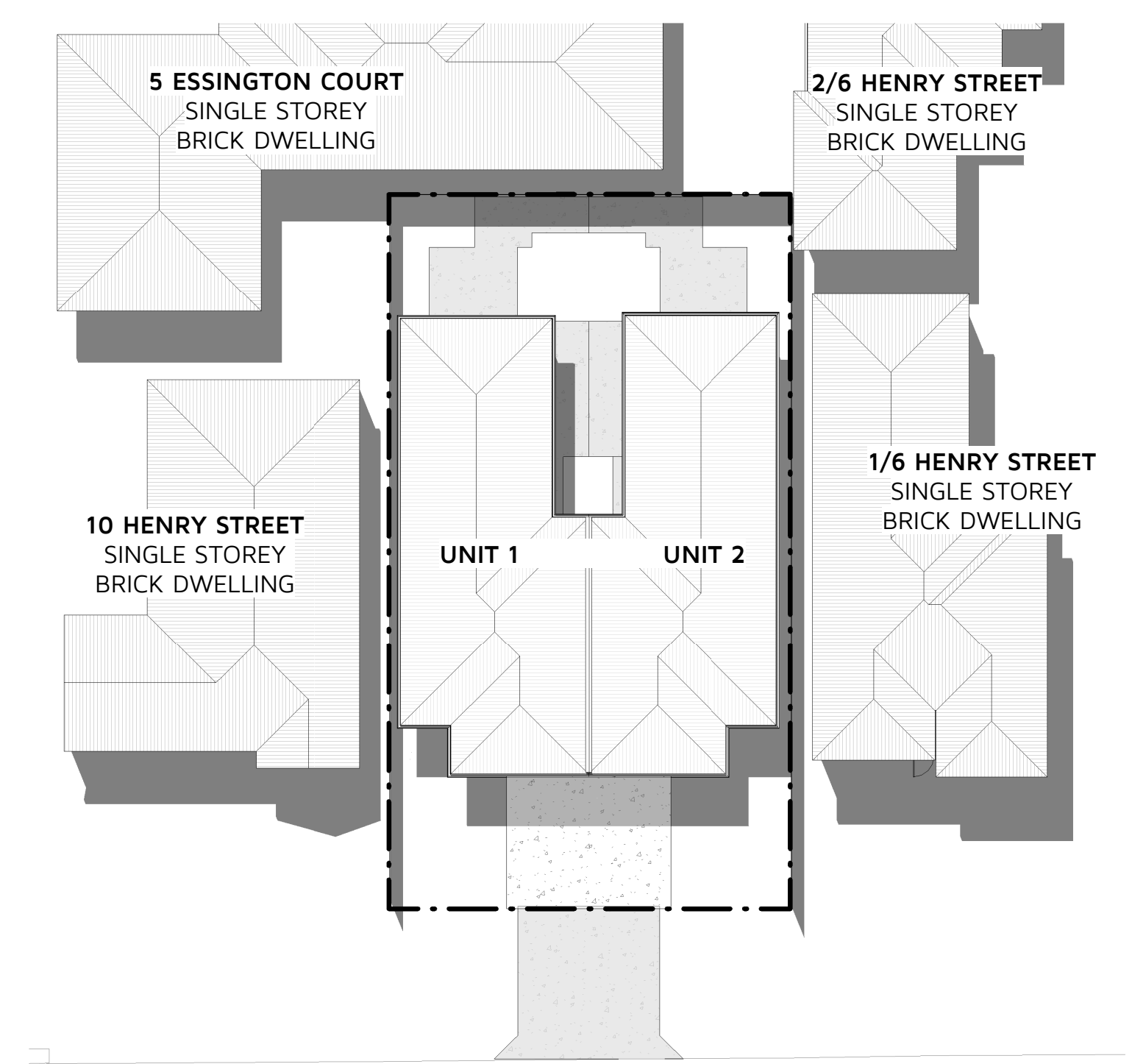
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2 9AM SEPTEMBER EQUINOX
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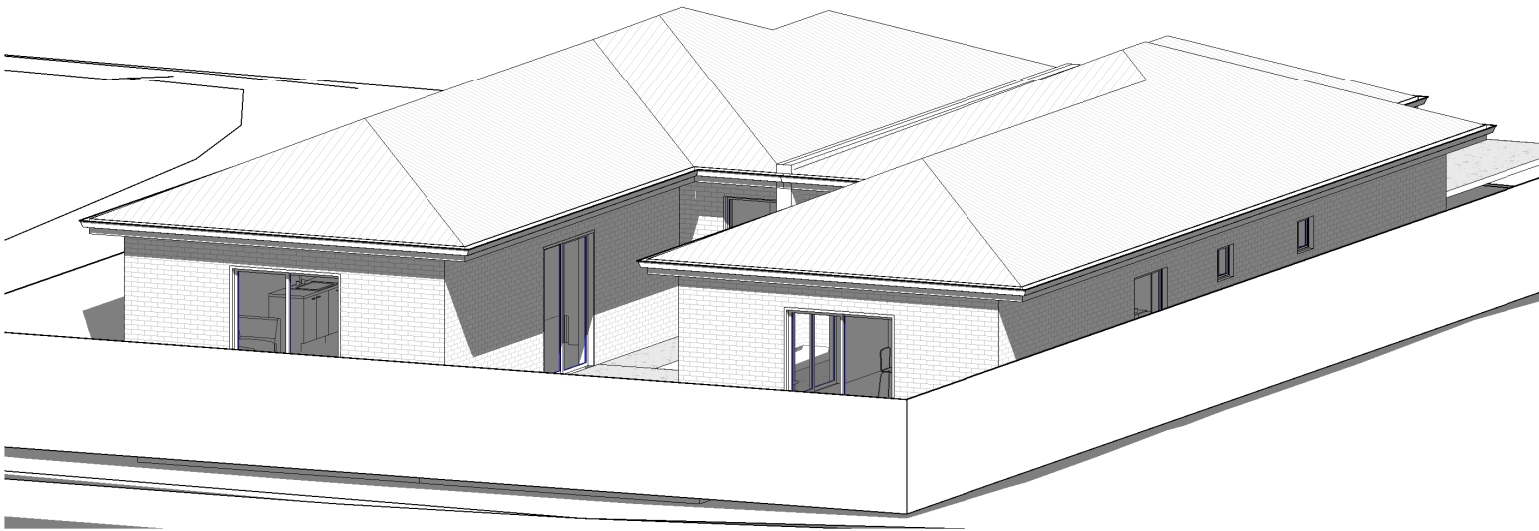
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4 3PM SEPTEMBER EQUINOX
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HENRY STREET

3 12PM SEPTEMBER EQUINOX
0301 1 : 200



1 PERSPECTIVE - 12PM SEPTEMBER EQUINOX

SHADOW LEGEND

HATCHED AREAS DENOTE
EXTENT OF ADDITIONAL TO
ADJACENT PROPERTIES

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REVISIONS

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TOWNPLANNING

TOWNPLANNING

PROJECT

SAH VARIOUS WARRNAMBOOL SITES -
8 HENRY STREET

CLIENT

SALVATION ARMY HOUSING

PROJECT NO

2174

TITLE

SHADOW DIAGRAMS

SCALE

As
indicated@A1

DATE

30/07/2022

DRAWN BY

LM

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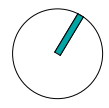
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REVISION

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NORTH



ABN 19 164 899 316

7.7. TENDER AWARD 2022050 - KINDERGARTEN CLEANING SERVICES 2022

DIRECTORATE : Community Development

PURPOSE:

This report provides information on award of Contract 2022050 – Kindergarten Cleaning Services 2022.

EXECUTIVE SUMMARY

- A public tender was advertised on Saturday 20th August & 3rd, 10th September 2022 inviting tender submissions from suitably qualified and experienced contractors for the provision of daily, weekly, biennial and annual cleaning of 8 early years services in Warrnambool City Council.
- Close of tenders was advertised for 2:00pm Friday 16th September 2022, no late tenders were received, and submissions have been assessed by the tender assessment panel.
- The recommendation is to proceed with the contract tender provided by JENCLEAN Whistle a Cleaner for the Contract Term is for two (2) \$203,542.90 with two (2) one-year options, each additional year (1) is \$119,181 if fully exercised, the maximum value of the contract will be \$441,904.90 Inc GST (the contractor reserves the right to notify council within 14 days if wanting to apply a CPI increase for any additional years) this cost does not include any ad hoc or additional cleaning.
- Additional cleaning costs to be charged at an hourly rate.

MOVED: CR MAX TAYLOR

SECONDED: CR BEN BLAIN

That Council

- 1. Award Contract 2022050 – Kindergarten Cleaning Services to JENCLEAN Whistle a Cleaner for the tendered lump sum amount of \$441,904.90 Inc GST p.a, for an initial term of two (2) years with two (2) one-year options.**
- 2. That the schedule of rates offered is accepted for the life of the contract.**
- 3. Authorise the CEO to sign, seal and vary the contract as required.**

CARRIED - 7:0

BACKGROUND

The purpose of entering into this contract is to appoint a suitable contractor to deliver the scope of works. Kindergartens are to be cleaned at the end of each Kindergarten session. Duties will also require weekly, end of term and annual cleaning responsibilities.

The current kindergarten cleaning contract has ended after applying the full number of extensions under the contract. This tender enables Council to test the market and ensure that it is receiving the best value for money in a fair and transparent way, in line with the Council's Procurement Policy.

The tender covers 8 Kindergartens – Allansford, Beamish Street, Central, Dennington, Lions Hopkins, Warrnambool East & Warrnambool South Kindergartens and Matron Swinton Early Learning Centre. Other facilities are under the main council cleaning contract with the exceptions of Mahogany Kindergarten and Sherwood Park where the cleaning is included in the leasing agreements.

ISSUES

The period in which to roll out the contract has expired and is currently non-compliant due to the ongoing need to clarify costs associated with the tender. Documentation is completed and given the contract tender exceeds \$400,000 (CEO delegation) the contract will need to be approved by Council.

Council remains in contract under the current terms and conditions of the existing contract agreement. There is no risk of liability to Council on delivery of services.

FINANCIAL IMPACT

Additional costs may be incurred during the term of the agreement with the increase of kindergarten groups with the roll out of 3 yr old kindergarten to continue with increasing the number and groups being offered across council facilities, in line with the state government reform.

The cleaning budget allocation in the 2022-23 budget for the first year was \$95,000 which does indicate that the budget has a short fall for the first year of \$11,087.10. The budget for the following year will be rectified through the budget process, this cost will be absorbed through the free kindergarten funding that will commence in the 2023 calendar year.

The budgets for kindergartens are to be revised shortly to accommodate the changes to funding for kindergarten and the budget for the cleaning will be amended to reflect the costs of this tender.

The tender will be back dated to the 4th October and adjusted for back payments to occur at the new rate on signing of the contract after endorsement from Council.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

1.3 Health and wellbeing: Council will take action to improve health, wellbeing and safety outcomes for Warrnambool's community.

5 An effective Council

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

5.5 Organisational and financial sustainability: Council will ensure organisational and financial sustainability through the effective and efficient use of Council's resources and assets.

5.6 Risk mitigation: Council will mitigate and manage organisational risks through sound management systems and processes.

COMMUNITY IMPACT / CONSULTATION

Community and employee feedback, with regards to levels of service, have been accounted for in the specifications document.

LEGAL RISK / IMPACT

Procurement processes are occurring in line with the approved contract specific procurement plan.

OFFICERS' DECLARATION OF INTEREST

No officer involved in the preparation of this report has declared a conflict of interest.

CONCLUSION

Acceptance of the recommended tender represents best value for Council.

ATTACHMENTS

Nil

7.8. ADVISORY COMMITTEE REPORTS

PURPOSE

This report contains the record of 2 Advisory Committee meetings and 1 Reference Group Meeting.

REPORT

ATTACHMENTS

1. Warrnambool Regional Airport Reference Group – 21 November 2022 – refer **Attachment 1**.
2. Community & International Relations Advisory Committee – 6 December 2022 – refer **Attachment 2**.
3. Economic Development & Tourism Advisory Committee – 9 December 2022 – refer **Attachment 3**.

MOVED: CR BEN BLAIN

SECONDED: CR RICHARD ZIEGELER

That the records of the Warrnambool Regional Airport Reference Group meeting held on 21 November 2022, the Community & International Relations Advisory Committee meeting held on 6 December 2022 and the Economic Development & Tourism Advisory Committee meeting held on 9 December 2022 be received.

CARRIED - 7:0

1. Warrnambool Regional Airport Reference Group Minutes - 21 November 2022 [7.8.1 - 8 pages]
2. Community & International Relations Advisory Committee Minutes - 6 Dec 2022 [7.8.2 - 2 pages]
3. Economic Development & Tourism Advisory Committee Minutes - 9 Dec 2022 [7.8.3 - 4 pages]

WARRNAMBOOL REGIONAL AIRPORT REFERENCE GROUP (WRARG) MINUTES				
Date:	Monday 21 November 2022.		Time: 11.00 am.	Location: Airport Terminal.
Meeting Objective:	Discussion & Advise on Airport Operations and Development, Security, and Emergency Management.			
Attendees:	Stephen Lucas (Chairman) Cr Max Taylor (Warrnambool City) John Stuart, Chris Daffy.			
WCC Attendees:	David Leahy (Director City Infrastructure) Julie Anderson (Acting Manager Facilities & Projects) Terry O'Sullivan (Coordinator Airport Operations & Compliance) Tina Bryant (Acting Property Officer)			
MSC Attendees;	Jodie McNamara (Director Economy & Place)			
For Information:	Shane Robe (ARO)			
Apologies:	Vicki Askew Thornton (Senior Energy Projects Liaison Officer) Michelle Grainger (Manager Energy Projects Officer) Ken Veal, Troy Bentley, Errol Stewart.			
No	Discussion	Who	Action	
1.	Welcome & Apologies.			
2.	Declaration of conflict of interest.		Stephen Lucas – Hangar Owner/Aero Club. John Stuart – Hangar Owner. Chris Daffy – Midfield Group/Aero Club.	
3.	Confirmation of minutes of Meeting Monday 15th August 2022. Minutes tabled as follows: Executive Management Team Meeting Tuesday 23 rd August. Council briefing Monday 29 th August. Council Meeting Monday 5 th September.		Moved: John Stuart. Seconded. Cr Max Taylor. Carried.	
4.	Business arising from the Minutes.		Nil.	
5.	2021 Airport Development Plan, ADP. Future development of the Airport is centred on enhancing safety and catering for larger Aircraft as the region grows.	David Leahy.	Warrnambool City recently met with Moyne Shire to discuss Airport Management, Operations, and its value to the Region.	

	<p>With extensive urban growth in the Airport environments, Moyne should ensure that planning applicants are advised of aviation activity (noise) 24 hours.</p> <p>Going forward there is a need for a Strategic Plan to complement the ADP covering but not limited to closer liaison with Moyne Shire (on nearby development, protection of Airspace, etc) leases, commercial activities, permitted usage, etc.</p> <p>Any future development on site, applicants will require Councils in principal approval for use and consent to build in the first instance and specifically if the need arises to make application for a Planning Permit to the Moyne Shire for uses other than primary Aviation based uses.</p> <p>Article in Ballarat Courier Monday 5th September regarding development in vicinity of Ballarat Airport, article parallels with Warrnambool (attached)</p>		<p>WCC provided update on Airport Development Plan and what works can be done once funding is secured.</p> <p>Also discussion on development in vicinity of the Airport, in particular growth in Mailors Flat,</p> <p>Recognised that planning permit applicants are advised that the Airport operates 24/7 and neighbouring properties are subject to Aircraft noise as per the ANEF Chart for the Airport.</p> <p>Height restrictions also apply as per the OLS for the Airport.</p>	
6.	<p>Operations Manual.</p> <p>Annual review and update of Manual undertaken main element being update of published information as determined in annual OLS Survey.</p> <p>Updated Manual submitted to CASA as required by MOS.</p>		Operational item noted by Group.	
7.	<p>Runway 13/31.</p> <p>Resealed February 2016.</p> <p>To clearly determine the current asset life of the runway a detailed pavement investigation needs to be undertaken as soon as practical.</p>		Noted by Group.	

	With increasing and larger traffic the pavement life expectancy is becoming less.			
8.	<p>Runway 04/22.</p> <p>Usage of Runway continues to increase.</p> <p>Runway swept Thursday's 25th August and 3rd November.</p> <p>A decision on whether a second seal is required is pending. Council Officers undertook a site inspection with Boral Tuesday November 8.</p> <p>Turning nodes each end are planned along with line markings week commencing 28th November plus grading of runway shoulders to improve drainage.</p>		<p>When weather conditions suit and contractor available the runway is to have a 7mm fine seal applied.</p> <p>Noted by Group.</p>	
9.	<p>Obstacle Limitation Surfaces, OLS.</p> <p>O'Sullivan maintains ongoing consultation with neighbouring property owners with regard to any vegetation identified infringing the approach, transition, and take off surfaces.</p> <p>Tree trimming of vegetation to be carried out later in the year in consultation with neighbouring properties and when ground conditions are suitable for tree trimming equipment to access.</p>		Operational item noted by Group.	
10.	<p>Wind Farm Developments.</p> <p>As previously agreed Council's position that no change to the MSA occur in order to protect the current Airspace.</p>	WCC & MSC Staff.	<p>Moyne Shire Council's current resolution is to oppose all new wind farms in Moyne. In its Wind Farm Position Statement strategic planning must provide for "Wind farm development buffers placed around airstrips and airports, and height thresholds on turbines which will retain current Minimum Safe Altitude (MSA) levels, and not impede on current Obstacle Limitation Surfaces (OLS)</p>	

	<p>10.1. Willatook.</p> <p>Subject to Panel Hearing in Warrnambool Tuesday 11 October through to Monday 7 November.</p> <p>WCC made submission through Public Exhibition/Planning Process WCC's submission based on protecting the current Airspace and Obstacle Limitation Surfaces well received along with future development for the Airport as outlined in the ADP plus an overview of usage of the Airport.</p> <p>10.2. Woolsthorpe.</p> <p>Woolsthorpe Wind Farm, Planning Permit amendment application, reduce number of turbines from 20 to 13 but increase height from 168 metres to 230 metres</p> <p>This application is seeking to amend planning permit and proposes to increase MSA from 2100 to 2300ft.</p> <p>To be considered by MSC Tuesday 8 November.</p> <p>WCC made submission through Public Exhibition/Planning Process to DEWLP Friday 4th November (copy MSC)</p> <p>Woolsthorpe are awaiting approval to connect into grid at the Yangery power station. Council to be mindful of transmission line route from Wind Farm site to the power station.</p> <p>10.3. Hawkesdale.</p> <p>Thursday 18th August Hawkesdale residents appeal against the wind farm permit was dismissed in the Victorian Supreme Court of Appeal.</p> <p>10.4. Hexham.</p>		<p>Awaiting outcome of Panel Hearing.</p> <p>Thanks to Moyne Shire in particular Michelle Grainger and Vicki Askew-Thornton for their support in protecting the Airports Airspace throughout the hearing.</p> <p>Subject to a Panel Hearing.</p> <p>Noted by Group.</p> <p>Nothing to report on this proposed development.</p>	
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11.	<p>Communications & Water Towers.</p> <p>11.1. 174 Aberline Road (Wannon Water) was approved last month and included your condition for a steady red obstacle light.</p> <p>11.2. 63 McKenzies Road (Telstra 35m monopole) has now been appealed at VCAT and is going to a hearing next year.</p> <p>11.3. 366 Wollaston Road (Telstra 35m monopole) is currently out for advertising.</p> <p>11.4. Parkinson's Lane, Mailors Flat. Application to construct a four-bedroom, single storey dwelling on a 12.2 hectare lot along with a 18m x 12m shed to support their beef breeding, calf rearing and shearing services business.</p> <p>This property adjoins Airport grazing land on the northern part of the Airport.</p>		<p>Noted by Group.</p> <p>Agreed that it appropriate and for Council to be consistent and request that 366 Wollaston Rd tower be lit with a steady red obstacle light.</p> <p>As the Owner/Operator of the Airport, Council requests the following items be noted on the Planning Permit:</p> <ol style="list-style-type: none"> 1. The property is subject to Aircraft noise 24/7. 2. The development does not infringe the Obstacle Limitation Surfaces, OLS, for the Airport.
12.	<p>Fees and Landing Charges.</p> <p>Income for 2022/2023 to date: Avdata charges \$17,452.00 Local Commercial Operators \$6,100.00 " Recreational " \$3,820.00</p> <p>Annual contribution towards operations and maintenance received from MSC.</p> <p>Current site fee for Hangar floor space is \$6.50/m2/annum + GST.</p> <p>One training provider advises that they are not prepared to pay landing fees stating that Avdata do not have the authority to do so?</p>		<p>For information.</p> <p>Thanks to MSC for annual contribution.</p> <p>Provider advised that Avdata are engaged by Council to issue invoices for landing fees. Advised Operator If they are not willing to</p>

	<p>Fees and Charges to be reviewed in readiness for Council's normal Budget process early 2023.</p> <p>2022-23 Defence landing rates The AAA has worked hard to negotiate an increase in Defence Landing payments for members and The Department of Defence has confirmed an increase of 5.1 per cent effective from 1 July 2022, taking rates to the following:</p> <ul style="list-style-type: none"> • \$18.1209 — Fixed Wing exc GST • \$8.9385 — Rotary Wing exc GST 		<p>pay then refrain from using Warrnambool. All other parties pay.</p> <p>Reference Group to be advised when draft budget is put out for Public consultation.</p> <p>For information.</p>	
13.	<p>Leases/Site Fees.</p> <p>Further discussion and consultation is required in relation to Lease agreements which will be a large task because of the variety of leases in existence.</p>		<p>Chairman to have discussion with Manager Governance, Property, Projects, & Legal, on leases.</p>	
14.	<p>Australian Airports Association, AAA.</p> <p>Friday 19th August. Re MOS 139 Technical Working Group, in the Warrnambool Airport Development Plan, October 2021, Council proposes the following when funding is made available:</p> <ul style="list-style-type: none"> • Upgrade the pavement strength of Runway 13/31 (design Aircraft Dash 8, Q400) • Extend Runway 13/31 in a North West direction for approximately 300 metres (current length 1,372M in length, 30m wide, and 150m Runway Strip) • Upgrade Runway lighting to LED at 60 metre spacing's. • Runway markings to be upgraded. • Maintain RNAV and PAPI. 		<p>Critical that Council continues to lobby CASA via the AAA.</p> <p>Advice is a number of like Airports face the same situation as Warrnambool.</p>	

	<p>The proposed extension on the current site is achievable as long as it can be done based on 150m Runway Strip.</p> <p>Implementing the required 280m Runway Strip now required (2019 MOS) is not achievable so for a 1,600m Runway to service Warrnambool and the Region, a whole new site would be required.</p> <p>Obviously this would be cost prohibitive for Council.</p> <p>Local Business has invested extensively at Warrnambool in recent years so it is critical to remain on the current site.</p>			
15.	<p>Hangar/Building Construction Lot 14.</p> <p>Applicant will require landowners consent to build and enter into a lease agreement with WCC.</p>		For information.	
16.	<p>On/Off Shore operations.</p> <p>Off Shore Operations for the Thylacine Gas Rig continue.</p>		For information.	
17.	<p>Flight Training.</p> <p>Ideally a provider should be based locally and have aircraft on site.</p>		Nothing further to report since last meeting	
18.	<p>Aero Club Redevelopment.</p> <p>Works in progress. Club to undertake baling of hay again with proceeds being injected into redevelopment.</p>		Noted by Group.	
19.	<p>Drag Race Club.</p> <p>Council Officers recently wrote to Drag Club to follow up on a few items with the Drag Race Club as it's been some time since Drag race Events have been held.</p>		E-Mail received from Club 1 st November requesting use of the Airport for Saturday's 25 th February, and 15 th April 2023.	

	<p>Club again advised that the primary Function of the Airport is for Aviation and as usage and development increases accommodating Drag Race Events will be more problematic for Council.</p> <p>For Council's information it would be appreciated if the Club can provide Council some direction of the short, medium, and longer term plans for the Club as it is not viable to continue use of the Airport on a year to year basis.</p> <p>Club were also advised that the following will impact on the ability to access the Airport for Events will be the usage of the Airport, availability of Council/Airport Staff, and works planned for Runway 04/22 as follows:</p> <ul style="list-style-type: none"> • Application of a second bitumen spray seal, • Rolling, sweeping, and line marking, • Construction of turning nodes each end, • Grading of the runway shoulders to improve drainage. <p>The timing of the above works will be determined by satisfactory weather conditions and Contractor availability.</p>		<p>The Club also requested to access the site on Friday afternoon for the ease of setting up and testing of equipment.</p> <p>For the above to occur the runway would need to have a displaced threshold in place in turn reducing the length of the runway. Also the Precision Approach Path Indicator, PAPI, lighting would need to be deactivated. THE PAPI is a key Navigational Aid for Pilots at night and in poor weather conditions with limited visibility.</p> <p>In event the Airport can be made available on the requested dates, daylight hours Saturday only, approval and conditions of use will be at the discretion of Council's Airport Manager and Senior Airport Reporting/Works Safety Officer.</p>	
20.	<p>General Business.</p> <p>20.1. The Apron pavement is subject to ongoing failure due to larger and heavier Aircraft mainly from AW 139 Rotary Aircraft.</p> <p>20.2. Driver Training scheduled for Tuesday 10 January utilising western taxiway in Aviation Park.</p>		<p>Pavement repairs undertaken Thursday 17 November.</p> <p>Noted by Group.</p>	
21.	<p>Next Meeting.</p> <p>Close of Meeting.</p>		<p>Tuesday 21th February 2023.</p>	

MINUTES

COMMUNITY & INTERNATIONAL RELATIONS ADVISORY COMMITTEE					
Date:	6 December 2022		Time:	5 PM	Location: Committee Room 1, Warrnambool Civic Centre
Committee Members In Attendance		Cr. Otha Akoch, Chair David McKenzie Les Gardiner Geoff Spencer			
Council Officer Attendance		Luke Coughlan, Acting Director City Growth Jin Kim, Coordinator Economic Development Ingrid Bishop, Director Community Development			
No.	What			Actions	
1.	Welcome & Apologies			Apologies: Greta Perry Stephen Hoy, Manager Economic Development & Events	
2.	Conflict of Interest Declarations			No conflicts of interest declared	
3.	Minutes from Pervious Meeting - 2 August 2022			Moved: Cr Akoch Seconded: David McKenzie CARRIED	
4.	Update on the 30th Warrnambool-Changchun Anniversary			<ul style="list-style-type: none"> Members were updated about the postponed 10th Anniversary from October 2022 to February 2023 	
5.	Kings College-Changchun school discussion for potential sister school relationship			<ul style="list-style-type: none"> Members were informed that a local high school from Changchun has reached out to Council to identify a potential sister school in Warrnambool where Chinese is taught as a second language. Kings' College was one local school who offers Chinese as a second language so Council's Economic Development Team introduced Changchun's school to Kings' College. 	

		<ul style="list-style-type: none"> To better facilitate the process, members recommended that a support letter be drafted and signed by Warrnambool Mayor to be sent to Kings' College.
6.	Next year's activity planning discussion	<ul style="list-style-type: none"> Discussion by members on next year's main activities and recruiting more committee members. Proposal raised to explore recruiting more members from various multicultural communities to understand current multicultural issues in the city
7.	Warrnambool-Changchun update	<ul style="list-style-type: none"> Changchun has proposed to sign an agreement in the 10th Anniversary in Feb 2023 to facilitate export from Warrnambool to Changchun for quality products. Changchun is inland and lacks fresh meat, dairy, seafood and other imported products while the city has a large free trade zone.
8.	Warrnambool-Miura Cultural Exchange Teacher recruitment	<ul style="list-style-type: none"> It is a Japanese Government funded program called Japan Exchange and Teaching Program (JET). Warrnambool currently has two cultural English teachers working in the city of Miura. Miura City Council has reached out to Warrnambool City Council to help them recruit one more teacher as one of the current teachers finishes up soon. Members recommended that Warrnambool City Council contact the current Warrnambool residents who are working as cultural English teachers for their connections and advertise the opportunity publicly to share the information with the community.
9.	General Business	Nil
10.	Next Meeting – TBC in 2023	

MINUTES

ECONOMIC DEVELOPMENT & TOURISM ADVISORY COMMITTEE					
Date:	9 December 2022		Time:	12 PM	Location: Committee Room 1, Warrnambool Civic Centre
Committee Members In Attendance	Cr Max Taylor, Chair Cr Vicki Jellie Paul Dillon Penny Irons Leanne Williams				
Council Officer Attendees	Stephen Hoy – Manager Economic Development & Events Jin Kim – Coordinator of Economic Development & Investment Kate Jolley – Economic Development Administration Officer Ingrid Bishop, Director Community Development				
No.	What		Action		
1.	Welcome & Apologies		Chair Appointed – Cr. Max Taylor Kate Lindsey tendered her resignation from the Committee Apologies - Martin Ellul		
2.	Conflict of Interest Declaration		Paul Dillon – LaunchVic’s Grant		
3.	Minutes from Previous Meeting - 12 August 2022		Moved: Cr Taylor Seconded: Paul Dillon CARRIED		
4.	Un-Retiring The Bool Project		<ul style="list-style-type: none"> Presentation by Stephen Hoy of a new pilot program to engage the untapped labour force of retirees. Retirees to register with council with experience, skills, availability and contact details. This information will then be forwarded to registered businesses, for them to make contact. 		

		<p>Council will act as facilitator in exchanging the information and putting the two parties in touch, not in a recruitment roll.</p> <ul style="list-style-type: none"> • Works plan being mapped out currently with a launch date penned in for end of February early March. Pilot program will run for a month, then test and measure. • Hoping to find 1 to 2 case study's to use to promote and introduce the program
5.	DAMA Update	<ul style="list-style-type: none"> • 5 Year Agreement. March 2023 will mark the end of the 4th year • Additional occupations have been applied for, anticipate sign off on those being within the first 6 months of 2023 • Additional occupations included with the breakdown of ANSCO codes. • SW alliance will together pitch for the program to be extended
6.	Warrnambool Business Survey Update	<ul style="list-style-type: none"> • Latest survey results released at Mayors business briefing. 310 responses with results analysed by Deakin. Business confidence is high, growth has been positive, staffing and housing issues continue to go hand in hand. Businesses mindful of next 12 months with interest rate rises. Impact being felt already.
7.	Christmas Activation Update	<ul style="list-style-type: none"> • Eco Dev / Events / Communications collective effort. • Requests for no street closures, no late night shopping and multiple activities were taken into account when planning the four weekends. Markets were well received and Bluey and Bingo should draw a crowd. • Additional streets and areas for activations to be considered for next year.
8.	Great South Coast Startup Ecosystem Initiative Update – LaunchVic's Grant	<ul style="list-style-type: none"> • Teamed up with Deakin, LGA's, Food and Fibre and Tafe and won 275k Grant funding. The funding will support training programs for

		entrepreneurs with ideas. An 18 month project will also include boot camps and pitch nights. EOI are now open.
9.	End of Year Business Briefing hosted by Mayor Debbie Arnott update	<ul style="list-style-type: none"> • New event that aims to run annually. Is an opportunity to explain what Economic Development is responsible for. Data analyses was also provided along with spending trends which was received very well. Many positive emails received after the event. • Will be reviewed at the upcoming planning day to prepare for next year's event. Herald Sun reported attended.
10.	Economic Development Strategy update	<ul style="list-style-type: none"> • Four quotes received to carry out Eco Dev Strategy. Urban Enterprise was selected as preferred business and planning is underway. Stakeholders identified and invited to relevant sessions. Meetings will start in February. • Aim for report to be complete April/May
11.	General Business	<p>Penny Irons: Visit Warrnambool – Lacking story from start to finish, who are we trying to attract? Marketing of Warrnambool needs work for this site.</p> <p>Cr Vicki Jellie: Noting recent publicity around the Art Gallery and is looking forward to more information and clarification coming forward as the process progresses.</p> <p>Paul Dillon: Chamber of Commerce – Is there a current budget for it? Kathryn to be guest speaker at next meeting to offer insight and best practice. Potentially research Swan Hill, Bendigo, and Ballarat as case studies, determine what works and what doesn't. Want to get it correct this time.</p> <p>Action: Stephen Hoy to invite Ingrid Bishop to next meeting.</p>

		<p>Paul Dillon: Review of committee numbers, how many and from what background. Business background would be most relevant, 7-9 member's ideally.</p> <p>Action: Jin Kim to approach some small businesses to invite.</p>
12.	Next Meeting – TBC in 2023	<p>1.25pm Closed</p> <p>TBC Feb 2023</p>

7.9. INFORMAL MEETINGS OF COUNCIL REPORTS

PURPOSE

The purpose of this report is to provide Council with copies of Informal Meetings of Council (previously known as “Assembly of Councillor Records”) as previously required under section 80A(2) of the Local Government Act 1989.

BACKGROUND INFORMATION

Section 80A(2) of the Local Government Act 1989 required the record of an Assembly of Councillors to be reported at an ordinary Council meeting.

Assembly of Councillor Records are no longer a requirement in the Local Government Act 2020 as of 24 October 2020. However, under Council’s Governance Rules, a summary of the matters discussed at the meeting are required to be tabled at the next convenient Council meeting and recorded in the minutes of that Council meeting.

REPORT

The record of the following Informal Meetings of Council are enclosed:-

1. Informal Meeting of Council – 12 December 2022 – refer **Attachment 1**.
2. Informal Meeting of Council – 19 December 2022 – refer **Attachment 2**.
3. Informal Meeting of Council – 23 January 2023 – refer **Attachment 3**.
4. Informal Meeting of Council – 30 January 2023 – refer **Attachment 4**.

ATTACHMENTS

1. Assembly of Councillors Record 12 December 2022 [7.9.1 - 2 pages]
2. Assembly of Councillors Record 19 December 2022 [7.9.2 - 1 page]
3. Assembly of Councillors Record 23 January 2023 [7.9.3 - 2 pages]
4. Assembly of Councillors Record 30 January 2023 [7.9.4 - 2 pages]

MOVED: CR ANGIE PASPALIARIS

SECONDED: CR OTHA AKOCH

That the record of the Informal Meetings of Council held on 12 and 19 December 2022, 23 and 30 January 2023 be received.

CARRIED – 7:0

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	12 December 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. D. Arnott, Mayor Cr. O. Akoch Cr. V. Jellie AM Cr. A. Paspaliaris Cr R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer David Leahy, Director City Infrastructure Bree Ryan, Acting Director Corporate Strategies Luke Coughlan, Acting Director City Growth Ingrid Bishop, Director Community Development John Brockway, Manager Financial Services (3.00pm – 4.47pm) Wendy McGorm Co-ordinator Financial Services - (3.00pm – 4.47pm) Wendy Clark, Executive Assistant (4.50pm – 6.00pm) Nick Higgins, Manager Communications – (4.50pm – 5.01pm) Julie McLean, Manager City Strategy & Development – (5.03pm – 5.25pm) Ali Kemp, Manager Recreation & Culture – (5.26pm – 5.36pm) Rod Sanderson, Service Manager, Warrnambool Stadium – (5.26pm – 5.36pm)
Other persons present:	
Apologies	Cr. B. Blain Cr. M. Taylor
Matters Considered:	<ol style="list-style-type: none"> Budget Workshop – (3.00pm-4.47pm) Confidential - Citizen of the Year - Award Nominations - (4.50pm - 5.01pm) <i>This report has been declared Confidential under the following Section of the Local Government Act 2020: Section 3(f) – personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs</i> PP2022-0052 - 19 Preston Street, Dennington - (5.02pm - 5.25pm) Confidential - Gymnastics - (5.26pm – 5.36pm) <i>This report has been declared Confidential under the following Sections of the Local Government Act 2020: Section 3(a) – Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. Section 3(f) – personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.</i> Trig Points Restoration - (5.36pm - 5.43pm)
Council and Officer Items Raised (5.45pm – 6.02pm):	<ul style="list-style-type: none"> Bay dredging. Deakin University boat and new boat ramp. Lake Pertobe playspace. Saleyards update.
Councillor Conflicts of interest Disclosures: Nil.	
Councillor /officer Name: Nil.	

Meeting close time:	6.05pm
Record Completed by:	Wendy Clark Executive Assistant

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	19 December 2022
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. D. Arnott, Mayor Cr. O. Akoch Cr. B. Blain - Zoom Cr. V. Jellie AM Cr. M. Taylor Cr R. Ziegeler
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer David Leahy, Director City Infrastructure Peter Utri, Director Corporate Strategies Bree Ryan, General Counsel, Strategy & Procurement Ingrid Bishop, Director Community Development Wendy Clark, Executive Assistant Rachael Gleeson, Service Manager, Healthy Engaged Communities – (3.02pm – 3.17pm) Ali Kemp, Manager Recreation & Culture – (3.16pm – 3.21pm)
Other persons present:	
Apologies	Cr. A. Paspaliaris
Matters Considered:	<ol style="list-style-type: none"> 1. Airport Reference Group Meeting Minutes 21 November 2022 - (3.00pm - 3.01pm) 2. West Warrnambool Neighbourhood House Update - (3.02pm - 3.17pm) 3. New Library And Learning Centre - Service Update - (3.17pm - 3.21pm) 4. Early Years Learning Centre Facilities Update - (3.22pm - 3.29pm) 5. Mayoral Diary Update - (3.30pm) 6. Status of Animal Shelter Upgrade – (3.30pm - 3.37pm)
Council and Officer Items Raised (3.37pm – 4.00pm):	<ul style="list-style-type: none"> • 2 Palm street trees in need of attention. • Update on saleyards. • Schomberg Bell at Flagstaff Hill. • Lake Pertobe playspace. • Bay dredging. • Boat ramp.
Councillor Conflicts of interest Disclosures: Nil.	
Councillor /officer Name: Nil.	
Meeting close time:	4.00pm
Record Completed by:	Wendy Clark Executive Assistant

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	23 January 2023
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. D. Arnott, Mayor Cr. O. Akoch Cr. B. Blain Cr. V. Jellie AM – Zoom Cr. A. Paspaliaris – Arrived 3.16pm Cr. M. Taylor - Zoom Cr R. Ziegeler – Arrived 3.05pm
Council Officers in Attendance:	David Leahy, Acting Chief Executive Officer Peter Utri, Director Corporate Strategies Luke Coughlan, Acting Director City Growth Ingrid Bishop, Director Community Development Wendy Clark, Executive Assistant John Brockway, Manager Financial Services – (3.02pm – 3.06pm) Julie McLean, Manager City Strategy & Development - (3.07pm – 3.28pm) Rob Wandell, Co-ordinator, City Development (3.07pm – 3.28pm) Tina McLeod, Manager Children's & Family Services (3.29pm – 3.32pm) Ali Kemp, Manager Recreation & Culture – (3.33pm – 4.10pm)
Other persons present:	
Apologies	Nil.
Matters Considered:	<ol style="list-style-type: none"> 1. Short Stay Accommodation Local Law - (3.02pm - 3.06pm) 2. Planning Application PP2022-0201 - 8 Henry Street Warrnambool - (3.07pm - 3.10pm) 3. Planning Application PP2021-0103 (200 Tooram Road) Applicant Review At VCAT - (4.00pm - 4.15pm) 4. Confidential - Tender Award 2022050 - Kindergarten Cleaning Services 2022 (3.30pm - 3.45pm) <i>This report has been declared Confidential under the following Section of the Local Government Act 2020: Section 3 (g) - Private commercial information, being information provided by a business, commercial or financial undertaking that (i) relates to trade secrets; or (ii) if released would unreasonably expose the business, commercial or financial undertaking to disadvantage.</i> 5. Confidential - Art Gallery Business Case Project Update - (3.32pm - 4.10pm) <i>This report has been declared Confidential under the following Section of the Local Government Act 2020: Section 3(a) – Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.</i>
Council and Officer Items Raised (4.10pm – 4.32pm):	<ul style="list-style-type: none"> • Resealing of various city streets. • Congratulatory remarks to staff on the condition of Lake Pertobe and surrounds. • Hockey pitch in Albert Park and Hockey Five Commonwealth Games bid. • Friendly Societies changerooms commencement date. • Progress on saleyards decommissioning.

Councillor Conflicts of interest Disclosures: <ul style="list-style-type: none">• Cr Vicki Jellie AM – Item 2.1 – Short Stay Accommodation Local Law• Cr Debbie Arnott – Items 3.1 – Planning Application PP2021-0103 (200 Tooram Road) Applicant Review at VCAT• Cr Richard Ziegeler – Item 2.1 - Short Stay Accommodation Local Law	
Councillor /officer Name: Nil.	
Meeting close time:	4.32pm
Record Completed by:	Wendy Clark Executive Assistant

Informal Meeting of Council Record	
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)
Date of Meeting:	30 January 2023
Time Meeting Commenced:	3.00pm
Councillors in Attendance:	Cr. D. Arnott, Mayor Cr. O. Akoch Cr. B. Blain Cr. V. Jellie AM Cr. A. Paspaliaris - Zoom Cr. M. Taylor Cr. R. Ziegeler
Council Officers in Attendance:	David Leahy, Acting Chief Executive Officer Peter Utri, Director Corporate Strategies Luke Coughlan, Acting Director City Growth Ingrid Bishop, Director Community Development Julie Anderson, Acting Director City Infrastructure – from 3.26pm Wendy Clark, Executive Assistant John Brockway, Manager Financial Services – (3.00pm – 3.31pm) Nick Higgins, Manager Communications – (3.33pm – 3.51pm) Rob Wandell, Co-ordinator, City Development - (3.41pm – 4.36pm) Aaron Brockway, Director Warrnambool Art Gallery – (4.37pm – 5.17pm)
Other persons present:	Nil.
Apologies	Nil.
Matters Considered:	<ol style="list-style-type: none"> 1. Audit & Risk Committee - Biannual Report of Activities - (3.01pm - 3.15pm) 2. November Monthly Finance Report - (3.13pm – 3.19pm) 3. December Monthly Financial Report (3.19pm – 3.31pm) 4. Customer Service Charter - (3.46pm - 3.51pm) 5. Proposed Amendment to the Warrnambool Planning Scheme – Riverview Terrace - (3.51pm – 4.36pm) 6. Proposed Changes to Instrument of Sub-Delegation S6 - (3.51pm - 4.36pm) 7. Minutes - Community & International Relations Advisory Committee – 6 December 2022 - (4.36pm - 4.37pm) 8. Minutes - Economic Development & Tourism Advisory Committee - 9 December 2022 - (4.37pm - 4.40pm) 9. Confidential - Art Gallery Business Case Project Update - (4.40pm – 5.17pm) <i>This report has been declared Confidential under the following Section of the Local Government Act 2020: Section 3(a) – Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.</i> 10. Electoral Structure Review - (5.17pm - 5.29pm) 11. Mayoral Diary Update (5.29pm – 5.30pm)
Council and Officer Items Raised (5.30pm – 5.43pm):	<ul style="list-style-type: none"> • Australian Citizenship Garden. • Empty supermarket trolleys in City streets.

Councillor Conflicts of interest Disclosures: Nil.	
Councillor /officer Name: Nil.	
Meeting close time:	5.43pm
Record Completed by:	Wendy Clark Executive Assistant

7.10. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT

PURPOSE

This report summarises Mayoral and Chief Executive Officer Council activities since the last Ordinary Meeting which particularly relate to key social, economic and environmental issues of direct relevance to the Warrnambool community.

REPORT

Date	Location	Function
3 December 2022	Warrnambool	Mayor – Opening of Warrnambool Gift and Men’s and Women’s Gift Finals.
7 December 2022	Warrnambool	Mayor – End of Year Business Briefing function.
8 December 2022	Warrnambool	Mayor – Lighthouse Theatre 2023 Season Launch.
9 December 2022	Warrnambool	Mayor & Chief Executive Officer – South West Victoria Alliance Annual General Meeting and Board Meeting.
	Warrnambool	Mayor & Chief Executive Officer – Edwards Bridge opening.
	Warrnambool	Mayor & Chief Executive Officer – Lake Pertobe Playspace opening.
12 December 2022	Warrnambool	Mayor – Emmanuel College 2022 Student Awards.
14 December 2022	Warrnambool	Mayor – Campaign launch for Drink Responsibly.
	Warrnambool	Mayor – Warrnambool West Primary School Year Six Graduation Ceremony.
	Warrnambool	Deputy Mayor – Brauer College Senior Assembly.
15 December 2022	Virtual	Mayor & Chief Executive Officer – Regional Cities Victoria meeting.
	Virtual	Mayor – Regional Cities Victoria Mayor’s meeting.
	Warrnambool	Mayor – Volunteers thank you.
20 December 2022	Allansford	Deputy Mayor – Allansford Hall Annual General Meeting.
25 January 2023	Warrnambool	Mayor & Acting Chief Executive Officer – Citizen of the Year Awards.
26 January 2023	Warrnambool	Mayor & Acting Chief Executive Officer – Australian Citizenship Ceremony with 20 people becoming Australian Citizens.

MOVED: CR RICHARD ZIEGELER
SECONDED: CR VICKI JELLIE

That the Mayoral & Chief Executive Officer Council Activities – Summary Report be received.

CARRIED - 7:0

8. NOTICE OF MOTION

No Notices of Motion have been received.

9. GENERAL BUSINESS

Nil.

10. URGENT BUSINESS

Nil.

11. CLOSE OF MEETING

The meeting closed at 6.43PM.

CHAIRMAN