

AGENDA

**SCHEDULED COUNCIL MEETING
WARRNAMBOOL CITY COUNCIL
6:00 PM - MONDAY 4 APRIL 2022**



VENUE:

**Lighthouse Theatre Studio
Timor Street
Warrnambool**

COUNCILLORS

Cr. Otha Akoch
Cr. Debbie Arnott
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

Peter Schneider
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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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 and present.

2. APOLOGIES

3. CONFIRMATION OF MINUTES

RECOMMENDATION

That the Minutes of the Scheduled Meeting of Council held on 7 March 2022, be confirmed.

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.

5. MAYORAL PRESENTATION

6. PUBLIC QUESTION TIME

7. REPORTS

7.1. PLANNING APPLICATION FOR A CONVENIENCE RESTAURANT (KFC) PP2021-0197

DIRECTORATE : City Growth

PURPOSE:

This report recommends that a Notice of Decision (NOD) to Grant a permit be issued for planning permit application PP2021-0197 for 'buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant' within the Northpoint Shopping Centre at 1/72 Mortlake Road, Warrnambool.

EXECUTIVE SUMMARY

- The permit application was received 15 July 2021 and the application fee was paid on 21 July 2021.
- The proposal is for buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant within the Northpoint Shopping Centre on the existing undeveloped, vacant grassed area in the south west corner of the site.
- The permit application was supported by plans and a Traffic Impact Assessment Report (TIAR).
- The application was subject to public notice from 7 September 2021 for a period of two (2) weeks.
- Eleven (11) objections have been received to the application.
- The proposal is able to be supported subject to a condition requiring amended plans be submitted to address queuing within the car park at the entrance to the drive-thru area of the restaurant in order to reduce potential congestion within the existing car parking area associated with the existing shopping centre and the provision of a designated ambulance parking bay being detailed on the plans.
- It is proposed to issue a Notice of Decision to grant a permit with conditions.

RECOMMENDATION

That Council having caused notice of Planning Application PP2021-0197 to be given under Section 52 of the Planning and Environment Act 1987 (the Act) and having considered all the matters required under Section 60 of the Act decides to issue a Notice of Decision to Grant a Permit under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 TP 889015N, 1/72 Mortlake Rd WARRNAMBOOL VIC 3280, for 'buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant' subject to the following conditions:

2. 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 three (3) copies must be provided. The plans must be generally in accordance with the plans submitted on 2 September 2021 but modified to show:

- a. Modifications to the layout of the convenience restaurant to meet the recommendations of the Parking Management Plan.
- b. The provision of a designated ambulance bay with appropriate dimensions

3. Parking Management Plan

Before the development starts a Parking Management Plan to the satisfaction of the responsible authority must be submitted to, and approved by, the responsible authority. The Parking Management Plan must consider and respond to:

- a. Queuing at the entry of the convenience restaurant and the potential for cars to extend into the car park, and the areas where this would occur,
- b. Direction of travel to the convenience restaurant for vehicles entering the car park from both Mortlake Rd and Hayley Dr
- c. Direction of travel for vehicles exiting the convenience restaurant
- d. The circulation of vehicles within the car park particularly in the vicinity of the entry to the convenience restaurant
- e. The impact of services such as taxi collection, 'click and collect' and 'car park delivery' services offered by business in the shopping centre and how this might impact on the circulation of vehicles in the vicinity of the convenience restaurant
- f. The location of all areas on-site to be used for staff parking;
- g. The location of all areas on-site to be used for parking by medical practitioners including the location of the ambulance bay
- h. The impact on the safety of motorists and pedestrians as a result of all the above.
- i. Any recommended changes to layout of the convenience restaurant or specific traffic management measures e.g line-marking, traffic islands, directional signage etc to improve the safety and efficiency of traffic movements within the car park.

When approved the Traffic and Parking Management Plan will be endorsed and will then form part of the permit. The approved Parking Management Plan must be implemented to the satisfaction of the Responsible Authority before the convenience restaurant is first brought into use.

4. Amended Traffic Report

Before the development starts, an amended Traffic Impact Assessment (TIA) must be submitted to and approved by the responsible authority. The amended TIA must have regard to the report submitted with the application (ESR Transport Planning dated 12/7/21) and:

- a. a) Take into account the traffic generated by the apartment development on the west side of Mortlake Road (69-75) for which the exit of all residents will be via the signalised intersection.

5. Layout Not Altered

The development hereby permitted must be carried out in accordance with the endorsed plans and must not be altered without the prior written consent of the responsible authority.

6. General Amenity

The development must be managed so that the amenity of the area is not detrimentally affected, through the:

- a. Transport of materials, goods or commodities to or from the land;
- b. Appearance of any buildings, works or materials;
- c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and

d. Presence of vermin.

7. Delivery Times

Unless otherwise consented to in writing by the responsible authority, deliveries to and from the site must occur between the hours of:

- a. 6am to 10 pm Monday to Sunday.

8. Utility Provision

- a. All basic services, including water, electricity, gas, sewerage, telephone and other telecommunication facilities must be installed underground and located to the satisfaction of the responsible authority; and
- b. The entire site must be connected to the existing underground drainage and sewerage systems to the satisfaction of the responsible authority.

9. Building Maintenance

All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

10. Stormwater Management Plan

Before development starts a detailed Stormwater Management Plan is to be submitted to and endorsed by the responsible authority prior to any works commencing. The works must be designed in accordance with the current responsible authority's Design Guidelines, the endorsed application plans and the endorsed Development Plan and must include:

- a. Details of how the works on the land are to be drained and/or retarded;
- b. Where interim or temporary works are proposed, details must be provided to show details on how these interim or temporary works will integrate with the ultimate drainage systems;
- c. Where drainage is required to be conveyed across privately owned land, demonstration of the consent of the landholder and/or easements must be provided to the satisfaction of the responsible authority;
- d. Identify any existing drainage on the site;
- e. Computations of the existing and proposed drainage;
- f. Independent drainage or on-site retention facility for the site;
- g. Details and measures to enhance stormwater discharge quality from the site and protect downstream waterways including the expected discharge quality emanating from the development (output from MUSIC or similar) and design calculation summaries of the treatment elements;
- h. The storm water discharge from this development must be limited to predevelopment runoff for a 5% AEP storm event;
- i. Documentation demonstrating approval for the legal point of discharge;
- j. The provision of gross pollutant and/or litter traps installed at the drainage outfall of the development to ensure that no effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system;
- k. Maintenance schedules for treatment elements;
- l. Designed and constructed to satisfy AS/NZS 3500; and
- m. Demonstrate storm water runoff resulting from a 1% AEP storm event is able to pass through the development via reserves and/or easements, or be retained within development.

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

11. Construction Management Plan

Before development starts (including any preliminary site preparation and establishment works, demolition or material removal) a Construction Management Plan must be submitted to and endorsed by the responsible authority.

The Construction Management Plan must include and address the following:

- a. Details of Public Safety, Amenity Considerations and Site Security;

- b. Environmental Management Plan (EMP) in accordance with the Environment Protection Authority document Environmental Guidelines for Major Construction Sites, February 1996 or its successor document, including:**
 - i. Operating Hours, Noise and Vibration Controls;**
 - ii. Air and Dust Management;**
 - iii. Stormwater and Sediment Control; and**
 - iv. Waste and Materials Reuse Management.**
- c. Construction Program;**
- d. Traffic Management Plan;**
- e. Evidence of Responsible authority approvals and insurance required to undertake works; and**
- f. Asset Condition Report, with photos and assessment of any prior damage to public infrastructure and identified actions to minimise damage to infrastructure during construction.**

Once endorsed, the Construction Management Plan will be endorsed and form part of this permit.

12. 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; and**
- c. Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.**

All works on the land must be undertaken in accordance with the endorsed plans to the satisfaction of the responsible authority.

13. Car Park Modifications/Alterations

Before the use commences, the modifications/alterations to the car parking area and an appropriate ambulance parking bay must be provided on the site and finished to the satisfaction of the responsible authority. The works must be designed in accordance with the following where plans are to be submitted to and endorsed by Council prior to construction.

- a. In accordance with Australian Standards;**
- b. Finished with an all-weather surface;**
- c. Drained in accordance with the endorsed storm water management plan; and**
- d. Provision for appropriate lighting, signage and line marking.**

14. Signage

- a. The location and details of the signage shown on the endorsed plans must not be altered without the written consent of the responsible authority;**
- b. All signs must be constructed to the satisfaction of the responsible authority and maintained to the satisfaction of the responsible authority;**
- c. All external lighting must be designed, baffled and located to the satisfaction of the responsible authority to prevent any adverse impact on adjoining land;**
- d. The sign lighting must be designed, baffled and located to prevent any adverse effect on nearby residences within view of the site to the satisfaction of the responsible authority;**
- e. Signs must not:**
 - i. Contain any flashing light;**
 - ii. Dazzle or distract drivers due to its colouring;**
 - iii. Be able to be mistaken for a traffic signal because it has, for example, red circles, octagons, crosses or triangles; and**

- iv. **Be able to be mistaken as an instruction to drivers.**
- f. **The intensity of the light in the signs must be limited so as not to cause glare or distraction to motorists or other persons to the satisfaction of the responsible authority.**

15. Signage Expiry

This permit in so far as it relates to signage expires fifteen (15) years after the date it is issued.

BACKGROUND

The application site is located within the south west corner of the Northpoint Shopping Centre which is located approximately 1.5km north of the Warrnambool CBD. Access to the site is via a signaled intersection on Mortlake Road with a secondary vehicle access point to the site via Hayley Drive. This area was intended to be developed with a convenience restaurant/takeaway food premises at the time the land was rezoned. The general locality includes land which is zoned both commercial and residential and is used for retail, service, community and residential purposes.

The subject site is zoned Commercial 1 (C1Z) and is not impacted by any Overlays. The site is surrounded by land to the north and east that is included within the wider Northpoint Shopping Centre and comprises a range of retail uses to service the local residential area. Land to the west, east, south and north east of the shopping centre is zoned General Residential 1 and is used for residential purposes and other complementary uses such as the indoor cricket centre and the former indoor tennis centre that is proposed to become a new place of worship for the Salvation Army to the south and the Warrnambool Fire station, a veterinary clinic and a row of local shops on the western side of Mortlake Road. Land directly to the north west of the site contains an existing bottle shop and tavern that is currently under construction and further to the north is a commercial area containing a petrol station, restaurant, laundromat, bakery and a fish and chip shop.

The planning permit application proposes buildings and works and the construction and display of business identification signage in association with the construction of a convenience restaurant. The restaurant is to be operated by KFC. Planning approval is not required for the use of the site as a convenience restaurant is defined under the general definition as a retail premises. Planning approval is required for buildings and works on the site and the display of business identification signage.

The new restaurant will occupy the existing undeveloped open grassed area in the south west corner of the Northpoint Shopping Centre. The restaurant will contain seating for 44 patrons. A drive-thru area will be provided in association with the restaurant and the entrance to the drive-thru is proposed to be located to the east of the new building with vehicles entering the drive-thru from the central aisle of the car park which is oriented in a north-south direction. Once vehicles enter the drive-thru they will wrap around the southern side of the building and exit at the western end of the building and then through to the existing car parking area of the shopping centre before exiting the site primarily onto Mortlake Road.

A key purpose of the Commercial 1 Zone is “to create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses”. The Municipal Planning Strategy focuses on supporting development that “reinforces the Warrnambool activity centre hierarchy at Clause 11.03-1L-01”. The Planning Policy Framework details that development should support the Neighbourhood Activity Centre at Northpoint Village and “limit further retail and commercial development to existing designated activity centres”.

The proposed development must be considered on its merits, having regard to the purpose and decision guidelines of the zone and the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework.

A key indicator as to whether a proposal responds appropriately to the zone is compliance with the decision guidelines of the Commercial 1 Zone at Clause 34.01-8 of the Planning Scheme which provides relevant matters that must be considered in Council's assessment. The proposed development generally the requirements of Clause 34.01-8 however there are concerns that the drive-thru associated with the restaurant may cause congestion within the existing car parking area associate with Northpoint Shopping Centre and consideration must be given to *'the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport'*.

ISSUES

Public notice of the application was given to neighbouring landowners and occupiers and a sign was also displayed on the subject site. A total of eleven (11) objections were received to the proposed development including an objection from Ambulance Victoria, seven (7) objections from tenants or agents for tenants which occupy premises within the Northpoint Shopping Centre and three (3) objections from residents including the owners of the site directly to the south of the subject site at 66 Mortlake Road.

The objections primarily relate to the following matters:

1. Deficiencies in the plans submitted with the application;
2. Traffic and car parking concerns;
3. Leasing arrangements;
4. Emergencies and ambulance parking bay provision;
5. Change to the 'feel of the area';
6. Potential odour, noise and rubbish impacts; and
7. Public health concerns.

Myers Planning Group is the applicant and have responded to the objections with a written statement dated 13 October 2021.

The objection from Ambulance Victoria was withdrawn based on the response which was provided by the applicant.

A response to the objections is provided in the delegated officer report but in summary the following conclusions have been reached:

1. Deficiencies in the plans submitted with the application – It is considered that the plans are generally acceptable however greater consideration should be given to the entrance to the drive-thru area in terms of the location of queuing of vehicles entering the drive-thru to ensure that the drive-thru traffic does not obstruct other vehicles and result in increased congestion and reduced functionality of the existing car parking area associated with the shopping centre. The plan showing the proposed vehicle entry path to the drive-thru and the TIAR provided with the application are not considered to provide adequate specific information or details to address the concerns in relation to vehicles queuing at the entrance to the drive-thru and therefore the issues raised by some of the objectors is considered to be valid and the plans require further refinement. Generally, the plans detailing the layout of the building and business identification signage are considered to be acceptable;
2. Traffic and car parking concerns – The permit which originally allowed the construction of the existing shopping centre included provision for a proposed convenience restaurant/takeaway food premises in the same location as is currently proposed. This permit included a car parking waiver and as such it is considered that within the confines of the site all available car parking has been provided and the total number of car parking spaces which are provided is acceptable (it is noted that 3 car parking spaces will be lost as a result of the proposed development). The impact on the circulation of traffic within the car park based on the siting of the entrance to the proposed drive-thru to the restaurant is a concern as vehicles queuing at the entrance to the drive-thru would impact the circulation of vehicles and increase congestion within the existing car parking area. The entrance to the drive-thru area and the

- queuing of vehicles within the car parking area should be addressed by the applicant by revisiting the way in which vehicles access the drive-thru area prior to the plans associated with the development being approved;
3. Leasing arrangements – The particular leasing arrangements between existing tenancies within the Northpoint Shopping Centre and the owner of the site is not a relevant planning matter;
 4. Emergencies and ambulance parking bay provision – A condition will be included on the permit requiring the designation of a dedicated ambulance parking bay on the plans. Ambulance Victoria has agreed to withdraw their objection based on the applicant confirming that an ambulance parking area will be provided;
 5. Change to the ‘feel of the area’ – The area of the site that will be developed forms part of the Northpoint Shopping Centre and is zoned Commercial 1. Although it is currently an undeveloped grassed area it has always been identified as an area that would be developed in the future with a convenience restaurant or takeaway food premises and therefore the built form on the site is appropriate in a commercial setting;
 6. Potential odour, noise and rubbish impacts – The site will function the same as any other convenience restaurant within a commercial area. A condition of the permit will provide for the protection of the amenity of the surrounding area and serve to ensure that the site is managed in an appropriate manner; and
 7. Public health concerns – This is not a relevant planning matter.

FINANCIAL IMPACT

The costs associated with assessing the application have been accommodated within the 2021-2022 budget. This includes if the matter progresses to VCAT.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

3 A strong economy

3.1 Build on competitive strengths: Council will support initiatives that foster ongoing development and investment in the industries which underpin Warrnambool’s economic strengths and comparative advantages

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.

TIMING

Statutory timeframes are imposed under the *Planning and Environment Act 1987*.

COMMUNITY IMPACT / CONSULTATION

The application has been subject to public notice in accordance with the *Planning and Environment Act 1987*. The applicant has responded to objections.

Councillors, Council officers, the applicant and objectors met on site on 25 January 2022.

LEGAL RISK / IMPACT

The application has been considered in accordance with the relevant legislation.

OFFICERS' DECLARATION OF INTEREST

None

CONCLUSION

There is policy support for the proposed development (subject to requested changes) having regard to the relevant provisions of the Warrnambool Planning Scheme and the Planning Policy Framework.

ATTACHMENTS

- Plans submitted with the application
- Objections
- The applicants response to objections
- Delegate planning report

7.2. SPORTING RESERVES SIGNAGE POLICY

DIRECTORATE : Community Development

PURPOSE:

The Sporting Reserves Signage Policy provides the framework for the approval and installation of advertising, promotional and club identification signs for tenant clubs located on Council owned or managed sporting reserves.

EXECUTIVE SUMMARY

Council is committed to supporting local sporting clubs and recognises that sponsorship and promotional opportunities through signage is important to clubs in raising funds.

It is also important to manage and control the installation of signage to maintain the visual amenity, condition and safety of Council owned and managed facilities and to ensure compliance with clause 52.05 of the Warrnambool Planning Scheme.

The Sporting Reserves Signage Policy has been established to ensure there is a consistent approach to signage and that it does not detract from the visual amenity of the reserve, which is also consistent with the policy direction in Council's Advertising Signage Policy.

Refer **Attachment 1** – Sporting Reserves Signage Policy.

RECOMMENDATION

That the Sporting Reserves Signage Policy be endorsed.

BACKGROUND

Council has fifteen recreation reserves at which the installation of signage has been ad hoc and inconsistent, with tenant clubs installing signage without consent and guidelines over a long period of time. The Sporting Reserves Signage Policy has been developed to ensure there is a consistent approach to signage and that it does not detract from the visual amenity of the sporting reserve, to ensure that signage is installed safely and is maintained, and that it is consistent with the policy direction in Council's Advertising Signage Policy.

The Sporting Reserves Signage Policy (Policy) relates to all Council owned or managed sporting reserves with active playing/sporting surfaces and associated facilities, including sports grounds, fields, storage sheds, structures, pavilions, toilets, buildings and other sporting infrastructure e.g. scoreboards, coaches' boxes, shelters and fencing, and used on a formally allocated basis through a seasonal allocation lease or licence.

This is especially important now, given the significant investment in upgrading Reid Oval, now considered the premier regional level facility in the Great South Coast. The Policy recognises the significance of Reid Oval as the regional level facility and provides clear guidance on ensuring a clean venue can be achieved for Council managed or controlled events if required.

The Warrnambool Planning Scheme prohibits the display of sponsorship signs in Public Park and Recreation Zones (PPRZ), as many of these signs can be viewed from outside the venue.

Council's recreation reserves are identified through the use of corporate entrance identification signage. All reserves have additional advertising signage promoting club sponsors including signage around field boundary fences (internally and externally facing) and signage affixed to Council infrastructure such as pavilions, scoreboards, coaches' boxes, player shelters, spectator shelters and perimeter fencing.

Policy Scope

This policy relates to all Council owned and managed sporting reserves with active playing/sporting surfaces and associated facilities and used on a formally allocated basis through a seasonal license allocation.

The zoning of these areas is Public Park and Recreation Zone (PPRZ).

This policy excludes passive recreation reserves with no active sporting facilities and all sporting reserves located on Department of Education land unless otherwise specified in the use agreement.

Only tenant clubs located within Warrnambool City Council are eligible to apply to display advertising, promotional and club signage.

This policy does not relate to Leisure Facilities or separately Leased Agreements for premises located at sporting reserves. Council's Advertising Signage Policy (April 2019) would apply to these.

This policy applies to signage which is exempt from the need for a planning permit as per clause 52.05-10 (Signs not requiring a permit) of the Warrnambool Planning Scheme.

POLICY PURPOSE

To establish a framework for the approval and installation of advertising, promotional and club identification signage by tenant clubs on Council Sporting Reserves to ensure;

- signage installation is of an acceptable and safe standard,
- clubs are not denied the opportunity to derive some income from sporting reserve signage,
- the visual amenity of sporting reserves and open space is maintained.
- compliance with Warrnambool Planning Scheme and Signage Policy 2019
- Alignment with Healthy Warrnambool 2021-2025 (Council's Municipal Health and Wellbeing Plan).

POLICY IMPLEMENTATION

- Written permission is required from Council's Recreation Team prior to submitting an application for Statutory Planning for installation of any form of signage at a Council owned or managed sporting reserve.
- A copy of the layout and the wording of the proposed signage is to be submitted as part of the approval process.
- The signs must be appropriate for a public reserve, and not in any way be offensive or discriminate on grounds of race, gender, sexual orientation, or religion.
- Signage must not contain direct product advertisements for alcohol and tobacco products, political parties, adult entertainment, gambling. Council reserves the right to remove or disallow any advertising it deems inappropriate.
- Signage must adhere to the Australian Association of National Advertiser's (AANA) Code for Marketing and Advertising Communication to Children and the Australian Association of National Advertiser's (AANA) Food and Beverages: Advertising and Marketing Communications Code.

- Following the date of adoption, Council Officers will conduct a signage audit of all existing sporting reserves and advise tenants where examples of non-conforming signage exist.
- Tenants will be provided with a period of time (twelve months) from receiving notice, unless the sign is unsafe, to ensure all existing signage complies with the policy.

FINANCIAL IMPACT

Existing signage may be removed by Council where the signage is deemed to be unsafe and dangerous or a planning permit is required and not obtained. Costs associated with removal or reinstallation of existing signage will be responsibility of the tenant.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

1 A healthy community

1.5 Recreation, arts, culture and heritage: Council will support opportunities to participate in a wide range of recreational, arts and cultural programs that promote activity, wellbeing, diversity heritage and which increase community connectedness.

TIMING

Tenants will be expected to meet the conditions outlined in this policy for all signage installed post the date of adoption.

Tenants will be provided with a period of time (twelve months) from receiving notice, unless the sign is unsafe, to ensure all existing signage complies with the policy.

COMMUNITY IMPACT / CONSULTATION

Following the date of adoption, Council Officers will conduct a signage audit of all existing sporting reserves and advise tenants where examples of non-conforming signage exist.

LEGAL RISK / IMPACT

NA

OFFICERS' DECLARATION OF INTEREST

NA

COLLABORATIVE PROCUREMENT

NA

CONCLUSION

The Sporting Reserves Signage Policy has been established to ensure there is a consistent and safe approach to signage and that it does not detract from the visual amenity of the reserve, which is also consistent with the policy direction in Council's Advertising Signage Policy.

ATTACHMENTS

1. Sporting Reserves Signage Policy March 2022 [7.2.1 - 13 pages]

7.3. TENDER AWARD 2022001 - PROVISION OF SECURITY SERVICES

DIRECTORATE : City Infrastructure

PURPOSE:

This report provides information to enable the awarding of Contract 2022001 - Provision of Security Services.

EXECUTIVE SUMMARY

- A public tender was advertised on Saturday 12 February 2022 inviting tender submissions from suitably qualified and experienced contractors for the provision of Security Services.
- Close of tenders was advertised for 2pm Friday 4 March 2022.
- The full commercial evaluation was considered by Council at a confidential Informal Meeting of Council held on Monday 28 March 2022.
- The recommendation is to proceed with the tender offer provided by R&M Security Services for the tendered amount of \$182,899.49 Ex. GST p.a. (not including rates for ad hoc services) and \$250,000.00 Ex. GST p.a. to allow for additional service provision to support Council services and events.
- The Contract Term is for three (3) years with no extensions. Fully exercised, the maximum value of the contract will be \$750,000 Ex GST or \$825,000 Inc. GST, made up of the tendered sums based on minimum requirements of the specifications and provisional items as well as an allowance for the expansion of services over the life of the contract.

RECOMMENDATION

That Council

- 1. Award Contract 2022001- Provision of Security Services to R & M Security Services Pty Ltd for a maximum value of \$750,000 Ex. GST, over the life contract, not being greater than three (3) years.**
 - 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 to the maximum value.**
-

BACKGROUND

Council runs and maintains multiple buildings, sites and events that require routine, periodical, on-call security services and cash in transit services.

The current security contract extension for routine, periodical, on-call security services will expire this year and in line with Council's procurement policy. The service has been advertised for tender to seek the best value for money for the community.

The current cash collection contract is required to be renewed in line with Council's procurement policy and has tendered the services to seek the best value for money for the community.

Officers identified savings in combining both contracts into a single contract as the services required can be performed by the same companies.

Council undertook a public tender process in line with Council’s procurement policy and advertised the tender on Saturday 12 February 2022 and closed 2pm Friday 4 March 2022. Council received four tender submissions of good to very good quality indicating that there is strong interest from the market. More encouraging was that half the submissions were local, and a quarter of the submissions were regionally based. All were conforming Tenders.

Three Council Officers met to undertake an assessment of the submissions as the Evaluation Panel, in line with Council’s procurement policy and graded the submissions in line with the scoring criteria.

Selection Criteria

Those tenders that passed all mandatory criteria were assessed against the following criteria and a “total weighted score” was determined:

Criteria	Sub Criteria	Weighting
Performance Capability	<ul style="list-style-type: none"> • Experience of Tenderer for delivery of high quality works including previous performance; • Harmonious client service and stakeholder management; • Conformance with specification. 	40%
Methodology	<ul style="list-style-type: none"> • Expert technical methodology, proficient works coordination, service practises, quality management practices and safe handling systems demonstrating Tenderer’s capability to minimise the impact of works on the business. 	15%
Capacity to deliver the Works (Resources)/Time Management	<ul style="list-style-type: none"> • Resources committed to the contract, including skills and experience in delivering quality finishes; • Ability to carry out work within the required time frames. 	15%
Internal Management System	<ul style="list-style-type: none"> • Integrated management systems covering OH&S, environmental management and quality systems; • Demonstrate systems are current and accredited and audited by a third party. 	10%
Environmental Sustainability	<ul style="list-style-type: none"> • Address the environmental principals for ‘Refuse, Reduce, Reuse, Recycle, and Replace’ through performance planning and management including whole of life considerations. 	2.5%
Social Procurement	<ul style="list-style-type: none"> • Demonstrated improvement in the overall quality of life for disadvantaged and vulnerable people in the community by promoting innovative business and employment opportunities that are diverse, accessible and equitable. 	2.5%
Local Benefit	<ul style="list-style-type: none"> • Local economic benefit including supply of labour, equipment and materials which the Tenderer supports the local community. 	15%
TOTAL		100%

A “value for money” ratio was then determined for each passing tender, taking into account the “total weighted score” and tender price submitted.

Upon assessment, the following scores were reached:

Tender No.	Company	Conforming Tender	Non-Price Weighted Score	Value for Money Ratio	Ranking
1.	Armour 5 Security Pty Ltd	Yes	0.75	2.55	3
2.	Vibrant Services Pty Ltd	Yes	0.66	2.57	2
3.	Azguard Security	Yes	0.45	0.47	4
4.	R & M Security Services	Yes	0.72	3.59	1

As per the above Table, R & M Security Services were found to provide the best value for Council overall. The top three tenders all provided extremely strong submissions and the Evaluation Panel were confident that they could all provide the required services to an extremely high level. The price provided by R & M Security was the deciding factor.

The Evaluation Panel has full confidence that the services can be undertaken for the prices provided.

ISSUES

The current contract arrangements for security services covers the patrol service, lockup service, alarm response and caravan park security with an hourly rate being provided for ad hoc services as required. Other agreements have been entered into with alternative contractors to provide ad hoc services such as event supervision and covid marshalling, which has been outside the original security services contract.

The current arrangement does not include a cash collection or cash in transit service which is being provided by a separate contractor.

FINANCIAL IMPACT

The total maximum cost to Council is \$750,000.00 Ex. GST over the life of the contract, or \$250,000.00 Ex. GST per year over the life of the contract. Expenditure is controlled through the schedule of rates provided by the Contractor and strict internal management of the contract by the Contract Manager. The price received is similar to what Council are paying under the current contract.

The minimum cost for fixed services under the contract will be \$182,899.49 ex GST per annum or \$548,698.47 Ex. GST over the life of the contract. Provision is made under this contract to engage the Contractor to allow for service growth as well as perform ad hoc services to support community safety programs, alarm call outs, Council run events and disaster/pandemic management. The cost of these services has been set at an additional 40% of fixed services. This figure (rounded up) brings the cost of the Contract to \$750,000.00 Ex. GST over three years.

LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

This report responds to the following Council Plan initiatives:

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.

TIMING

The term of the Contract is three years with no extensions. The start date of the contract is proposed to be Monday 11 April 2022 if awarded.

COMMUNITY IMPACT / CONSULTATION

This Contract has been a joint effort between the City Infrastructure, City Growth and Corporate Strategies Directorates. 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 on the basis of the criteria set for evaluation.

ATTACHMENTS

Nil

7.4. ADVISORY COMMITTEES & REFERENCE GROUP REPORTS

PURPOSE

This report contains the records of 3 Advisory Committee meetings and 3 Reference Group meetings.

REPORT

1. Warrnambool Airport Reference Group - 21 February 2022 - refer **Attachment 1**.
 - Note Item 5, requested Live Fire Training Hub.
 - Note Item 7, comment and suggestion to discuss with Moyne Shire.
2. Community & International Relations Advisory Committee - 22 February 2022 – refer **Attachment 2**.
3. Port of Warrnambool Reference Group – 2 March 2022 – refer **Attachment 3**.
4. CCTV Steering Committee - 8 March 2022 - refer **Attachment 4**.
5. Economic Development & Tourism Advisory Committee – 11 March 2022 – refer **Attachment 5**.
6. South West Victorian Livestock Exchange Advisory Committee – 18 March 2022 – refer **Attachment 6**.

ATTACHMENTS

1. Warrnambool Airport Reference Group - 21 February 2022 [7.4.1 - 8 pages]
2. Community & International Relations Advisory Committee - 22 February 2022 [7.4.2 - 2 pages]
3. Port of Warrnambool Reference Group – 2 March 2022 [7.4.3 - 9 pages]
4. CCTV Steering Committee - 8 March 2022 [7.4.4 - 5 pages]
5. Economic Development & Tourism Advisory Committee – 11 March 2022 [7.4.5 - 3 pages]
6. South West Victorian Livestock Exchange Advisory Committee – 18 March 2022 [7.4.6 - 4 pages]

RECOMMENDATION

That the following records of Advisory Committees and Reference Group meetings be received:-

1. **Warrnambool Airport Reference Group - 21 February 2022.**
 2. **Community & International Relations Advisory Committee - 22 February 2022**
 3. **Port of Warrnambool Reference Group – 2 March 2022**
 4. **CCTV Steering Committee - 8 March 2022.**
 5. **Economic Development & Tourism Advisory Committee – 11 March 2022.**
 6. **South West Victorian Livestock Exchange Advisory Committee – 18 March 2022.**
-

7.5. 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:-

- Tuesday 15 March 2022 – refer **Attachment 1**.
- Monday 21 March 2022 – refer **Attachment 2**.
- Monday 28 March 2022 – refer **Attachment 3**.

ATTACHMENTS

1. Assembly of Councillors Record 15 March 2022 [7.5.1 - 1 page]
2. Assembly of Councillors Record 21 March 2022 [7.5.2 - 1 page]
3. Assembly of Councillors Record 28 March 2022 [7.5.3 - 2 pages]

RECOMMENDATION

That the records of the Informal Meetings of Council held on 15, 21 and 28 March 2022 be received.

7.6. 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
1 March 2022	Warrnambool	Mayor & Chief Executive Officer – Roma Britnell MP – Warrnambool Advocacy Plan discussion.
11 March 2022	Warrnambool	Mayor & Chief Executive Officer – Officially opened the 2022 Victorian Senior State Surf Life Saving Championships hosted by Warrnambool.
17 March 2022	Warrnambool	Chief Executive Officer – South West TAFE Graduation and Awards Ceremony.
25 March 2022	Warrnambool	Deputy Mayor & Chief Executive Officer – TAB Warrnambool May Racing Carnival Launch.
29 March 2022	Warrnambool	Deputy Mayor & Chief Executive Officer – dKin Difference – Warrnambool event to acknowledge community members and organisations.

RECOMMENDATION

That the Mayoral & Chief Executive Officer Council Activities – Summary Report be received.

8. NOTICE OF MOTION

Nil

9. GENERAL BUSINESS

10. URGENT BUSINESS

11. CLOSE OF MEETING