

# AGENDA

**SCHEDULED COUNCIL MEETING  
WARRNAMBOOL CITY COUNCIL  
5:45 PM - MONDAY 2 AUGUST 2021**



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## **VENUE:**

**Lighthouse Theatre Studio  
Timor Street  
Warrnambool**

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### **COUNCILLORS**

Cr. Vicki Jellie AM (Mayor)  
Cr. Otha Akoch  
Cr. Debbie Arnott  
Cr. Ben Blain  
Cr. Angie Paspaliaris  
Cr. Max Taylor  
Cr. Richard Ziegeler

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can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)

**PETER B. SCHNEIDER  
CHIEF EXECUTIVE OFFICER**

## **AUDIO RECORDING OF COUNCIL MEETINGS**

All Open and Special Council Meetings will be audio recorded, with the exception of matters identified as confidential items in the agenda. This includes public participation sections of the meeting. Audio recordings of meetings will be made available for download on the internet via the Council's website by noon the day following the meeting and will be retained and publicly available on the website for 12 months following the meeting date. The recordings will be retained for the term of the current Council, after which time the recordings will be archived and destroyed in accordance with applicable public record standards. By participating in Open and Special Council meetings, individuals consent to the use and disclosure of the information that they share at the meeting (including any personal/sensitive information), for the purposes of Council carrying out its functions.

## **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](http://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**

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### **RECOMMENDATION**

**That the Minutes of the Scheduled Meeting of Council held on 5 July 2021, be confirmed.**

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## **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 PP2020-0137 - 70 YOUNGER STREET, WARRNAMBOOL**

#### **PURPOSE:**

***This report recommends that Council determine to issue a Notice of Decision to Grant a Permit PP2020-0137 for a twenty (20) lot subdivision of land, including common property driveway and earthworks within the floodplain at 70 Younger Street, Warrnambool.***

#### **EXECUTIVE SUMMARY**

- A planning application has been submitted to Council for a twenty (20) lot subdivision of land, including common property driveway and earthworks within the floodplain at 70 Younger Street, Warrnambool.
- Public notice and referral has been carried out and seven (7) objections from surrounding property owners have been received.
- The detail contained within the application is sufficient to enable Council to support the proposal against the relevant provisions of the Warrnambool Planning Scheme.

#### **RECOMMENDATION**

##### **That Council:-**

Having given notice of the application pursuant to Section 52(1)(a), (b) and (d) of the *Planning and Environment Act 1987* and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* Council decides to determine to issue a Notice of Decision (NOD) to grant a permit for application PP2020-0137 under the relevant provisions of the Warrnambool Planning Scheme in respect to the land known and described as 70 Younger St WARRNAMBOOL VIC 3280, for the Subdivision of Land into twenty lots, associated earthworks in accordance with the endorsed plans, subject to the following conditions:

1. Prior to the certification of the Plan of Subdivision, 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 provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show:
  - a. The identification of the wetland area on the plan of subdivision labelled as 'EW1' in the submitted Flora & Fauna Report May 2021
  - b. The 1% AEP flood line shown on the plan with a measurements showing the distance from title boundaries
  - c. Access points for vehicle and machinery during construction,
  - d. Any of the following to effectively manage the stormwater network in accordance with the endorsed Stormwater Management Plan to the satisfaction of the Responsible Authority;
    - i. Drainage easements,
    - ii. Reserves,
    - iii. Common Property,
    - iv. Other as appropriate.

- e. A minimum 3m x 3m Splay be provided to lot 16 at the intersection of Obrien St and Younger St.
  - f. Inclusion of any of the recommendations of the Traffic Assessment e.g signage,
  - g. The 'building area plan' to increase all front setbacks to a minimum of 6m and incorporate a restriction on any building (other than a fence) within 2m of the side boundary of the lot without the further approval of the Responsible Authority.
  - h. Amended Design Guidelines to omit the fencing plan and replace with a statement that 'open style fencing is preferred but solid style fencing will be considered on a case by case basis in conjunction the GHCMa (where necessary) where a fence adjoins another residential lot and is for the purpose of privacy'.
2. Before the issue of a Statement of Compliance, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* to provide for the following:
- a. That for all lots within the plan of subdivision:
    - i. Development will be generally in accordance with the Design Guidelines as approved by Council forming part of the permit.
    - ii. No buildings are permitted outside the building envelopes as shown on the endorsed plan
    - iii. No earth works are permitted outside the building envelopes or within the area identified as the 1% AEP as shown on the endorsed plan
    - iv. The owners of all lots agree to manage the land appropriately so as to not spread weeds or pathogens to the adjoining Merri River or wetlands.
  - b. That for Lots 3 & 4, the owners:
    - i. Will comply with the requirements of the approved stormwater management plan.
    - ii. Acknowledge that parts of the land are within the Merri River flood plain and will not use or develop the land in a way that would affect the flood storage.
    - iii. Acknowledge the presence of Estuarine Wetland identified as 'EW1' on the endorsed plan and that further planning permits are required to remove, lop or destroy any native vegetation.
    - iv. Will maintain the land in a way that does not impose a fire risk to neighbouring properties e.g manage the fuel load.

Before Statement of Compliance an application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act.

The owner/operator/developer under this permit must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

### 3. Construction Environment Management Plan

Prior to certification of the plan of subdivision, a Construction Environmental Management Plan (CEMP) must be submitted to and approved by the Responsible Authority to address the potential impacts of construction works. The CEMP must be generally in accordance with 'doing it right on subdivision EPA 2004' and include;

- i. Methods for noise, dust, erosion and sediment control, waste and chemical management, flora/fauna protection, weed control and archaeological/heritage impacts.
- ii. A fence erected to protect all patches of native vegetation to be retained on site. The fence must be erected around the patch of native vegetation identified as EW1 on the endorsed plan. The protection fence must be constructed of star pickets/chain mesh/or similar and must remain in place until all works are completed to the satisfaction of the Responsible Authority.
- iii. Protection of the waterway areas.

Prior to commencement of works, the approved CEMP must be implemented to the satisfaction of the Responsible Authority and contractors must be inducted into the CEMP and all flora and fauna conservation requirements.

#### **4. Waste Management Plan**

Prior to the certification of the Plan of Subdivision, a Waste Management Plan for the development must be submitted and approved by the Responsible Authority. The Waste Management Plan must detail how all waste and recyclables generated by the development are sorted, stored on site and how waste collection trucks may access the site and empty waste, recycling, glass and FOGO containers.

#### **5. Detailed Construction Plans**

Prior to the certification of the Plan of Subdivision (including any preliminary site preparation and establishment works, demolition or material removal) detailed Construction Plans must be submitted to and approved by the Responsible Authority. When approved the Detailed Construction Plans will then form part of the permit. The plans must be drawn to scale with dimensions and level contours and be in accordance with Council's current Design Guidelines. The plans must include:

- a. Concrete footpath at the property line across the full frontage of Younger St and Obrien St and connecting to the existing footpath at the Merri River Bridge.
- b. Drainage infrastructure in accordance with the endorsed Stormwater Management Plan.
- c. Associated infrastructure as identified in the Waste Management Plan
- d. Underground service conduits.
- e. Details of any cut and fill.
- f. Traffic management and safety measures as identified in the amended Transport Impact Assessment Report.
- g. Vehicle crossing layout and specifications in accordance with the Infrastructure Design Manual.
- h. Splays at all intersections.
- i. Detailed construction cost estimates for all Council managed infrastructure.
- j. Services coordination plan.
- k. Vehicle crossing and traffic management works where the common property CP1 intersects with Younger St.

#### **6. Construction Works**

Before the issue of a Statement of Compliance under the *Subdivision Act 1988* all works shown on the endorsed Detailed Construction Plans (excluding vehicle crossings) must be carried out to the satisfaction of the Responsible Authority.

#### **7. Stormwater Management Plan**

Prior to the certification of the Plan of Subdivision (including any preliminary site preparation and establishment works, demolition or material removal) 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, and include:

- a. The wetland area labelled as 'EW1' in the submitted Flora & Fauna Report May 2021 shown on the plan;
- b. Post- development runoff entering the area shown as EW1 be the same as pre-development runoff.
- c. Runoff that enters into that area shown as EW1 to exceed the 'Urban Stormwater – Best Practice Environmental Management Guidelines'.
- d. Details of planting within the swale;

- e. Any existing drainage on the site;
- f. Details of how the works on the land are to be drained and/or retarded;
- g. Details of how the storm water discharge from the development will be limited such that post-development flows for the 20 % and 1% AEP do not exceed pre- development flows;
- h. 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;
- i. A proposed Legal Point of Discharge for each allotment;
- j. A drainage system to convey minor flows (as defined by the IDM) to the drainage outfall for the development;
- k. Details of how storm water runoff resulting from a 1% AEP storm event is able to pass safely through the development via reserves and/or easements, or be retained within the development;
- l. Computations in support of the proposed drainage elements;
- m. Where drainage is required to be conveyed across privately owned land, easements to be created or, agreements to be made for ongoing consent of the landholder.
- n. detailed construction cost estimates for all drainage elements;
- o. Where interim or temporary works are proposed, details to show how these interim or temporary works will integrate with the ultimate drainage systems.
- p. Maintenance schedules for treatment elements including for interim drainage works.
- q. Appropriate maintenance access for drainage infrastructure for conveyance, storage and treatment of stormwater within easements and/or reserves.
- r. No reference to legal point of discharge to Merri River (refer to DELWP response of 3 March).

#### **8. Stormwater Works**

Before the issue of a Statement of Compliance under the *Subdivision Act 1988* all works shown on the endorsed Stormwater Management Plan must be carried out to the satisfaction of the Responsible Authority.

#### **9. Car Parking & Common Property Areas**

Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the internal / common property traffic and parking areas must be constructed to the satisfaction of the Responsible Authority, and must:

- a) Be in accordance with endorsed plans
- b) Be in accordance with Australian Standards
- c) Be finished with an all-weather sealed surface
- d) Be drained
- e) Appropriate signage, lighting line marking

#### **10. Lighting Plan**

Prior to the commencement of construction works, a Public Lighting plan to the satisfaction of the Responsible Authority is to be submitted and endorsed. Lighting of roads and pedestrian paths must be designed in accordance with Australian Standard 1158.1.

#### **11. Lighting Construction**

Before the issue of a Statement of Compliance under the *Subdivision Act 1988* all works shown on the endorsed Lighting Plan must be carried out to the satisfaction of the Responsible Authority.



## **12. Project Management**

Prior to the certification of the Plan of Subdivision (including any preliminary site preparation and establishment works, demolition or material removal) a Project Management Plan to the satisfaction of the Responsible Authority must be submitted for review. The Project Management Plan must include and address the following:

- a. **Health & Safety Management Plan**
  - a. Description of Works
  - b. Site Security / Signage
  - c. Worksite Safety / Public Safety
- 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:**
  - a. Operating Hours, Noise and Vibration Controls;
  - b. Air and Dust Management;
  - c. Stormwater and Sediment Control; and
  - d. Waste and Materials Reuse Management.
  - e. Amenity Considerations
  - f. Protection Zones (Flora, Fauna, Weeds, Pests and Cultural Heritage)
- c. **Construction Management Plan**
  - a. Company Structure / Site Contacts
  - b. Company Policies (if applicable)
  - c. Responsible Authority Approvals
  - d. Insurances
  - e. Asset Condition Report
  - f. Quality Management
  - g. Construction Program
- d. **Traffic Management Plan.**
  - a. Traffic Guidance Schemes
  - b. Site Compound Map
  - c. WCC Road Reserve Works Permit
  - d. VicRoads MoA (if applicable)

The Project Management Plan must be implemented to the satisfaction of the responsible authority for the duration of the works.

## **13. Quality Assurance**

Throughout construction works, the Contractor or Developer's Representative is responsible for completion of Inspection and Test Plan (ITP) and Hold Point documentation to the satisfaction of the Responsible Authority. Completed ITP documentation is to be submitted prior to Practical Completion.

## **14. Street Landscape Plan**

Prior to Certification under the Subdivision Act 1988, a detailed Landscape Plan prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the responsible authority. When approved, the Street Landscape Plan will be endorsed and will then form part of the permit. The Plan must be drawn to scale with dimensions, and be generally in accordance with Council's current Street Tree Planting and Management Guidelines (or its successor document) and Council's current Urban Stormwater Management WSUD Infrastructure Design Guideline (or its successor document). The Plan must:

- a. Show proposed new plantings including their layout in any road reserves and municipal reserves.

- b. Include a detailed planting schedule of all proposed trees, shrubs, groundcovers, and WSUD plants including botanical names, common names, pot/bag sizes, sizes at maturity, quantities of each plant and proposed mulch.
- c. Include a minimum of 1 tree per lot. (Note: if it is impractical to place a trees in front of each lot, trees can be proposed in road, public open space or drainage reserves within or adjacent to the site).
- d. Include a landscape maintenance schedule (watering, mowing, weeding, pruning, poisoning, mulching, etc.) for all landscape elements.
- e. Include a detailed cost estimate for all landscaping works.

#### **15. Street Landscape Works**

Before the issue of a Statement of Compliance under the *Subdivision Act 1988* the landscaping works shown on the approved Street Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.

#### **16. Landscape Maintenance**

The landscaping shown on the endorsed Landscape Plan must be maintained to the satisfaction of the Responsible Authority for a period of 24 months from the practical completion of the landscaping works. During this period, any dead, diseased or damaged plants or landscaped areas are to be repaired or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

#### **17. Design Checking and Supervision Fee**

Before the issue of a Statement of Compliance under the *Subdivision Act 1988*, the developer must make payment of a fee for design checking and construction supervision of public infrastructure. The fee will be based on the endorsed total estimated construction cost of the public infrastructure as shown on the endorsed Construction/Landscape/Stormwater/Lighting Plans. The construction cost estimate is to include, but not be limited to, road and drainage infrastructure, landscaping, public lighting and compliance testing. The fee is to be 3.25 % of the endorsed construction cost.

#### **18. Defects Liability Period (DLP) and Bond**

Before the issue of Statement of Compliance a Defects Liability Bond is to be lodged with Council. The bond is to be for a monetary value of 5% of the endorsed total estimated construction cost of Council managed infrastructure as shown on endorsed Construction / Landscape / Stormwater / Lighting Plans. This bond will be released following a satisfactory inspection:

- a) 12 months after practical completion of road infrastructure;
- b) 12 months after practical completion of underground drainage;
- c) 24 months after practical completion of open drainage; and
- d) 24 months after practical completion of landscaping.

CCTV footage of underground drainage in accordance with the IDM is to be provided prior to the commencement of the DLP.

#### **19. As Constructed Plans**

Prior to the issue of Statement of Compliance the applicant must submit validated As-Constructed Plans for that stage in accordance with A-spec to the satisfaction of the Responsible Authority.

## **20. Amended Transport Impact Assessment Report**

Before Certification (including any preliminary site preparation and establishment works, demolition or material removal), an amended plans Transport Impact Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will then form part of the permit. The report must be generally in accordance with the report submitted with the application, but be amended to provide following.

- a. Commentary on the requirement of a splay at the intersection of O'Brien St and Younger St.
  - b. Acknowledgement that Council's waste collection vehicles cannot turn in the 9 m common property court bowl without reversing. Provision will therefore need to be made for waste collection from Younger St.
  - c. Discussion of the impact of the power poles in the proposed pedestrian path alignment along Younger St.
  - d. Road safety issues (sight distance, intersection grade difference, etc.) at the intersection of the common property road and Younger St.
21. Prior to certification of a plan of subdivision, a soil test must be undertaken and an associated report prepared and submitted for endorsement by the Responsible Authority. The soil test and report must be undertaken and prepared by a suitably qualified person. The soil test and report must consider presence of any Coastal Acid Sulphate Soils (CASS) within the subject site. The recommendations of this report must be carried out to Council's satisfaction prior to certification.
22. The endorsed storm water management plan is to be implemented to the satisfaction of the Responsible Authority prior to Statement of Compliance.

## **23. Site Management**

Prior to Certification of a Plan of Subdivision or commencement of construction, a site management plan for the management land must be submitted to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The development/use must at all times be conducted in accordance with the endorsed plan. The environmental management plan must include:

- a. Measures to protect drainage infrastructure and receiving waters from sedimentation and contamination.
- b. Measures to protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.
- c. Measures to control environmental weeds during the earthworks period.

## **24. Vehicle Access**

Before the use or occupation of the development, the applicant must provide vehicular access to all existing and proposed access locations to the satisfaction of the Responsible Authority. Existing redundant crossings are to be removed and reinstated at the applicant's expense to the satisfaction of the Responsible Authority. Satisfactory clearance is to be provided to any stormwater pit, power or telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be at the applicant's expense.

## **25. Telecommunications**

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

26. The owner of the land must enter into an agreement with:

- c. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- d. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

#### Glenelg Hopkins Catchment management Authority

27. Prior to the issue of a statement of compliance for the subdivision ground level survey post ground level manipulation works shall be undertaken by a licenced surveyor to verify that works are completed as per the Cut and Fill Plan 18 -0575 LFL C&F - Rev D (29/03/2021).

#### Wannon Water conditions

28. The provision, at the developers cost, of the required water supply works necessary to serve each of the lots created by the Plan of Subdivision.
29. The provision, at the developers cost, of the required sewerage works, including sewer pump station and rising sewer necessary to serve each of the lots created by the Plan of Subdivision.

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

30. The developer is to enter into an agreement with Wannon Water for payment of the new customer contributions and subdivision fees applicable to the lots created.
31. Easements and/or other notations are to be shown on the endorsed plan to the satisfaction of Wannon Water for the provision of both existing and proposed water and/or sewerage services.
32. The plan of Subdivision submitted for certification must be referred to Wannon Water in accordance with Section 8 of the Subdivision Act.

#### Downer Utilities

33. The plan of subdivision submitted for certification must be referred to AusNet Gas Services in accordance with Section 8 of the Subdivision Act 1988.

#### CFA conditions

34. Subdivision plan not to be altered  
The subdivision as shown on the endorsed plans must not be altered without the consent of CFA

### 35. Hydrants

Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:

- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.
- The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

*Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au)).*

### 36. Roads

Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.

- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
- Curves must have a minimum inner radius of 10 metres.
- Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.
- Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

### Powercor

37. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to the Distributor in accordance with Section 8 of that Act.

38. The applicant shall provide an electricity supply to all lots in the subdivision in accordance with the Distributor's requirements and standards.

*Notes: Extension, augmentation or rearrangement of the Distributor's electrical assets may be required to make such supplies available, with the cost of such works generally borne by the applicant.*

39. The applicant shall ensure that existing and proposed buildings and electrical installations on the subject land are compliant with the Victorian Service and Installation Rules (VSIR).

*Notes: Where electrical works are required to achieve VSIR compliance, a registered electrical contractor must be engaged to undertake such works.*

40. The applicant shall, when required by the Distributor, set aside areas with the subdivision for the purposes of establishing a substation or substations.

*Notes: Areas set aside for substations will be formalised to the Distributor's requirements under one of the following arrangements:*

- ☐ RESERVES established by the applicant in favour of the Distributor.
- ☐ SUBSTATION LEASE at nominal rental for a period of 30 years with rights to extend the lease for a further 30 years. The Distributor will register such leases on title by way of a caveat prior to the registration of the plan of subdivision.

- 41. The applicant shall establish easements on the subdivision, for all existing Distributor electric lines where easements have not been otherwise provided on the land and for any new powerlines to service the lots or adjust the positioning existing easements.**

**Notes:**

- ☐ Existing easements may need to be amended to meet the Distributor's requirements
- ☐ Easements required by the Distributor shall be specified on the subdivision and show the Purpose, Origin and the In Favour of party as follows:

**42. Public Open Space Contribution**

**Prior to the issue of a Statement of Compliance under the *Subdivision Act* 1988 a 5% public open space contribution must be made to the Responsible Authority.**

**Permit Notes**

**Expiry**

**This permit will expire if one of the following circumstances applies:**

- a. The plan of subdivision is not certified within 2 years of the date of this permit: or**
- b. The registration of the plan of subdivision is not completed within 5 years of the certification of the plan of subdivision under the Subdivision Act 1988.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.**

**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.**

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**BACKGROUND**

The proposal is for a twenty (20) lot subdivision and associated earthworks with lots ranging in size; from 449m<sup>2</sup> (lot 20) to 4438m<sup>2</sup> (lot 4) in area. Twelve (12) of the lots will have frontage to Younger Street, three (3) to O'Brien Street and five (5) are to be accessed via a proposed internal road (common property).

Lots with frontage to a 'public road' range in width from 12.48m (lot 9) to 27.56m (lot 16) and have an average width of 18m (assuming Lot 16 has dual frontage). Three (3) of the proposed lots interface with the Merri River Corridor.

The existing sandstone dwelling and garage at the site are to be retained on proposed lot 2. The existing shed will be demolished on proposed lot 3.

The proposal includes earthworks to balance cut and fill within the site in order to create unencumbered (developable) land outside area subject to flooding.

As part of the development, 1.5m wide footpaths are proposed along the frontage of the site to both O'Brien Street and Younger Street. Street trees are also proposed along the frontage of the site with landscaping within the common property and within a 4m wide 'vegetation envelope' inside the north boundary of Lots 1, 2 & 3 that interface with the Merri River.

The application is accompanied by:

- A Town Planning Report prepared by Myers Planning (July 2020)
- An Engineering Services Report prepared by SITEC (28 April 2020)
- Traffic Impact Assessment Report prepared by ESR dated 17 July 2020
- Flood Impact Assessment prepared by Utilis dated February 2020
- A Cultural Heritage Management Plan prepared by AKWP prepared July 2020 receiving statutory endorsement on 20 October 2020
- Bushfire Management Plan prepared by Okologie Consulting dated 20 November 2020
- Stormwater management Plan prepared by SITEC dated 28 April 2020 amended 29 March 2021 (revision D).
- Biodiversity Assessment prepared by Ecology and Heritage Partners May 2021
- Plan for endorsement prepared by Davies Simpson
- Cut and Fill Plan and Landscape Plan prepared by SITEC dated as received December 2020

The application site is located 2km west of the Warrnambool CBD in a residential area created in 2007 as part of Planning Scheme amendment C40. A copy of the application documents are at **Attachment 2**.

The application has been referred to :-

- Glenelg Hopkins Catchment Management Authority;
- Wannon Water;
- Powercor;
- Downer Utilities;
- Country Fire Authority;
- DELWP;
- Council's City Infrastructure, Natural Environment and City Strategy branches;

## ISSUES

A planning application is required for subdivision of land, associated works and works within the floodplain, pursuant to the Warrnambool Planning Scheme.

Council is required to consider various matters under the Warrnambool Planning Scheme, including the objections received to the application. A copy of the objections are at **Attachment 3**.

Seven (7) objections have been received and include the following matters of objection:-

- Traffic Management and safety, lack of footpath connections
- Impact on wildlife and vegetation
- Removal of vegetation on river boundary
- Health impacts – noise, dust & vibrations during construction
- Neighbourhood Character
- Design of common property
- Stormwater management & Flood plan

- Impact on rural amenity

A detailed assessment of the application and the objections is contained within the planning assessment at **Attachment 1**.

## **FINANCIAL IMPACT**

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

## **LEGISLATION/POLICY/COUNCIL PLAN CONTEXT**

### **1 A healthy community**

1.4 An accessible city: Council will improve physical and social accessibility to community services, facilities, places and precincts.

### **2 A Sustainable environment**

2.1 Natural environment: Council will enhance open spaces and infrastructure that support a healthy community, wildlife, flora, fauna and biodiversity.

2.2 Water and coastal management: Council will protect and enhance the health of Warrnambool's coastline and inland waterways to protect and improve biodiversity

2.3 Environmental impact and a changing climate: Council will encourage innovation and initiatives that minimise Warrnambool's environmental impact.

2.4 Water resource management: Council will promote and encourage awareness of sustainable practices in our work and in the community, including water resource management.

### **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

3.2 Emerging industries: Council will encourage emerging industry sectors that contribute to Warrnambool's economic growth and diversity.

### **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.

4.2 A connected community: Council will enhance Warrnambool's connectivity through the delivery of, or advocacy for, improvement to roads, public transport, footpaths, trails and digital infrastructure.

4.3 Stronger neighbourhoods: Council will foster neighbourhood connections and capacity building including the development of inclusive recreational and cultural opportunities.

4.4 Sustainable practices: Council will promote and encourage the implementation of sustainable design across the municipality including the attractiveness, safety, accessibility and functionality of our built environment.

### **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

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

5.6 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.



## **COMMUNITY IMPACT/CONSULTATION**

In accordance with the provisions of the Planning and Environment Act 1987, public notice was carried out.

Council facilitated an on-site meeting with the applicant, objectors, Councillors and Council officers on 7 July 2021.

## **LEGAL RISK/IMPACT**

Risk is managed through assessment of the proposal in accordance with all relevant requirements of the Planning Scheme and the Planning and Environment Act 1987.

## **OFFICERS' DECLARATION OF INTEREST**

Yes. Manager City Strategy & Development has declared a conflict of interest.

## **CONCLUSION**

The proposal has been considered having regard to relevant State and Local planning policy objectives, including the objections, and on balance it is considered that subject to conditions, the proposal will result in proper and orderly planning of the area.

## **ATTACHMENTS**

1. Attachment 2 2020 0137 for 70 Younger Street [7.1.1 - 2 pages]
2. Attachment 2 Apx A - Copy of Title [7.1.2 - 4 pages]
3. Attachment 2 Apx B - proposed plan of subdivision [7.1.3 - 3 pages]
4. Attachment 2 Apx D - Biodiversity Assessment [7.1.4 - 23 pages]
5. Attachment 2 Apx E - Cut and Fill Plan [7.1.5 - 5 pages]
6. Attachment 2 Apx F - Flood Impact Assessment [7.1.6 - 13 pages]
7. Attachment 2 Apx G - Engineering Services Report [7.1.7 - 17 pages]
8. Attachment 2 Apx H - Stormwater Management Plan [7.1.8 - 14 pages]
9. Attachment 2 Apx I - Transport Impact Assessment [7.1.9 - 16 pages]
10. Attachment 2 Apx J - Functional Layout Plan ( Appendix J) [7.1.10 - 1 page]
11. Attachment 2 Apx K - Ocean EX River Estate Design Guidelin [7.1.11 - 10 pages]
12. Attachment 2 Apx L - Proposed Landscape or vegetation p [7.1.12 - 1 page]
13. Attachment 2 Apx M - Bushfire Management Plan [7.1.13 - 25 pages]
14. Objections Redacted [7.1.14 - 20 pages]
15. Applicants Letter of Response - Objections - P P 2020-0137 [7.1.15 - 4 pages]
16. Planning Delegate Planning Assessment Report PP2020 0137 [7.1.16 - 50 pages]

## **7.2. PROPOSED AMENDMENT TO THE WARRNAMBOOL PLANNING SCHEME - DEAKIN UNIVERSITY**

### **PURPOSE:**

***This report recommends that Council seek authorisation from the Minister for Planning to prepare an amendment to the Warrnambool Planning Scheme in relation to a planning scheme amendment request received from Myers Planning Group on behalf of Deakin University to rezone land at Lots 1 & 2, LP 133034, 10635 Princes Highway, Warrnambool for educational purposes.***

### **EXECUTIVE SUMMARY**

- Myers Planning Group (proponent) on behalf of Deakin University has requested Council prepare an amendment to the Warrnambool Planning Scheme to rezone the eastern-most part of their Warrnambool campus at 10635 Princes Highway, Warrnambool (the land) for educational purposes.
- The amendment request proposes to rezone the land from the Farming Zone to the Public Use Zone 2 (Education) (consistent with the balance of the Deakin University Warrnambool campus), make minor updates to signage provisions, and include the entire Deakin University Warrnambool campus within Warrnambool's urban settlement boundary.
- Historically, the land has long been used for educational purposes associated with the Deakin University Warrnambool campus. The land is currently being developed as part of the Hycel Technology Hub – a regional cluster of expertise for researching, testing, optimising and scaling technologies that use hydrogen.
- The proponent submits (refer to Town Planning Report at **Attachment 1**) that the amendment is required as the current zone regime and signage controls (under the Farming Zone) are not suitable. For example, the use of land for educational purposes is prohibited under the Farming Zone.
- Deakin University currently relies on existing use rights and other planning scheme provisions, which do not provide certainty and confidence to the continued operation or expansion of the university.
- It is considered that the amendment request and the proposed changes are reasonable and would facilitate the current operations and ongoing viability and growth of Deakin University, which is an important educational institution and employer in South West Victoria.
- The proponent has also requested Council seek an exemption from the Minister for Planning in relation to public exhibition requirements in order to facilitate the Hycel Technology Hub in a more efficient manner (refer to **Attachment 2**). It is considered that the reasons for this request for an exemption would be reasonable as the amendment request is administrative in nature.

### **RECOMMENDATION**

#### **That Council**

1. In accordance with Section 8A of the *Planning and Environment Act 1987* (the Act) seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to the Warrnambool Planning Scheme to:
  - a. Rezone land at Lots 1 & 2 LP 133034, 10635 Princes Highway, Warrnambool to the Public Use Zone 2,
  - b. Amend the schedule to the Public Use Zone to specify the addressed land (10635 Princes Highway, Warrnambool), excluding the sporting oval complex, as Category 2 Signage controls.
  - c. Delete the Specific Control Overlay.

- d. Amend Clause 21.01 – Strategic Framework Plan, to reposition the Warrnambool urban settlement boundary to align with the eastern Deakin University boundary.**
  - 2. In accordance with Section 20(1) of the Act, request the Minister for Planning exempt Council from the need to give notice pursuant to Section 19(1)(b), 19(2) and 19(3) of the Act.**
  - 3. Following the authorisation of the Minister for Planning, proceed in accordance with Section 17 of the Act with the preparation of the Amendment.**
- 

## **BACKGROUND**

The proponent has requested Council prepare an amendment to the Warrnambool Planning to facilitate use and development of land at Lots 1 & 2 LP 133034, 10635 Princes Highway, Warrnambool for educational purposes. (Refer to Town Planning Report at **Attachment 1**). The location of the land is shown in **Figure 1** below.

The objective of the amendment request is to:

- Facilitate the rezoning of the land from the Farming Zone to the Public Use Zone – Education (PUZ2) to support its use and development for educational purposes (consistent with the balance of the Deakin University Warrnambool campus).
- Provide for less restrictive requirements on the size and type of signage that is allowed on the addressed land of Deakin University (subject to planning permit).
- Recognise the land as being within the urban settlement boundary (consistent with the balance of the Deakin University Warrnambool campus).

Specifically, the amendment request proposes to:

- Rezone the land from Farming Zone to Public Use Zone - Education (PUZ2)
- Amend the Schedule to the Public Use Zone (PUZ) at Clause 36.01 to include the land where Category 2 signage applies.
- Delete the Specific Control Overlay (redundant control).
- Amend Clause 21.01 – Strategic Framework Plan, to reposition the Warrnambool urban settlement boundary to align with the eastern Deakin University boundary.

The proponent has requested that Council seek an exemption from the Minister for Planning from public notification requirements under Section 19 of the Planning and Environment Act. (Refer to **Attachment 2**). Section 19 of the Planning and Environment Act prescribes the form of notice for an amendment. In this instance, the request for exemption would not include giving notice to owners/occupiers of neighbouring land and publishing a notice in the newspaper and Government Gazette.



**Figure 1** – map of the land (source: Myers Planning Group)

## ISSUES

Recognising the vast potential of Deakin University to build on its strengths and realise future opportunities, the amendment request prepared by the proponent articulates a short term action to facilitate its current operations. The purpose of the amendment request is to provide the certainty to deliver projects that are related to the University's core functions. An assessment of key aspects of the amendment request is provided below.

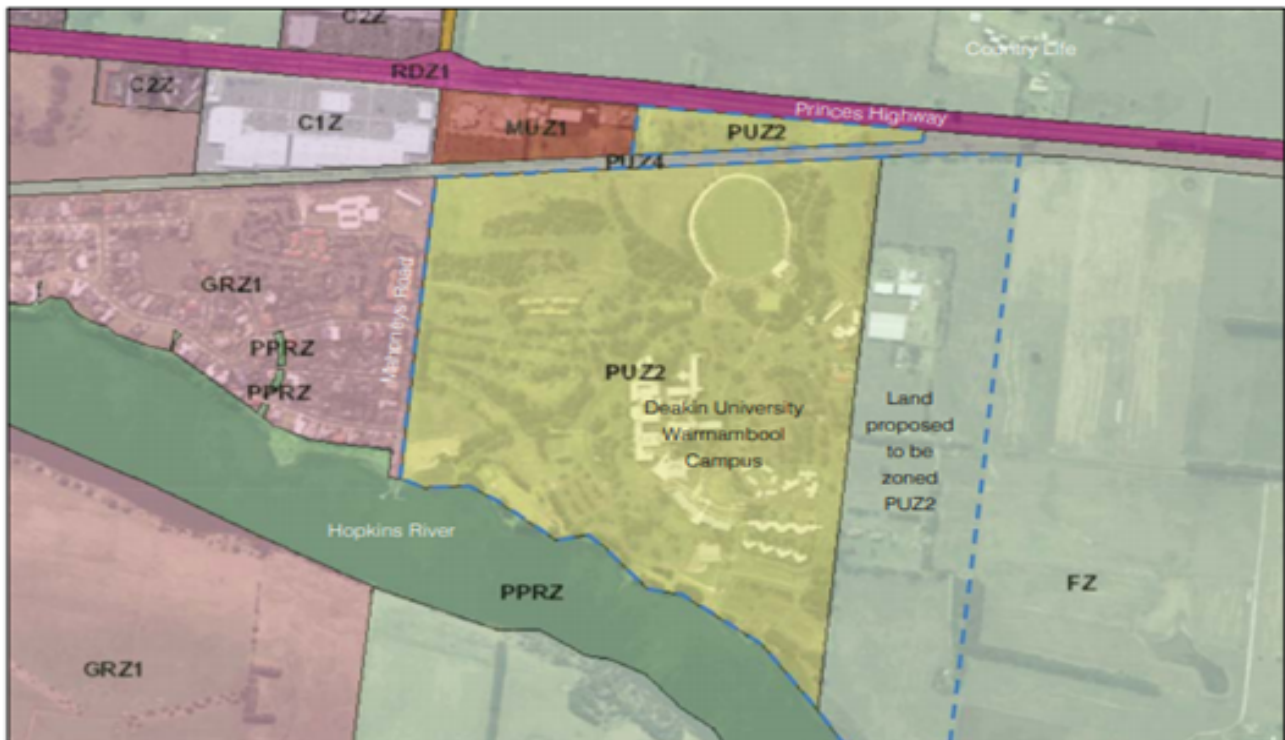
### **Rezoning the land within the Farming Zone to the Public Use Zone 2 (Education)**

The existing zoning for the land and surrounding area is shown in **Figure 2** below. The land is currently located in the Farming Zone.

Under the Farming Zone the use of land for educational purposes is prohibited. Deakin University currently relies on existing use rights and other planning considerations to allow for uses ancillary to their tertiary institution. The Farming Zone is considered to be a misalignment with the functions of the university and their future operations.

The proposed rezoning is a logical exercise to provide a consistent zoning regime across the Deakin University Warrnambool campus where a portion of the campus is in the Farming Zone while the balance is in the Public Use Zone 2 (Education).

Further to this, the land has long been used for educational purposes and has been used and developed with buildings associated with Deakin University and co-located South West TAFE training facility since prior to 2007. More recently, the land is currently being developed as part of the Hycel Technology Hub – a regional cluster of expertise for researching, testing, optimising and scaling technologies that use hydrogen. Rezoning the land to Public Use Zone 2 is compatible with the current use and development of the land and ongoing viability and growth of Deakin University.



**Figure 2 – Existing zoning** (source Myers Planning Group)

### **Amend Schedule to Public Use Zone (Change to Signage Controls)**

It is proposed to amend the Schedule to the Public Use Zone to allow Deakin University to benefit from Category 2 Signage controls. The current Category 4 signage controls are more restrictive than those that apply in the residential zones and do not provide a suitable signage regime for the university. The proposed Category 2 advertising signage controls are designed for office and industrial areas and have less restrictive requirements on the size and type of signage that is allowed (subject to planning permit).

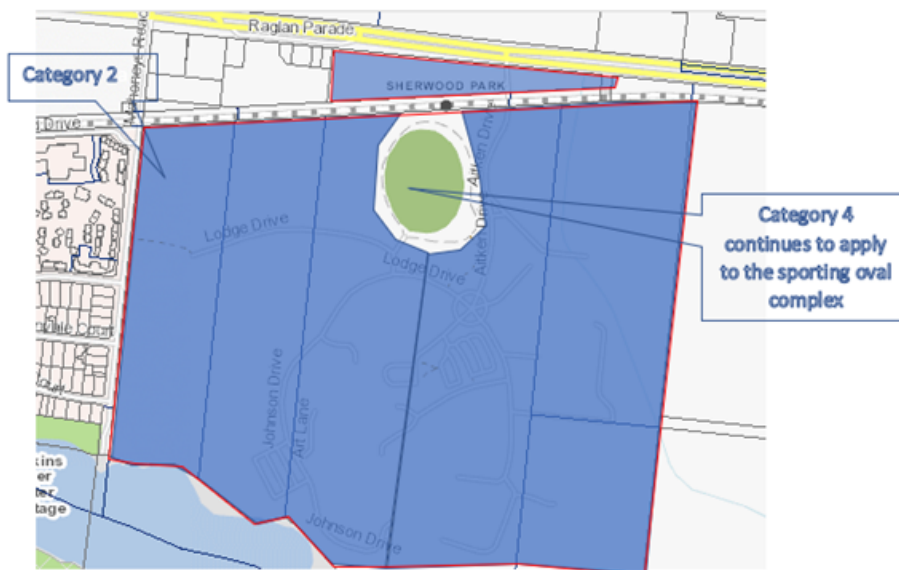
As Deakin University is a major education and community asset, the benefit to the community of higher education is maximised by effective signage to promote the university which can be facilitated by the change to the advertising signage controls.

However, it is noted that Deakin University seeks to rely upon the street address for the description where the Category 2 advertising controls apply. The whole of the Deakin University Warrnambool campus is listed as at 10635 Princes Highway, Warrnambool, which is substantial in area. Of particular note, it would include the sporting oval complex. Including the sporting oval complex in Category 2 advertising controls could provide a social and economic advantage (i.e., sponsorship signage) to the clubs that utilise this space that is not otherwise available to other clubs in Warrnambool. The proponent has not strategically justified that this is an appropriate outcome.

To ensure there are no unintended social and economic consequences in the wide application of Category 2 advertising controls, the inclusion in the Schedule to the Public Use Zone of a map (similar to **Map 1** below) showing the extent of the area to which Category 2 advertising controls applies, excluding the sporting oval complex, is recommended to clearly define the relevant area. Further refinement of the map may be required to satisfy DELWP as part of the authorisation process.

Notwithstanding the above, the proposed change to advertising signage controls is a logical exercise as it only changes the advertising category to allow a permit application for any signs. Any amenity impacts beyond Deakin University would be considered through the permit application process.

Further to this, as Deakin University is a major education and community asset, the benefit to the community of higher education is maximised by effective signage to promote the university which can be facilitated by the change to the advertising signage controls.



**Map 1** – Extent of area Category 2 Signage control applies

### Removal of Specific Control Overlay

The Specific Controls Overlay (SCO) for the land has served its purpose and facilitated the construction of the Deakin University Warrnambool campus signage at its entrance adjacent to the Princes Highway. The SCO was required at the time given that signage within the Public Use Zone (Category 4) would have otherwise been prohibited.

The proposed amendment to the schedule to Public Use Zone to allow for Category 2 signage controls will make the SCO a redundant control.

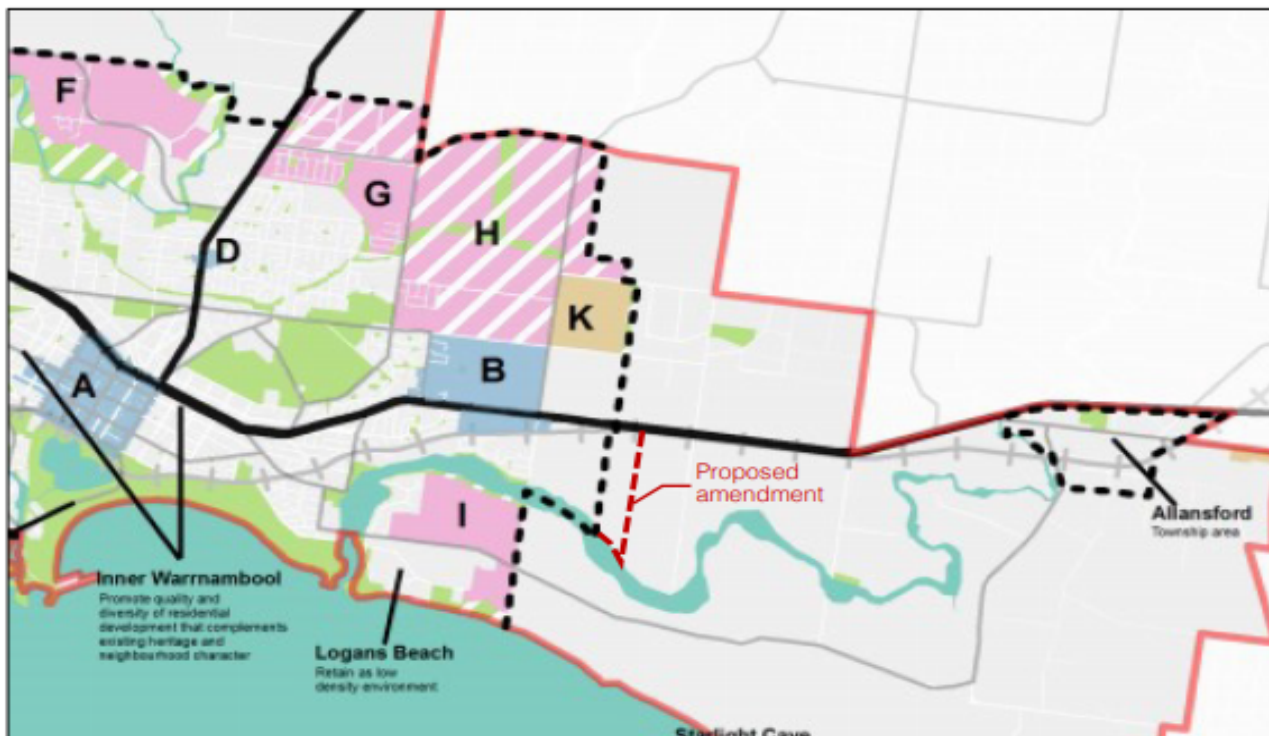
### Urban Settlement Boundary

The urban settlement boundary is shown on **Figure 3** below. The land subject to this amendment request sits outside the urban settlement boundary.

It is proposed to amend Clause 21.01, Strategic Framework Plan, to include the entire Deakin University Warrnambool campus within Warrnambool's urban settlement boundary.

The urban settlement boundary currently follows the Deakin University Warrnambool campus that is zoned Public Use Zone but excludes the land subject to this amendment request. A consequential repositioning of the settlement boundary to align with the eastern Deakin University boundary is a logical extension.





**Figure 3** – urban settlement boundary (source Myers Planning Group)

### Exemption from Public notice

The proponent has requested Council seek an exemption from the Minister for Planning from public notice requirements under the *Planning and Environment Act 1987*.

The proponent submits that the amendment request will facilitate important projects like the Hycel Technology Hub, which has received significant Federal and State Government investment. This project will result in employment, education, and research benefits for the wider region. The amendment request will give effect to an outcome which is largely administrative. An exemption from public notice requirements would therefore enable the amendment request to be expedited and allow the university to commence planning and development of the Hycel Technology Hub without delay.

It is considered that the request for an exemption from public notice requirements in the processing of the amendment is reasonable, subject to the exclusion of the sporting oval complex from Category 2 advertising controls. The amendment request will have a substantial effect on the achievement of projects being undertaken by Deakin University at its Warrnambool campus, which will benefit the community.

Further to this, as outlined in the assessment above, the amendment request is administrative in nature and merely applies the underlying zone (Public Use Zone 2 (Education)) to be applied to the Deakin University Warrnambool campus, including the consequential realignment of the urban settlement boundary.

A Planning Scheme Amendment process flow chart is included as **Attachment 3**.

### Social and economic implications

The proposal would have positive social effects by facilitating development research and innovation related projects, all of which will be of benefit to the community.

The proposal has positive economic effects by providing certainty for investment in the Deakin University Warrnambool campus as part of the Hycel Technology Hub, and through employment during construction of projects and employment opportunities upon completion. The projects undertaken will enhance the social and economic well-being of the community, and the broader south-west region.

### **Environmental implications**

The proposal is not considered to have any significant environmental impacts.

### **FINANCIAL IMPACT**

The costs associated with the preparation of the amendment can be met within the 2021/22 City Strategy and Development Budget and all statutory fees will be paid by the proponent.

### **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

3.2 Emerging industries: Council will encourage emerging industry sectors that contribute to Warrnambool's economic growth and diversity.

#### **5 An effective Council**

5.8 Regional role and relationships: Council will acknowledge Warrnambool's capability as the regional centre of southwest Victoria through appropriate leadership, advocacy and partnerships that enable greater opportunity for the region

### **TIMING**

In accordance with the provisions of the *Planning and Environment Act 1987*.

### **COMMUNITY IMPACT / CONSULTATION**

The proponent has discussed the Amendment with officers from Council and the Department of Environment, Land, Water and Planning.

No public consultation is proposed for the amendment given the administrative nature of the proposed changes.

Exhibition of the amendment will be limited to statutory notices to prescribed ministers and authorities.

### **LEGAL RISK / IMPACT**

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

### **OFFICERS' DECLARATION OF INTEREST**

None declared.



## **CONCLUSION**

The proposed changes to the Warrnambool Planning Scheme are reasonable and would facilitate the current operations and ongoing viability and growth of the Deakin University Warrnambool campus, which is an important educational institution and employer in South West Victoria.

## **ATTACHMENTS**

1. Town Planning Report, 10635 Princes Highway, Warrnambool ( Deakin University) May 2021 [7.2.1 - 39 pages]
2. Reduced Notice Request, Deakin Warrnambool [7.2.2 - 3 pages]
3. Amendment flow chart [JT6W] [7.2.3 - 1 page]

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### **7.3. WARRNAMBOOL PLANNING SCHEME AMENDMENT C204WARR - SIGNS POLICY**

#### **PURPOSE:**

***This report considers the Panel report received for Warrnambool Planning Scheme Amendment C204warr – Sign Policy. This report recommends that Council adopts Amendment C204warr in accordance with the Panel’s recommendations, and submits the adopted amendment to the Minister for Planning for approval.***

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#### **EXECUTIVE SUMMARY**

- Planning Scheme Amendment C204warr proposes to implement a local policy direction on signs by implementing the recommendations of the Advertising Signage Policy – Background Report (2019).
- The Amendment was placed on public exhibition between 25 February and 29 March 2021.
- Council received one (1) submission to the Amendment C204warr, and referred the submission to an independent Planning Panel, appointed by the Minister for Planning, to consider.
- The Panel Hearing for Amendment C204warr was held on 28 June 2021, and the Panel Report was received on 2 July 2021 (refer to **Attachment 1**).
- It is recommended that Council accept the Panel recommendations and adopt Amendment C204warr, subject to the changes recommended in the Panel report.

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#### **RECOMMENDATION**

##### **That Council:**

- 1. Consider the Panel report for Amendment C204warr to the Warrnambool Planning Scheme in accordance with section 27(1) of the *Planning and Environment Act 1987*, and adopts the Panel’s recommendations.**
  - 2. Adopts Amendment C204warr to the Warrnambool Planning Scheme in accordance with Section 29(1) of the *Planning and Environment Act 1987*, incorporating the changes to Amendment C204warr recommended by the Panel.**
  - 3. Submits Amendment C204warr to the Minister for Planning for approval in accordance with Section 31(1) of the *Planning and Environment Act 1987*.**
- 

#### **BACKGROUND**

Amendment C204warr seeks to implement a local policy direction on signs by implementing the recommendations of the Advertising Signage Policy – Background Report (2019).

Key changes to the Warrnambool Planning Scheme include the insertion of a new local planning policy Clause 22.04, “Signs”. The policy:

- Provides clear guidance with respect to a range of sign typologies while also addressing emerging issues and changes in technology and advertising practices.
- Provides transparency to business and the community about how Council will apply its discretion under the Warrnambool Planning Scheme.

On 3 June 2019, Council resolved to seek authorisation from the Minister for Planning to prepare the Amendment and following authorisation, to publicly exhibit the amendment. The Minister’s authorisation was received on 18 August 2020.

The Amendment was exhibited between 25 February 2021 and 29 March 2021. One submission was received.

On 3 May 2021, Council considered the submission to the Amendment and resolved to request the Minister for Planning to appoint a Panel to consider the submission in accordance with Part 8 of the *Planning and Environment Act 1987*.

The Panel Hearing was held on 28 June 2021. Council was the only party to present to the Panel, with the submitter electing not to present to the Panel.

The Panel Report was received on 2 July 2021 (refer to **Attachment 1**) and in accordance with Section 26 of the Planning and Environment Act, must be released to the public after 10 business days, i.e., by 16 July 2021.

Councillors were provided with a copy of the Panel report on 12 July.

A copy of the Planning Scheme Amendment Process flow-chart is attached as **Attachment 2**.

## ISSUES

The submission raised concern that the Amendment unnecessarily duplicated existing signage provisions within the Warrnambool Planning Scheme and included onerous and restrictive requirements, particularly for Major Promotion Signs.

The Panel considered the submission and matters before it, and concluded that:

- The Advertising Signage Policy – Background Report (2019) is robust and provides an appropriate basis for the Amendment.
- The proposed local planning policy for signs does not duplicate or contradict existing planning policy or other provisions of the Warrnambool Planning Scheme.
- The proposed local planning policy for signs will assist decision makers and complements the provisions of Clause 52.05 – Signs.
- The Amendment is consistent with the relevant Ministerial Directions and Practice Notes and is well founded and strategically justified.

The Panel Report provides strong support for council's strategic work, which was undertaken in-house, to support the development of the local planning policy for signs. The Panel notes:

*The Panel acknowledges the strategic work that Council has undertaken in-house to support the Amendment and the approach to test the Signage Report and proposed policy through a peer review process, engage with key signage applicants and take on-board feedback from DELWP, Mr Blades and the Panel. This has enabled a robust testing of the Amendment and provides for a clearer, more workable policy outcome that strikes an appropriate balance between supporting business activity and protecting the important landscape and built form characteristics of Warrnambool.*

The Panel recommends that the Amendment be adopted as exhibited, subject to the following minor changes and clarifications.

1. Amend 'Figure 1 Warrnambool Strategic Framework Plan' in Clause 21.01 to distinguish between City and Local Area gateways.
2. Amend Clause 22.04 Signs consistent with the 'Panel preferred version of Clause 22.04' included in Appendix B of the Panel Report.

The Panel recommendations are either a technical correction or comprise minor changes to improve the clarity and readability of the proposed local policy for both applicants and decisions makers. All of the changes to the local policy recommended by the Panel were matters discussed and agreed to through the Panel Hearing process. The Panel recommendations are consistent with the intent of the Amendment and it is recommended that they be supported.

## **FINANCIAL IMPACT**

Costs associated with the preparation, exhibition of the Amendment and Panel Hearing has been included within the 2020/2021 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

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

## **TIMING**

In accordance with Ministerial Direction 15, Council has 40 business days from of the date it receives the Panel report to make a decision to either abandon or adopt the Amendment. The Panel Report was received on 2 July 2021, therefore Council is required to make a decision by 27 August 2021.

Once Council adopts the Amendment, Council must submit the Amendment to the Minister for Planning within 10 business days of the date the amendment was adopted.

## **COMMUNITY IMPACT / CONSULTATION**

Pursuant to Section 19 of the *Planning and Environment Act 1987*, the Amendment was publicly exhibited for a five week period. Notice of the Amendment was published in the Victorian Government Gazette and in the Wednesday and Saturday editions of the Warrnambool Standard newspaper.

Direct consultation with targeted interest groups which may have a particular interest in all or part of the Amendment, including direct notification to local signage companies, and major and regular planning permit applicants.

Notice of the Amendment was provided to government agencies and Prescribed Government Ministers. The amendment documentation was also available on Council's website, and available for feedback on Your Say Warrnambool.

The Submitter was given the opportunity to attend the public Planning Panel hearing and present before the Panel. The submitter choose to observe the Panel Hearing and not to present to the Panel.

## **LEGAL RISK / IMPACT**

The Amendment has been assessed against all relevant requirements of the Warrnambool Planning Scheme and the *Planning and Environment Act 1987*, including all relevant Ministerial Directions and Practice Notes.

## **OFFICERS' DECLARATION OF INTEREST**

None declared.

## **CONCLUSION**

The Panel Report is a strong validation of Council's strategic work and thoroughness of its strategic processes. It recognises and acknowledges the depth of work and robustness that has been applied from the background research through to the preparation of the Planning Scheme Amendment. It is noted that the background research and preparation of the Amendment were all undertaken in-house.

It is recommended that the Amendment be adopted in accordance with the Panel's recommended changes.

## **ATTACHMENTS**

1. Warrnambool C 204 warr Panel Report [7.3.1 - 34 pages]
2. amendment flow chart [7.3.2 - 1 page]

## **7.4. DOMESTIC ANIMAL PLAN UPDATE**

### **PURPOSE:**

***This report provides information on Councils Domestic Animal Management Plan which has been updated in preparation for community consultation.***

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### **EXECUTIVE SUMMARY**

- Council is required to update its Domestic Animal Management Plan (The Plan) annually as prescribed under the domestic Animals Act 1994 legislation (The Act). Every 4 years the Plan must be released for public comment prior to being adopted by Council.
- The Plan will be released for community feedback for a period of 28 days before being presented to Council for adoption.
- Council should note the efforts that local laws officers have made to reduce the animal numbers taken to the pound by returning animal's home. Returning pets assists reducing the euthanasia rates. Despite an initial spike in nuisance, attacks and dogs at large when the Covid pandemic commenced data has returned to a consistent level.
- The Plan highlights the other work that local laws staff undertake around education and compliance and animal registration notification and compliance.
- All dogs and cats must be registered with Council by April 10<sup>th</sup> every year. Council officers go to considerable lengths to remind pet owners of their legal obligation to register or renew their animal's registration by this date.
- Renewal notices are posted to the registered address, reminders are sent along with newspaper adverts undertaken, social media adverts and text messages sent to registered phone numbers.
- Due to financial hardship during the pandemic, registration payment plans have been made available this year. Random checks will be undertaken, or if the animal is unregistered and found at large, infringements will be issued.

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### **RECOMMENDATION**

- 1. That Council notes the updated Domestic Animal Management Plan.**
  - 2. That Council authorises the Plan to be released for public comment for a period of 28 days.**
- 

### **BACKGROUND**

Council adopted the Domestic Animal Management Plan 2017-2021 in December 2017.

Council is required to update its Domestic Animal Management Plan (The Plan) annually as prescribed under the domestic Animals Act 1994 legislation (The Act). Every 4 years the Plan must be released for public comment prior to being adopted by Council.

### **ISSUES**

Changes to the plan include:

- Updated statistics
- Latest educational and compliance initiatives
- Formatting

Some of the key statistics from the updated plan are tabled below.

| <b>Warrnambool City Key Statistics</b>                           | <b>2017 - 18</b> | <b>2018 - 19</b> | <b>2019 - 20</b> | <b>2020 - 21</b> |
|--|------------------|------------------|------------------|------------------|
| <b>Council:</b>  |                  |                  |                  |                  |
| Population   | 35,000           | 35,400           | 35,700           | 36,000           |
| Area   | 120sqkm          | 120sqkm          | 120sqkm          | 120sqkm          |
| Current, not for profit or future properties (approx. tenements) | 18,000           | 18,000           | 18,500           | 18,800           |
|  |                  |                  |                  |                  |
| Domestic Animal Businesses                                       | 2                | 3                | 3                | 4                |
| Declared Menacing (currently in City)                            | 24               | 17               | 9                | 21               |
| Declared Dangerous (currently in City)                           | 3                | 2                | 0                | 1                |
| Declared Restricted Breed (currently in City)                    | 0                | 0                | 0                | 0                |
|  |                  |                  |                  |                  |
| <b>Dogs:</b>   |                  |                  |                  |                  |
| Registered.  | 4204             | 4297             | 4318             | 4,478            |
| <b>Impounded RSPCA Admit. Data = Council = Public</b>            | 228              | 137              | 103              | 115              |
|  | 122              | 137              | 143              | 116              |
| Returned to owner.   | 207              | 143              | 100              | 104              |
| Rehoused.  | 118              | 102              | 102              | 87               |
| Euthanized.  | 18               | 16               | 17               | 13               |
|  |                  |                  |                  |                  |
| <b>Cats:</b>   |                  |                  |                  |                  |
| Registered.  | 1603             | 1681             | 1739             | 1,833            |
| <b>Impounded RSPCA Admit. Data = Council = Public</b>            | 70               | 66               | 82               | 40               |
|  | 423              | 445              | 525              | 341              |
| Returned to owner.   | 33               | 28               | 29               | 24               |
| Rehoused.  | 348              | 268              | 430              | 352              |
| Euthanized.  | 83               | 109              | 102              | 58               |

Pound totals do not tally due to rescue, foster & feral animal data.

Council's local laws officers make a significant effort to reduce the animal numbers taken to the pound by attempting to get animals home as a first response. A registered animal may be returned to their registered address and the owner contacted. If the animal has a microchip only, the animal may be returned, infringements may be issued for fail to register.

Council should also note the significant increase in the number of stray, feral or unwanted cats being taken to the pound by members of the public which indicates a wider problem with the cat population. Council should consider a cat desexing program to help address this problem.

The Plan also highlights the other work that local laws staff undertake around education and compliance.

All dogs and cats must be registered with Council by April 10<sup>th</sup> every year. Council officers go to considerable lengths to remind pet owners of their legal obligation to register or renew their animal's registration by this date.

Renewal notices are posted to the registered address, reminders are sent along with newspaper adverts undertaken, social media adverts and text messages sent to registered phone numbers. This is over and above Council's obligations as the obligation to register a domestic animal is entirely the responsibility of the pet owner. Due to financial hardship during the pandemic, registration payment plans have been made available this year. Random checks will be undertaken, or if the animal is unregistered and found at large, infringements will be issued.

## **FINANCIAL IMPACT**

The Plan was developed and updated in house. Domestic animal management is covered within the recurrent budget of the City Infrastructure budget (City Amenity).

## **LEGISLATION / POLICY / COUNCIL PLAN CONTEXT**

This report responds to the following Council Plan initiatives:

5.2 Develop policies, strategic plans and processes to address local and regional issues, guide service provision and ensure operational effectiveness.

## **TIMING**

The Plan is required to be updated every year.

## **COMMUNITY IMPACT / CONSULTATION**

The Plan will be advertised for 28 days seeking community feedback before being presented to Council for adoption.

## **LEGAL RISK / IMPACT**

Council policies and procedures and training programs are designed to minimise the risk to Council staff undertaking animal management activities.

The Domestic Animal Management Plan outlines the measures Council undertakes to minimise risks to the community.

## **OFFICERS' DECLARATION OF INTEREST**

No conflicts of interest were declared.

## **CONCLUSION**

That the contents of this report be noted including the relevant changes to the plan and updated statistics.

## **ATTACHMENTS**

1. DAMP 2021 2025 [7.4.1 - 33 pages]



## **7.5. ROAD MANAGEMENT PLAN REVIEW 2021**

### **PURPOSE:**

***The purpose of this report is to present an amended Road Management Plan for Council adoption.***

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### **EXECUTIVE SUMMARY**

- The Road Management Act (2004) provides the opportunity for Councils to develop a Road Management Plan to establish a management system to prioritise road functions. The Road Management Plan is based on Council's policy and operational objectives and sets relevant standards in relation to Council's road management function.
- A review of Warrnambool City Council's Road Management Plan (April 2017 version) has been undertaken by Council officers.
- It is proposed that the Road Management Plan be amended in accordance with the recommendations provided - **Refer Attachments 1, 2 and 3.**
- In accordance with the Road Management (General) Regulations (2016), Road Management Act (2004) and the Local Government Act (2020), Council have conducted a 28 day public consultation period on the Warrnambool City Council Website and Victorian Government Gazette, to which Council received no submissions.

---

### **RECOMMENDATION**

**That Council adopts the updated Draft Road Management Plan (2021) for implementation.**

---

### **BACKGROUND**

The Road Management Act (2004) provides the opportunity for councils to develop a Road Management Plan to establish a management system to prioritise road functions. The Road Management Plan is based on Council's policy and operational objectives and sets relevant standards in relation to Council's road management functions. Primarily, the plan identifies Hazards in the road corridor and stipulates when something is classed as a hazard and how long the road manager has to respond to rectify these defects. This plan does not deal with regular maintenance of infrastructure in the road corridor or renewal of these assets, this is covered in Council's Roads Asset Management Plan.

The Road Management Plan was last update in April 2017 – **Refer Attachment 4.**

### **ISSUES**

The Road Management General Regulations (2016) requires Councils to conduct a review of its Road Management Plan during the same period as it's preparing its Council Plan under the Local Government Act (2020).

A review of the Plan has been completed and the resulting draft plan was then presented for public comment.



## FINANCIAL IMPACT

The findings of the review outlined numerous opportunities to improve the Road Management Plan to reduce hazards/risks for road and pathway users in the Municipality. Council's exposure to litigation will be reduced resulting in fewer non-compliant defects and claim payouts. Council's compliance with the Road Management Plan will protect Council from public liability claims.

## CURRENT STATUS

A review of Warrnambool City Council's Road Management Plan (April 2017) was undertaken by Council officers in accordance with the Road Management Act (2004) and the Road Management (General) Regulations (2016) and under delegated authority provided by the Instrument of Delegation S6 dated June 2016.

The review of the document included the following:

- Workshops to review the Council's current Road Management Plan intervention levels, response times, inspection frequencies, policies and any minor (administrative) updates. Workshops were conducted with the following groups:
  - Management personnel from relevant branches.
  - Risk Management
  - Roads & Drainage
  - Parks & Gardens
  - Road Safety Group
  - Assets & Development
- Analysis and consideration of guidance material from the Municipal Association of Victoria.
- Benchmarking Council's Road Management Plan with other similar municipal Councils.
- Road Management Plan was reviewed by MAV Insurance and from their recommendations Council offices have made changes accordingly.

A review of Warrnambool City Council Road Management Plan of operation compliance is undertaken annually by Council. In 2020 between 1<sup>st</sup> of January to 31<sup>st</sup> of December, there were a total of 772 defects identified during Council routine inspections and there were 9 non-compliant defects. The main factor for 8 of the non-compliant defects were lack of peer review in signing off defects on Conquest, defects had temporary measures implemented or were completed but did not sign off before the due date. The other factor for the additional non-compliant defect, were waiting for service utility contractors to complete works which initially caused the defect.

From the above processes an amended Draft *Road Management Plan (2021)* was developed and advertised for public notice prior to adoption – **Refer Attachment 5.**

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

- Council Plan
  - 3 Maintain and improve the physical places and visual appeal of the City**
  - 3.3 Build Infrastructure that best meets current and future community needs.
- Road Management Act (2004)
- Local Government Act (2020).
- Road Management (General) Regulations (2016)

## KEY CONSIDERATIONS

The following key service level changes are included in the new documents. More detail is included within attachments – **Refer Attachments 1, 2 and 3.**

- The removal of "Intensive Defect Inspections" from the Road Management Plan.

- The changing of wording around “made safe” to “temporary measures implemented.”
- The inclusion of “Reactive Inspections” following a complaint by a member of the public
- The inclusion of measurable defects for bridges and culverts.
- The amendment of a number of response times to align with industry standards and recommendations by MAV Insurance.

## **TIMING**

Council must, in accordance with Road Management (General) Regulations (2016), conduct and complete a review of its Road Management Plan within the period of newly elected Council referred to in section 125(1) of the Local Government Act (2020)

## **COMMUNITY IMPACT / CONSULTATION**

In accordance with the requirements of the Road Management (General) Regulations 2016 and the Local Government Act 2020, Council must advertise the amended plan for public comment for 28 days. The notification to the public was placed within both the Standard newspaper, the Victorian Government Gazette and Warrnambool City Council website. It was sent to MAV Insurance for review, comments have been provided to Council.

The following forums were used to seek submissions on the draft plan from 24<sup>th</sup> of June till the 22<sup>nd</sup> of July.

- Road Management Plan was provided on Council’s website.
- Public notice was placed in the Warrnambool Standard newspaper and the Victorian Government Gazette.

After the 28 day public consultation period, Council received no public submissions for the Road Management Plan 2021 for implementation.

## **LEGAL RISK / IMPACT**

A primary objective of the review is to ensure that Council has set realistic operational standards whilst meeting a reasonable standard of service. The reviewed plan, therefore, has the opportunity to decrease Council’s exposure to risk (where appropriate amendments are applicable).

## **OFFICERS’ DECLARATION OF INTEREST**

No Officer involved in the preparation of this report has declared any conflict of interest.

## **CONCLUSION**

Council adopts the proposed amendments of the Road Management Plan 2021, as the after 28 day public consultation period no public submissions were received by Council. .

## **ATTACHMENTS**

1. Attachment 1 Road Management Plan Minor Amendments Administrative [7.5.1 - 1 page]
2. Attachment 2 Road Management Plan Intervention Level Amendments [7.5.2 - 2 pages]
3. Attachment 3 Road Management Plan Inspection Frequency Amendments [7.5.3 - 1 page]
4. Attachment 4 Road Management Plan April 2017 [7.5.4 - 25 pages]
5. Attachment 5 Road Management Plan June 2021 [7.5.5 - 22 pages]

## **7.6. COMMUNITY HOUSING TRANSFER UPDATE**

### **PURPOSE:**

***This report seeks Council approval to call for public submissions for a period of not less than 28 days as required under the Local Government Act 2020 for the thirteen residential properties in this report previously being declared surplus to requirement.***

### **EXECUTIVE SUMMARY**

- Council entered into a joint venture with Housing Victoria to run an expression of interest process to seek submissions from registered Housing Agencies to accept the properties and to maintain the same number of properties in Warrnambool and where possible increase the housing stock by redeveloping appropriate sites.
- The expression of interest process yielded submissions from 6 housing agencies.
- All submissions offered an increase in the housing stock available to low-income earners in Warrnambool subject to the eligibility criteria. By redeveloping some large lot existing sites multiple dwellings may be constructed. This also provides opportunities for local builders and contractors to benefit from increased development opportunities.
- An assessment panel has been established with two members from Council and two members from Housing Victoria. From the submissions received, two agencies were shortlisted for interview.
- Following the interview process an alternative registered housing provider was selected as the most appropriate provider on the basis of having a strong and established presence in Warrnambool for tenant support, the commitment to fund an increased housing stock in Warrnambool for low-income tenants and the realistic development proposals to gain funding and planning approval.
- The properties have been declared surplus to requirement and public submissions will be sought for not less than 28 days as required under the Local Government Act 2020 regarding the proposed disposal of the properties.
- Any submissions received will be presented to Council for consideration, seeking approval for the properties to be conveyed to the preferred registered housing provider.

### **RECOMMENDATION**

**That Council resolves to seek public submissions, for a period of not less than 28 days as required under the Local Government Act 2020, for thirteen residential properties as follows:-**

|   |                              |
|---|------------------------------|
| <b>2 Vickers Dr WARRNAMBOOL VIC 3280</b>    | <b>Part Lot 3 LP219209</b>   |
| <b>137 Morriss Rd WARRNAMBOOL VIC 3280</b>  | <b>Part Lot 3 LP219209</b>   |
| <b>45 Merrivale Dr WARRNAMBOOL VIC 3280</b> | <b>Lot 8 PS328666P</b>       |
| <b>41 Merrivale Dr WARRNAMBOOL VIC 3280</b> | <b>Lot 6 PS328666P</b>       |
| <b>23 Mckiernan Rd WARRNAMBOOL VIC 3280</b> | <b>Lot 13 LP209862</b>       |
| <b>15 Mckiernan Rd WARRNAMBOOL VIC 3280</b> | <b>Lot 9 LP209862</b>        |
| <b>84 Landmann St WARRNAMBOOL VIC 3280</b>  | <b>Lot 1 LP147261</b>        |
| <b>82 Landmann St WARRNAMBOOL VIC 3280</b>  | <b>Lot 1 LP147260</b>        |
| <b>2/14 Henry St WARRNAMBOOL VIC 3280</b>   | <b>Part Lot 14 PS345485W</b> |
| <b>1/14 Henry St WARRNAMBOOL VIC 3280</b>   | <b>Part Lot 14 PS345485W</b> |
| <b>12 Henry St WARRNAMBOOL VIC 3280</b>     | <b>Lot 41 PS336931B</b>      |
| <b>8 Henry St WARRNAMBOOL VIC 3280</b>      | <b>Lot 2 PS329667G</b>       |
| <b>2 Granter St WARRNAMBOOL VIC 3280</b>    | <b>Lot 1 LP201047</b>        |

## BACKGROUND

The Council Community Housing Program commenced in 1985, with the construction of 13 houses. These properties provided affordable low rent accommodation to tenants, based on the Office of Housing rent assessment model.

Properties included in the program are:

|                                      |                       |
|--------------------------------------|-----------------------|
| 2 Vickers Dr WARRNAMBOOL VIC 3280    | Part Lot 3 LP219209   |
| 137 Morriss Rd WARRNAMBOOL VIC 3280  | Part Lot 3 LP219209   |
| 45 Merrivale Dr WARRNAMBOOL VIC 3280 | Lot 8 PS328666P       |
| 41 Merrivale Dr WARRNAMBOOL VIC 3280 | Lot 6 PS328666P       |
| 23 Mckiernan Rd WARRNAMBOOL VIC 3280 | Lot 13 LP209862       |
| 15 Mckiernan Rd WARRNAMBOOL VIC 3280 | Lot 9 LP209862        |
| 84 Landmann St WARRNAMBOOL VIC 3280  | Lot 1 LP147261        |
| 82 Landmann St WARRNAMBOOL VIC 3280  | Lot 1 LP147260        |
| 2/14 Henry St WARRNAMBOOL VIC 3280   | Part Lot 14 PS345485W |
| 1/14 Henry St WARRNAMBOOL VIC 3280   | Part Lot 14 PS345485W |
| 12 Henry St WARRNAMBOOL VIC 3280     | Lot 41 PS336931B      |
| 8 Henry St WARRNAMBOOL VIC 3280      | Lot 2 PS329667G       |
| 2 Granter St WARRNAMBOOL VIC 3280    | Lot 1 LP201047        |

Caveats were placed on the titles of the properties under the program which prevented Council from selling the properties. The caveat also restricted any proceeds of sale that Council would receive to 20% of the capital value.

In consideration of the high cost subsidy of the program, at the Scheduled Meeting of Council held on 7 December 2020, Council resolved to declare the thirteen residential properties surplus to requirement and to seek an alternative provider as follows:-

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### **MOVED: CR RICHARD ZIEGELER SECONDED: CR ANGIE PASPALIARIS**

*That Council:*

- 1. Agrees to divest from the service to an alternative service provider.*
- 2. Work's collaboratively with the Department of Health & Human Services (DHHS) Property & Asset Services division who will initiate the process required and ensure probity and proper process is undertaken.*
- 3. Declares the properties surplus to requirement to allow for an Expression of Interest (EOI) process to select registered housing agencies to take transfer of joint venture properties from funded organizations (Council).*

**CARRIED - 7:0**

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Council subsequently entered into a joint venture with Housing Victoria to run an expression of interest process to seek submissions from registered Housing Agencies to accept the properties and to maintain the same number of properties in Warrnambool and where possible increase the housing stock by redeveloping appropriate sites.

## ISSUES

The expression of interest process has yielded submissions from 6 housing agencies.

All submissions offer an increase in the housing stock available to low-income earners in Warrnambool subject to the eligibility criteria. By redeveloping some large lot existing sites multiple dwellings may be constructed. This would provide opportunities for local builders and contractors to benefit from increased development opportunities.

An assessment panel has been established with two officers from Council and two members from Housing Victoria. From the submissions received, two agencies were shortlisted for interview.

Following the interview process the Salvation Army was selected as the most appropriate provider.

The properties are now required to be declared surplus to requirement in accordance with the Local Government Act and submissions will be sought from the community in relation to the proposal.

Any submissions received will be presented to Council for consideration, seeking approval for the properties to be conveyed to the preferred registered housing provider.

## FINANCIAL IMPACT

The cost of transferring the properties is mainly officer time which is covered with the budget of the City Infrastructure Directorate. There will be conveyancing costs if the properties are transferred which is also allocated.

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

### **5 Practice good governance through openness and accountability while balancing aspirations with sound financial management**

5.3 Ensure financial sustainability through effective use of Council's resources and assets and prudent management of risk

## TIMING

The transfer if approved would be completed later this year.

## COMMUNITY IMPACT / CONSULTATION

Council has written to all tenants informing them of the proposed transfer. No objections have been received. Council is required under the Local Government Act 2020 to declare the properties surplus to requirement in order to transfer them. This process calls for submissions for not less than 28 days which if any are received Council must consider the content before making the decision to transfer the properties.

Those wishing to make a submission will be able to do so in writing to PO Box 198 Warrnambool 3280 and submit this feedback either through the post or online at [www.yoursaywarrnambool.com.au](http://www.yoursaywarrnambool.com.au), attention Glenn Reddick, Manager City Amenity. Those making submissions must provide their name and contact details. Submission details will also be provided in Council's Noticeboard in the Warrnambool Standard.

## **LEGAL RISK / IMPACT**

The risk to Council is mainly considered to be reputational. There have been no concerns raised to date by any of the existing tenants who have all been notified.

## **OFFICERS' DECLARATION OF INTEREST**

No conflicts of interest were declared.

## **CONCLUSION**

Council notes the progress of the transfer process.

## **ATTACHMENTS**

Nil

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## **7.7. ADVISORY COMMITTEE/REFERENCE GROUP REPORTS**

### **PURPOSE**

***This report contains the record of one Reference Group meeting.***

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### **REPORT**

- Cycling Reference Group – 21 April 2021 – refer **Attachment 1**.

### **ATTACHMENTS**

1. Letter from Minister Gillies St May 2021 4 C 7 Otfe Jx UWI lj 0 Eilljd A [7.7.1 - 1 page]
2. Minutes\_ \_ Cycling Reference Group meeting\_ \_ Wednesday 21 APRIL 2021 58 d Twkr Xzke 9 zve 1 Z 6 z H [7.7.2 - 2 pages]
3. Cycling Reference Group Meeting APRIL KA lp 4 PF Ha Eam 77 8 e Un 65 g [7.7.3 - 16 pages]

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### **RECOMMENDATION**

**That the record of the Cycling Reference Group meeting held on 21 April 2021 be received.**

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## **7.8. 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.***

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### **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:-

- Thursday 24 June 2021 – Refer **Attachment 1**
- Monday 12 July 2021 – Refer **Attachment 2**
- Monday 19 July 2021 – Refer **Attachment 3**
- Monday 26 July 2021 – Refer **Attachment 4**

### **ATTACHMENTS**

1. Assembly of Councillors Record 24 June 2021 [7.8.1 - 1 page]
2. Assembly of Councillors Record 12 July 2021 [7.8.2 - 1 page]
3. Assembly of Councillors Record 19 July 2021 [7.8.3 - 1 page]
4. Assembly of Councillors Record 26 July 2021 [7.8.4 - 1 page]

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### **RECOMMENDATION**

**That the record of the Informal Meetings of Council held on 24 June, 12, 19 and 26 July 2021, be received.**

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## **7.9. 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.*

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### **REPORT**

| <b>Date</b>  | <b>Location</b> | <b>Function</b>   |
|--------------|-----------------|---|
| 2 July 2021  | Hamilton        | Mayor & Chief Executive Officer – Attended the Great South Coast Board meeting.   |
|              | Warrnambool     | Deputy Mayor attended the Warrnambool Central Rotary Club changeover.   |
| 3 July 2021  | Warrnambool     | Deputy Mayor attended the Warrnambool Rotary Club changeover.   |
| 8 July 2021  | Warrnambool     | Mayor & Chief Executive Officer – Attended the Commonwealth Government funding announcement at Deakin University for the Hycel project. |
| 15 July 2021 | Virtual         | Chief Executive Officer – Participated in the Regional Cities Victoria CEO's meeting.   |

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### **RECOMMENDATION**

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

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## **8. NOTICE OF MOTION**

Nil

## **9. GENERAL BUSINESS**

## **10. URGENT BUSINESS**

## **11. CLOSE OF MEETING**