

MINUTES

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



VENUE:

**Lighthouse Studio
Lighthouse Theatre
Timor Street
Warrnambool**

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

**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. We thank you in anticipation of your co-operation in this matter.

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**MINUTES OF THE ORDINARY MEETING OF THE WARRNAMBOOL CITY COUNCIL HELD IN
THE LIGHTHOUSE THEATRE STUDIO, LIGHTHOUSE THEATRE, TIMOR STREET,
WARRNAMBOOL ON MONDAY 2 AUGUST 2021 COMMENCING AT 5:45 PM**

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

IN ATTENDANCE: Mr Peter Schneider, Chief Executive Officer
Mr Peter Utri, Director Corporate Strategies
Mr David Leahy, Director City Infrastructure
Mr Andrew Paton, Director City Growth
Mr Richard Stone, Director Community Development
Ms Julie Anderson, Manager Governance Property & Projects
Ms Wendy Clark, Executive Assistant

1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

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

ORIGINAL CUSTODIANS STATEMENT

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

2. APOLOGIES

Nil.

3. CONFIRMATION OF MINUTES

MOVED: CR MAX TAYLOR
SECONDED: CR DEBBIE ARNOTT

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

CARRIED - 7:0

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

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

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

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

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

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

Nil.

5. MAYORAL PRESENTATION

- The Mayor welcomed participants in this year's Leadership Great South Coast Program, with half of the group attending the Council meeting. Leadership Great South Coast provides an annual community leadership program for aspiring emerging leaders drawn from all sectors of the

6. PUBLIC QUESTION TIME

6.1 QUESTION FROM DAVID THOMPSON, WOOLSTHORPE & STEVE TIPPETT, WARRAMBOOL

Our question is concerning the proposed rabbit proof fence for the Jetty Flat Oval that was put forward in the agenda of the July 5th council meeting and approved by councillors. The agenda explains that this fence was explored by the parks and gardens department and recreation unit and also independently and they found that this fence will prevent rabbits from entering the Oval. Could you please name the independent consultant you referred to in this agenda? It also states that this fence is both aesthetically pleasing and highly effective and has been used to address similar issues created by rabbits at many sporting venues including the Killarney recreation reserve with excellent results. Having had some experience with rabbit proof fences it took only a glance at the photographs and drawings of the proposed fence to see it is not a rabbit proof fence. We visited the Killarney recreation reserve to view the fence that this proposal is based on and found that it is not in any way a rabbit proof fence as is evidenced by the amount of damage on the oval caused by the many rabbits freely entering the Oval every night. When it can only be described as a pretty new picket fence. When council Parks and gardens department along with the recreation unit inspected the fence at Killarney did they deem it to be a rabbit proof fence. Does council believe it appropriate to put a proposal to councillors for approval to spend \$80,000 of ratepayer money on a project that is clearly not fit for purpose? The photo of the proposed fence in the agenda showed pickets protruding above the top rail of the fence which is dangerous for any kid who jumps the fence and yet the illustration shows the top rail to be the top of the fence. Which one is correct? Why is there no paperwork from Russell Creek Cricket Club supporting the proposal printed in the agenda?

RESPONSE FROM CHIEF EXECUTIVE OFFICER

The proposed fence at Jetty Flat has been developed and improved upon from the Killarney installation, as the Russell's Creek Cricket Club President liaised with the Killarney Cricket Club President regarding their installation and continued problems with rabbits. Just for reference, Killarney's installation was never completed and was more about the aesthetic look of the oval.

These key learnings were used to develop the solution at Jetty Flat, some of those differences are that at Killarney there are no concrete plinth associated with the structure and at Jetty Flat a concrete plinth has been installed which is 300mm wide and 200mm deep around the entire perimeter to restrict rabbits from burrowing under the fence, Killarney has a 25m area of no fence in front of their pavilion whereas the Jetty Flat one will have an entire oval perimeter to be fenced, with no gaps for rabbits to enter the field of play, the fence pickets installed at Killarney are at 50mm gaps, the fence pickets to be installed at Jetty Flat are 36mm and at Killarney there is a 60mm gap from bottom of the picket to ground and at Jetty Flat there is a 30mm gap from top of the concrete plinth to bottom of the picket.

The PVC type material is the highest quality PVC available, it's aesthetically pleasing and specifically designed for lasting strength. In terms of whether it will be 100% rabbit proof, my understanding is there is no fence that is completely rabbit proof but the chosen design will minimise the effects by limiting the access as much as possible. It should be noted that the works are likely to be completed for considerably less than the \$80,000 and that other works at the site to restrict vehicle access to points at the reserve will also be implemented.

I understand also that the finished design that there was a question mark about the pickets versus having a rail at the top which is safer for children but the finished design will be the one with the rail at the top.

6.2 QUESTION FROM PETER HULIN, WARRNAMBOOL

In light of the response I received from Warrnambool City Council CEO Mr Schneider to my questions at the previous WCC meeting regarding the lack of maintenance of Norfolk Island trees by Council and their encroachment into private residences causing damage to residences properties I wish to ask the following questions.

Why does Council continue to plant large inappropriate trees which cause damage to the infrastructure of Council, business and residential properties?

Why has Council planted Hoop pines which grow to a height of 60m within 4 meters of private houses and plane trees under infrastructure in the CBD?

Does Council believe they have a responsibility to protect residents and business properties from future damage by these inappropriate plantings?

When 90% of natural vegetation has been removed from our local area does Council believe it has a responsibility to correct this ecological vandalism by planting vegetation native to our area not trees from far North Queensland and the like?

Does Council believe there should be an urgent rewrite of our tree policy to place a much higher priority on local indigenous species, ones which not only feed and attract native birds and improve the ecosystem but also enhances our unique vegetation?

At Councils last public meeting I stated that I had an On Site meeting with the head of infrastructure Mr David Leahy voicing my deep concern at a trip hazard on a footpath in Timor Street.

The trip hazard still remains. Has Council been made aware of the elderly resident who a number of years ago fell and severely injured themselves on that exact trip hazard and what were the ramifications for them after the fall?

RESPONSE FROM CHIEF EXECUTIVE OFFICER

- Council has avoided planting inappropriate species in areas that may suffer damage as a result where we possibly can.
- The trees mentioned as hoop pines and plane trees will be planted in areas such as reserves where they have the appropriate space to grow and not cause damage.
- Norfolk Island Pines have been planted in spaces where trees that is Norfolk Pines have been removed.
- The tree policy does not require an urgent re-write as many of the species included in it will only be planted in suitable locations.
- Council tries to utilise as many local species as possible.
- Council is not really aware of the circumstances of the trip on Timor Street and the ramifications after the fall, but would be happy to liaise with Mr Hulin about the details if he can provide them so that I can follow that up.
- I understand that the design for a solution to that tripping hazard to eliminate the material from washing down the laneway has been completed and the works can be scheduled in conjunction with the annual sealing contract works in the future.

6.3 QUESTION FROM JIM BURKE, WARRNAMBOOL

On 1 June last year the Council considered a planning permit application amendment PP204-0225.08 for 43-45 Hayley Drive.

The original planning permit was issued in 2006, it received a two year extension in 2008, another in 2010, then in 2012 and in 2014, a one year extension in 2016 and two further two year extensions in 2017 and 2019.

There were also seven amendments to conditions attached to the permit during the life of this permit.

The 2019 amendment related to the site and floor plan and for the display of signage.

Council's minutes indicate that similar community concerns have been expressed on each occasion it has come before the Council since its original approval in 2006.

On 1 June 2019 the Council reluctantly approved this amended planning permit application which was, at the same time, provided an extension until 24 August 2021.

My question is:

Has an application been received by council in regard to this planning permit?

If so, has it been acted on and what was the outcome?

If no application has been received, what action has the council taken to ensure that this matter is resolved?

RESPONSE FROM CHIEF EXECUTIVE OFFICER

The application was determined at that Council meeting, where several conditions were imposed, including the commencement and completion time.

The permit is current at the moment, and has to comply with all conditions.

If the development is not completed within the prescribed timeframe, if an application is received to extend those timeframes, Council must assess it on its merits of that application.

6.4 QUESTON FROM JIM BURKE, WARRNAMBOOL

In cases where activity usually requiring a planning permit from the Warrnambool City Council has commenced, or has been completed, but where a permit has not been sought or has been denied:

- a. does the council have a policy to guide its staff on how they may, or must, resolve the issue and is that policy publicly available?*
- b. does the Council have a governance role in these otherwise operational matters? and*
- c. does the council have recourse to any punitive action in these matters?*

RESPONSE FROM CHIEF EXECUTIVE OFFICER

The enforcement of the planning scheme is guided by the provisions of the Planning and Environment Act 1987 and its associated guidelines and practice notes. Those documents are publicly available on the Department of Land Environment Water and Planning website.

Depending on the issue that is subject to enforcement, and its particulars, adherence to the provisions of the Planning Scheme and Planning and Environment Act 1987, are undertaken by Council.

Subject to the particular matter, which sometimes results in issues becoming of a legal nature, an assessment of the actions it is required to undertake, is made.

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.

MOVED: CR MAX TAYLOR

SECONDED: CR DEBBIE ARNOTT

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,

- 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).

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.

CARRIED - 4:3

***Crs. Jellie, Arnott, Taylor and Blain voting for the motion
Crs. Ziegeler, Akoch and Paspaliaris voting against the motion***

BACKGROUND

The proposal is for a twenty (20) lot subdivision and associated earthworks with lots ranging in size; from 449m² (lot 20) to 4438m² (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]



Application for Planning Permit for a Subdivision

Supplied by	Steve Myers
Submitted Date	31/07/2020
Modified by	Steve Myers (Myers Planning Group)
Modified Date	05/12/2020

Application Details

Application Type	Planning Permit for a Subdivision Version 2
Applicant Reference Number	2019-018
Responsible Authority Name	Warrnambool City Council
Responsible Authority Reference Number(s)	PP2020-0137
SPEAR Reference Number	S161978A
Application Status	Referred
Planning Permit Issue Date	NA
Planning Permit Expiry Date	NA

The Land

Primary Parcel	70 YOUNGER STREET, WARRNAMBOOL VIC 3280 Crown Allotment No 14 Section No 75 Parish Name WANGOOM SPI 14~75\PP5841 CPN 131153 Zone: 37.03 Urban Floodway 32.08 General Residential Zone Overlay: 44.04 Land Subject to Inundation 43.02 Design and Development 42.03 Significant Landscape
Parcel 2	70 YOUNGER STREET, WARRNAMBOOL VIC 3280 Crown Allotment No 15 Section No 75 Parish Name WANGOOM SPI 15~75\PP5841 CPN 131153 Zone: 37.03 Urban Floodway 32.08 General Residential Zone Overlay: 44.04 Land Subject to Inundation 43.02 Design and Development 42.03 Significant

Landscape

The Proposal

Plan Number	(Not Supplied)
Number of lots	20
Proposal Description	20-lot residential subdivision and associated native vegetation removal and earthworks.
Estimated cost of the development for which a permit is required \$	0

Existing Conditions

Existing Conditions Description	Single dwelling, vehicle accessway, post and wire fencing and planted vegetation.
Title Information - Does the proposal breach an encumbrance on Title?	The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact	Dan Pech Myers Planning Group 182B Lava Street, Warrnambool, VIC, 3280 Business Phone: 0436 016 612 Email: dan@myersplanninggroup.com.au
--------------------------	---

Applicant

Applicant	(Applicant details as per Applicant Contact)
------------------	--

Owner

Owner	Monte Carlo Drive Pty Ltd 26 Jamieson Street, Warrnambool, VIC, 3280
--------------	---

Declaration

I, Steve Myers, declare that the owner (if not myself) has been notified about this application.

I, Steve Myers, declare that all the information supplied is true.

**Authorised by
Organisation**

Steve Myers
Myers Planning Group



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 12044 FOLIO 421

Security no : 124084652689L
Produced 31/07/2020 11:53 AM

LAND DESCRIPTION

Crown Allotment 14 Section 75 Township of Warrnambool Parish of Wangoom.
PARENT TITLE Volume 09917 Folio 343
Created by instrument AR775488V 18/12/2018

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MONTECARLO DRIVE PTY LTD of 26 JAMIESON STREET WARRNAMBOOL VIC 3280
AR861070E 22/01/2019

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AR861071C 22/01/2019
NATIONAL AUSTRALIA BANK LTD

For details of any other encumbrances see the plan or imaged folio set out
under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP304032F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 70 YOUNGER STREET WARRNAMBOOL VIC 3280

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED
Effective from 22/01/2019

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REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MONTECARLO DRIVE PTY LTD of 26 JAMIESON STREET WARRNAMBOOL VIC 3280
AR861084S 22/01/2019

ENCUMBRANCES, CAVEATS AND NOTICES

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DIAGRAM LOCATION

SEE TP304032F FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 70 YOUNGER STREET WARRNAMBOOL VIC 3280

ADMINISTRATIVE NOTICES

NIL

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Effective from 22/01/2019

DOCUMENT END



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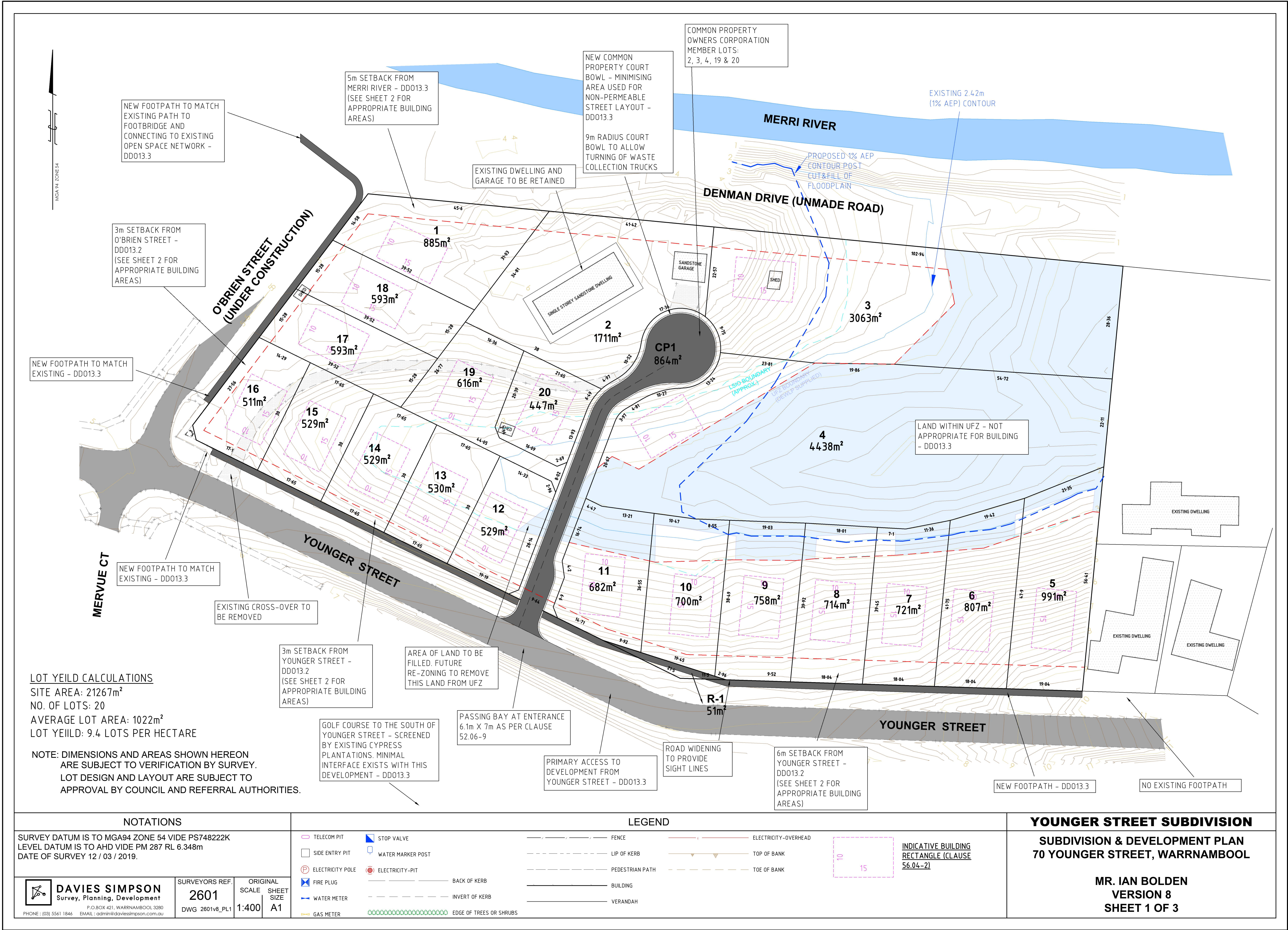
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Document Identification	TP304032F
Number of Pages (excluding this cover sheet)	1
Document Assembled	31/07/2020 11:57

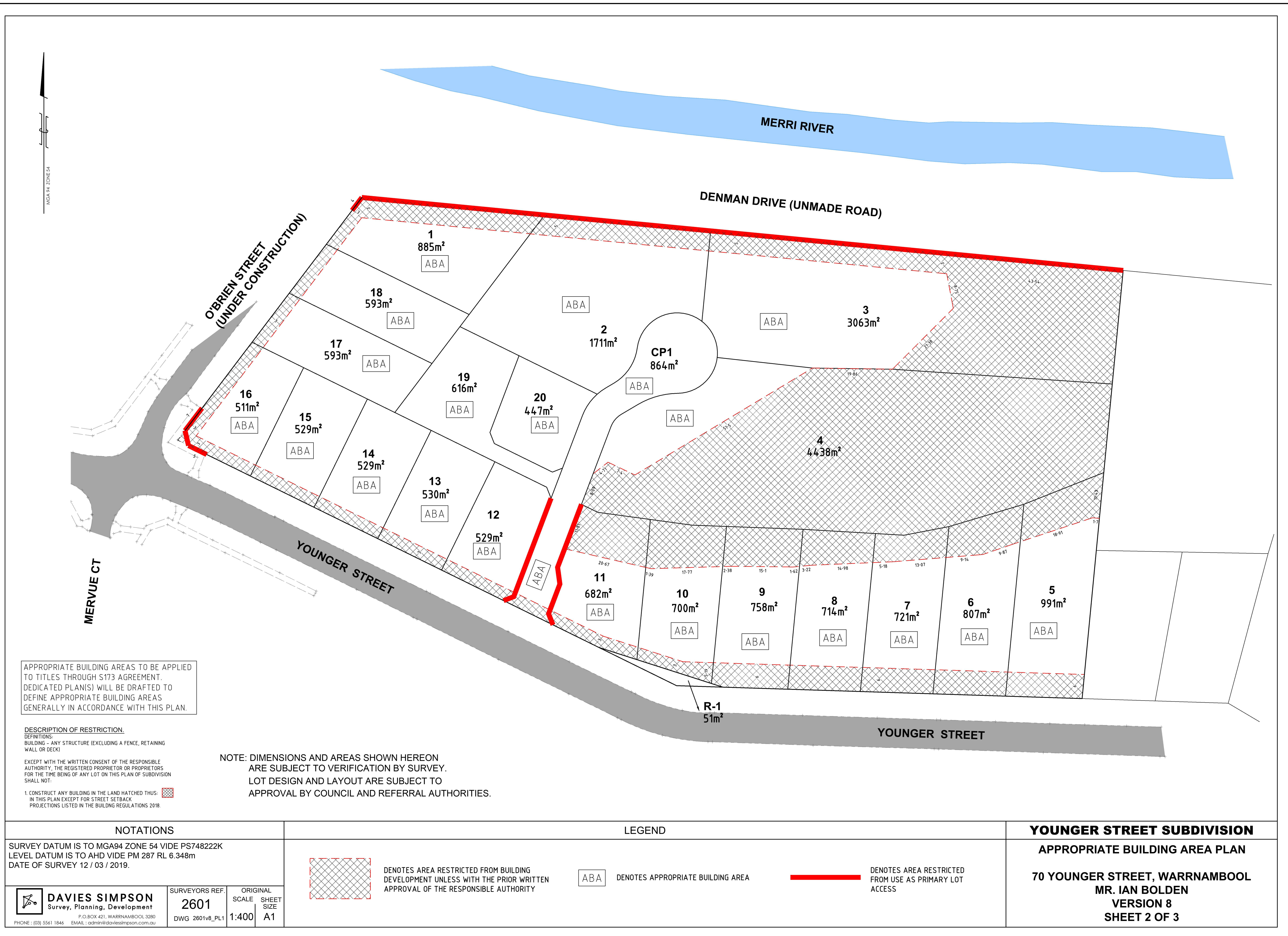
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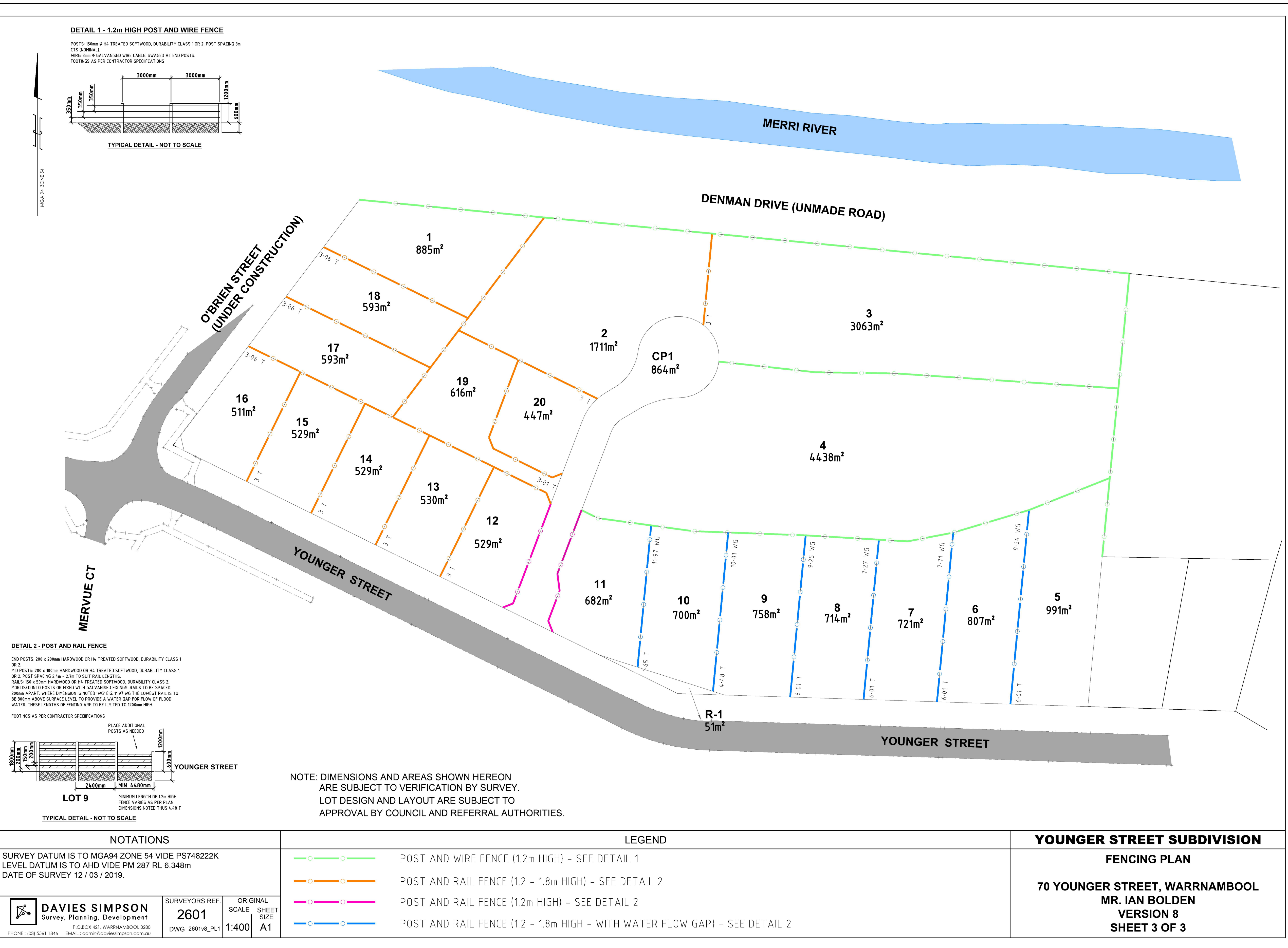
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TITLE PLAN		EDITION 1	TP 304032F
Location of Land Parish: WANGOOM Township: WARRNAMBOOL Section: 75 Crown Allotment: 14, 15 Crown Portion: Last Plan Reference: Derived From: VOL 9917 FOL 343 Depth Limitation: 15.24 m		Notations WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 03/02/2000 VERIFIED: EWA	
<p style="text-align: center;">TOTAL AREA: 2.126 ha</p>			
LENGTHS ARE IN METRES		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets









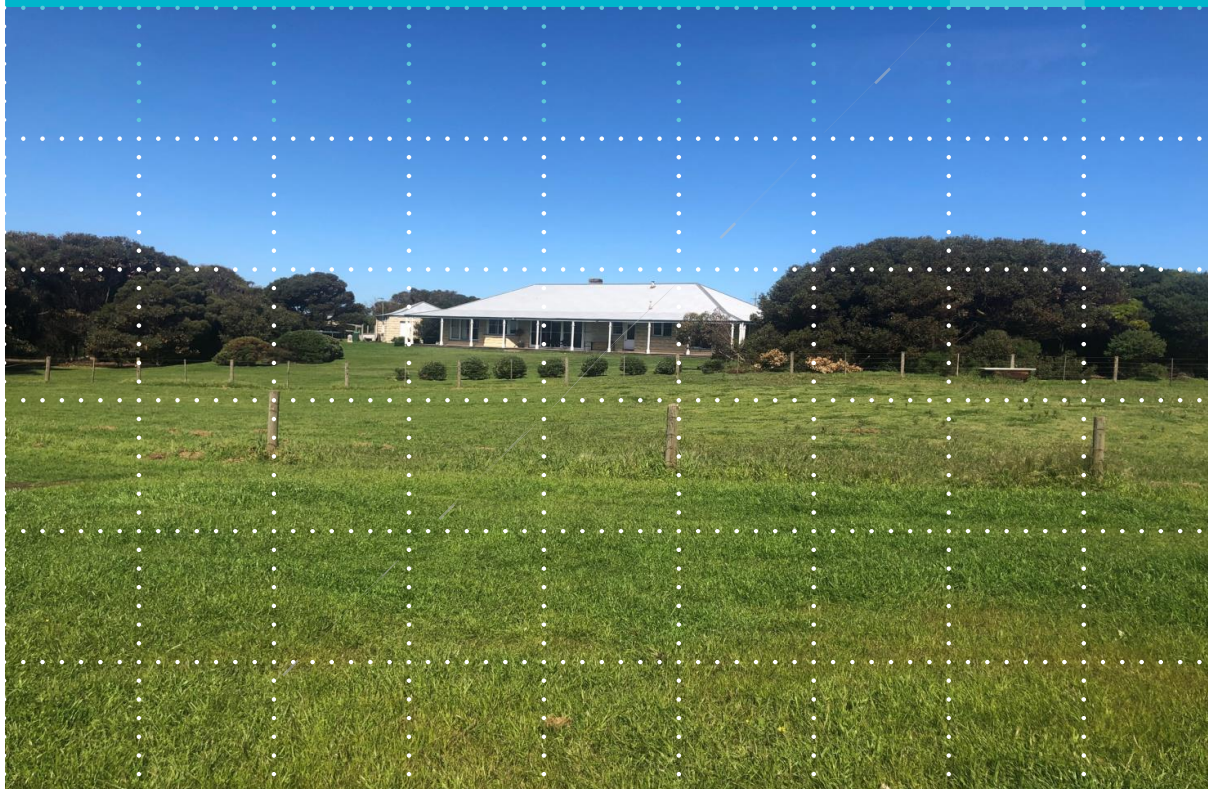
Final Report

Biodiversity Assessment: 70 Younger Street, Warrnambool, Victoria

Prepared for

Myers Planning Group Pty Ltd

May 2021



Ecology and Heritage Partners Pty Ltd



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Document Control

Assessment	Biodiversity Assessment
Address	70 Younger Street, Warrnambool, Victoria
Project number	14646 (previously 13141)
Project manager	Elyse Harrison (Technical Officer – Botany)
Report reviewer	Shannon LeBel (Senior Ecologist / Geelong Resource Manager)
Mapping	Monique Elsley (GIS Coordinator)
File name	14646_EHP_BAUpdates_70YoungerStreet_Warrnambool_Finalv2_03052021
Client	Myers Planning Group Pty Ltd
Bioregion	Warrnambool Plain
CMA	Glenelg Hopkins
Council	Warrnambool City Council

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1 INTRODUCTION

Ecology and Heritage Partners Pty Ltd was commissioned by Myers Planning Group to conduct a Biodiversity Assessment at 70 Younger Street, Warrnambool, Victoria.

It is understood that the Myers Planning Group is preparing to submit a planning permit application for a residential subdivision at the subject site. To support this application, the client is seeking an Ecological Assessment which assesses the proposed development for fauna and flora impacts including native vegetation removal and offsets as per Clause 52.17 of the Warrnambool City Planning Scheme.

The purpose of the assessment was to identify the extent and type of remnant native vegetation present within the study area and to determine the likely presence of significant flora and fauna species and/or ecological communities. This report presents the results of the assessment and discusses the potential ecological and legislative implications associated with the proposed action.

2 STUDY AREA

The study area is located at 70 Younger Street, Warrnambool, Victoria, approximately 260 kilometres south-west of Melbourne's CBD (Figure 1). The site covers approximately 0.98 hectares and is bound by the Merri River riparian corridor to the north, Younger Street to the south, cleared farmland to the east and O'Brien Street to the west.

The property consists of predominantly cleared farmland which adjoins the Merri River riparian corridor. The study area was slightly undulating with slopes angling away from the house and lower lying areas remaining closer to Younger Street.

The study area is zoned General Residential Zone (GRZ1) and Urban Floodway Zone (UFZ). The property is also subject to a Design and Development Overlay (DDO13), a Land Subject to Inundation Overlay (LSIO) and a Significant Landscape Overlay (SLO1) (DELWP 2020d).

According to the Department of Environment, Land, Water and Planning (DELWP) NatureKit Map (DELWP 2020a), the study area occurs within the Warrnambool Plain bioregion. It is located within the jurisdiction of the Glenelg Hopkins Catchment Management Authority (CMA) and the Warrnambool City Council municipality.

3 METHODS

3.1 Desktop Assessment

Relevant literature, online-resources and databases were reviewed to provide an assessment of flora and fauna values associated with the study area. The following information sources were reviewed:

- The DELWP NatureKit Map (DELWP 2020a) and Native Vegetation Information Management (NVIM) Tool (DELWP 2020b) for:



- Modelled data for location risk, remnant vegetation patches, scattered trees and habitat for rare or threatened species; and,
 - The extent of historic and current EVCs.
- Ecological Vegetation Class (EVC) benchmarks (DELWP 2020c) for descriptions of EVCs within the relevant bioregion;
- The Victorian Biodiversity Atlas (VBA) for previously documented flora and fauna records within the project locality (DELWP 2020d);
- The Illustrated Flora Information System of Victoria (IFLISV) (Gullan 2017) for assistance with the distribution and identification of flora species;
- The Commonwealth Department of Agriculture, Water and the Environment (DAWE) Protected Matters Search Tool (PMST) for matters of National Environmental Significance (NES) protected under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (DAWE2020);
- Relevant listings under the Victorian Flora and Fauna Guarantee Act 1988 (FFG Act), including the latest Threatened (DELWP 2019a) and Protected (DELWP 2019b) Lists;
- The online VicPlan Map (DELWP 2020e) to ascertain current zoning and environmental overlays in the study area;
- Aerial photography of the study area; and,
- Previous assessments relevant to the study area; including:
 - Level Cut and Fill Plan – O’Brien Street. SITEC Consulting Engineers Pty Ltd 2021.
 - Stormwater Management Plan for 68-70 Younger Street, Warrnambool. SITEC Consulting Engineers Pty Ltd 2020.

3.2 Field Assessment

A field assessment was undertaken on 28 January 2020 to obtain information on flora and fauna values within the study area. The study area was walked, with all commonly observed vascular flora and fauna species recorded, significant records mapped and the overall condition of vegetation and habitats noted. Ecological Vegetation Classes (EVCs) were determined with reference to DELWP pre-1750 and extant EVC mapping (DELWP 2020a) and their published descriptions (DELWP 2020c).

Where remnant vegetation was identified a habitat hectare assessment was undertaken following methodology described in the Vegetation Quality Assessment Manual (DSE 2004).

3.3 Removal, Destruction or Lopping of Native Vegetation (the Guidelines)

Under the *Planning and Environment Act 1987*, Clause 52.17 of the Warrnambool City Council Planning Scheme requires a planning permit to remove, destroy or lop native vegetation. The assessment process for



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the clearing of vegetation follows the '*Guidelines for the removal, destruction or lopping of native vegetation*' (the Guidelines) (DELWP 2017b).

3.4 Assessment Qualifications and Limitations

This report has been written based on the quality and extent of the ecological values and habitat considered to be present or absent at the time of the desktop and field assessments being undertaken.

The 'snap shot' nature of a standard biodiversity assessment, meant that migratory, transitory or uncommon fauna species may have been absent from typically occupied habitats at the time of the field assessment. In addition, annual or cryptic flora species such as those that persist via underground tubers may also be absent.

A comprehensive list of all terrestrial flora and fauna present within the study area was not undertaken as this was not the objective of the assessment. Rather a list of commonly observed species was recorded to inform the habitat hectare assessment and assist in determining the broader biodiversity values present within the study area.

Ecological values identified within the study area were recorded using a hand-held GPS or tablet with an accuracy of +/-5 metres. This level of accuracy is considered to provide an accurate assessment of the ecological values present within the study area; however, this data should not be used for detailed surveying purposes.

Targeted flora or fauna surveys were not undertaken, as this was beyond the preliminary scope of the project. Nevertheless, the terrestrial flora and fauna data collected during the field assessment and information obtained from relevant desktop sources is considered to adequately inform an accurate assessment of the ecological values present within the study area.

4 RESULTS

4.1 Vegetation Condition

4.1.1 Native Patches

Remnant native vegetation in the study area is representative of one EVC: Estuarine Wetland (EVC 10). The presence of these EVCs is generally consistent with the modelled extant (2005) native vegetation mapping, which modelled these EVCs, in addition to a Swamp Scrub/Aquatic Herbland Mosaic (EVC 720) to occur (DELWP 2020a). The remainder of the study area comprises introduced and planted vegetation, present as pasture and ornamental gardens.

Specific details relating to observed EVCs are provided below.

4.1.1.1 Estuarine Wetland

This EVC is generally characterised by a herbland of permanent to semi-permanent wetlands, dominated by sedges (especially on shallower verges) and/or aquatic herbs (DELWP 2020c).



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A small patch of Estuarine Wetland was located in the north-eastern corner of the study area and is considered to be of moderate quality (Plate 1) (Figure 2). Estuarine Wetland within the study area was dominated by Sharp Club-sedge *Schoenoplectus pungens* and Beaded Glasswort *Sarcocornia quinqueflora* (Plate 2). Occasional specimens of Creeping Monkey-flower *Mimulus repens* and the exotic Pimpernel *Lysimachia arvensis* were also present.



Plate 1. Estuarine Wetland within the study area (Ecology and Heritage Partners Pty Ltd 28/01/2020).



Plate 2. Beaded Glasswort and Creeping Monkey-flower within the Estuarine Wetland (Ecology and Heritage Partners Pty Ltd 28/01/2020).

4.1.2 Scattered Trees

There were no scattered trees recorded within the study area.

4.1.3 Large Trees

There were no large trees recorded within the study area.

4.1.4 Introduced and Planted Vegetation

Areas not supporting remnant native vegetation have a high cover (>95) of exotic grass species, many of which have been direct-seeded for use as pasture. Scattered native grasses and herbs (Wallaby-grass and Saltbush *Rhagodia* spp.) are generally present in these areas, however they did not have the required 25% relative cover to be considered a native patch.

These disturbed areas, generally within the paddocks surrounding the main dwelling, were dominated by environmental weeds such as Couch *Cynodon dactylon*, Wild Oat *Avena fatua*, Cocksfoot *Dactylis glomerata*, Toowoomba Canary-grass *Phalaris aquatica* and Annual Veldt-grass *Ehrharta longifolia*. In addition, Turnip *Brassica* spp., Flatweed and Ribwort *Plantago lanceolata* and the noxious Winged Slender-thistle *Carduus tenuiflorus*, were also prevalent throughout these areas.

The site assessment assessed all trees and shrubs within the study area to be planted, as they typically occurred along fence lines, contained evidence of planting (i.e. stakes and mulch) or were not species contextually relevant to the EVCs.



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Such plantings included Coast Wattle *Acacia longifolia*, Drooping Sheoak *Allocasuarina verticillata*, Eucalypt *Eucalyptus* spp. *Westringia* *Westringia* spp. and Agapanthus *Agapanthus* spp. shrubs were also planted in these areas, and were most evident along the fence lines which intersected within the property. The native Bower Spinach *Tetragonia implexicoma* was also observed to grow within the patches of planted vegetation along Younger Street.



Plate 3. Introduced grassland within the study area (Ecology and Heritage Partners Pty Ltd 28/01/2020).



Plate 4. Planted vegetation within the study area (Ecology and Heritage Partners Pty Ltd 28/01/2020).

4.2 Fauna Habitat

The majority of the study area consists of paddocks which contain improved exotic pastures, likely to be used as a foraging resource by common generalist bird species which are tolerant of modified open areas. Fauna observed using this habitat included; Australian Magpie *Cracticus tibicen* and Common Blackbird *Turdus merula*.

During flowering, the planted vegetation is also likely to provide important foraging habitat for frugivorous (fruit-eating) bird species.

4.3 Removal of Native Vegetation (the Guidelines)

Native vegetation within the study area comprise a patch of Estuarine Wetland (0.068 ha in size) (EW1) (Figure 2). Scattered native grasses and herbs (Wallaby-grass and Saltbush *Rhagodia* spp.) are also generally present throughout the study area, however they did not have the required 25% relative cover to be considered a native patch. The remaining vegetation within the study area comprises exotic or planted vegetation.

Based on updates to the construction footprint (SITEC 2020; 2021) the Estuarine Wetland will not be impacted due to dwelling construction or location. The cut and fill associated with the development of the subdivision does not encroach directly upon this vegetation.

Furthermore, the Estuarine Wetland falls within the Urban Floodway Zone (UFZ) and so is not appropriate for building. As a result, no patches of native vegetation (i.e. the Estuarine Wetland) within the study area are to be impacted.



The removal of any planted vegetation will not produce any offset requirements (Section 5.3) (Figure 2).

Furthermore, no removal of vegetation will occur within the adjacent Merri River Reserve.

4.3.1 Vegetation proposed to be removed

No scattered trees or patches of native vegetation, as defined by the Guidelines (2017), will be impacted by the proposed development. However, scattered native grasses and herbs (Wallaby-grass and Saltbush *Rhagodia* spp.) are present throughout the study area and are likely to be impacted by the development.

4.3.2 Offset Targets

There are no offset requirements associated with the removal of vegetation within the study area.

4.4 Significance Assessment

4.4.1 Flora

The VBA contains records of two (2) nationally significant and 16 State significant flora species previously recorded within 10 kilometres of the study area (DELWP 2020d) (Figure 3). The PMST nominated an additional 11 nationally significant species which have not been previously recorded but have the potential to occur in the locality (DAWE 2020).

No national or State significant flora were recorded during the site assessment, and based on the highly modified agricultural nature of the study area, landscape context and the proximity of previous records, significant flora species are considered highly unlikely to occur within the study area due to the high levels of disturbance and absence of suitable habitat.

4.4.2 Fauna

The VBA contains records of 30 nationally significant and 34 State significant fauna species previously recorded within 10 kilometres of the study area (DELWP 2020d) (Figure 4). The PMST nominated an additional 27 nationally significant species which have not been previously recorded but have the potential to occur in the locality (DAWE 2020).

Based on the modified nature of the study area, landscape context and the proximity of previous records, significant fauna species are considered unlikely to rely on habitat within the study area for foraging or breeding purposes due to the lack of suitable and/or important habitat features.

4.4.3 Communities

Five nationally listed ecological communities are predicted to occur within 10 kilometres of the study area (DAWE 2020):

- Assemblages of species associated with open-coast salt-wedge estuaries of western and central Victoria ecological community;
- Giant Kelp Marine Forests of South East Australia;



- Grassy Eucalypt Woodland of the Victorian Volcanic Plain;
- Natural Temperate Grassland of the Victorian Volcanic Plain; and,
- Subtropical and Temperate Coastal Saltmarsh.

However, vegetation within the study area did not meet the condition thresholds that define any national or State-significant communities due to the absence of key indicator species, the low diversity of native flora and high cover of exotic vegetation.

5 LEGISLATIVE AND POLICY IMPLICATIONS

5.1 *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)

The Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) establishes a Commonwealth process for the assessment of proposed actions (i.e. project, development, undertaking, activity, or series of activities) likely to have a significant impact on Matters of National Environmental Significance (NES), or those that are undertaken on Commonwealth Land.

The proposed action is highly unlikely to have a significant impact on any matter of NES. As such, a referral to the Commonwealth Environment Minister is not required regarding matters listed under the EPBC Act.

5.2 *Flora and Fauna Guarantee Act 1988* (Victoria)

The *Flora and Fauna Guarantee Act 1988* (FFG Act) is the primary legislation dealing with biodiversity conservation and sustainable use of native flora and fauna in Victoria. Proponents are required to apply for an FFG Act Permit to 'take' listed and/or protected¹ flora species, listed vegetation communities and listed fish species in areas of public land (i.e. within road reserves, drainage lines and public reserves). An FFG Act permit is generally not required for removal of species or communities on private land, or for the removal of habitat for a listed terrestrial fauna species.

There were no confirmed records of species listed as threatened and/or protected under the FFG Act. Furthermore, the study area is privately owned, and as such a permit under the FFG Act is not required.

5.3 *Planning and Environment Act 1987* (Victoria)

The *Planning and Environment Act 1987* outlines the legislative framework for planning in Victoria and for the development and administration of planning schemes. All planning schemes contain native vegetation

¹ In addition to 'listed' flora species, the FFG Act identifies 'protected' flora species. This includes any of the Asteraceae (Daisies), all orchids, ferns (excluding *Pteridium esculentum*) and *Acacia* species (excluding *Acacia dealbata*, *Acacia decurrens*, *Acacia implexa*, *Acacia melanoxylon* and *Acacia paradoxa*), as well as any taxa that may be a component of a listed ecological community. A species may be both listed and protected.



provisions at Clause 52.17 which require a planning permit from the relevant local Council to remove, destroy or lop native vegetation, unless an exemption under clause 52.17-7 of the Victorian Planning Schemes applies.

5.3.1 Local Planning Schemes

The study area is located within the Warrnambool City Council municipality. The following zoning and overlays apply (DELWP 2020d):

- General Residential Zone – Schedule 1 (GRZ1);
- Urban Floodway Zone (UFZ);
- Design and Development Overlay – Schedule 13 (DDO13);
- Land Subject to Inundation Overlay (LSIO); and,
- Significant Landscape Overlay – Schedule 1 (SLO1).

5.3.1.1 Significant Landscape Overlay – Schedule 1 (SLO1):

A permit application must, as appropriate, be accompanied by a site analysis and plan(s) (including a Landscaping Plan) of the proposed development (in addition to any other information required to be submitted in accordance with this Planning Scheme).

5.3.1.2 Planted Vegetation Exemption

A permit is not required for the removal of native vegetation which has either been planted (e.g. planting a seedling or an established plant) or grown from direct seeding (e.g. placing a seed in the ground in any manner).

5.3.2 The Guidelines

The State Planning Policy Framework and the decision guidelines at Clause 52.17 (Native Vegetation) and Clause 12.01 require Planning and Responsible Authorities to have regard for the 'Guidelines for the removal, destruction or lopping of native vegetation' (the Guidelines) (DELWP 2017b).

5.3.3 Implications

No scattered trees or patches of native vegetation, as defined by the Guidelines (2017), will be impacted by the proposed development. However, scattered native grasses and herbs (Wallaby-grass and Saltbush *Rhagodia* spp.) are present throughout the study area and are likely to be impacted by the development.

There are no offset requirements associated with the removal of vegetation within the study area.

A Planning Permit from Warrnambool City Council is required to remove, destroy or lop any native vegetation under Clause 52.17 of the Planning Scheme. In addition, a site analysis and plan(s) (including a Landscaping Plan) of the proposed development must also accompany the permit application under Clause 42.03 (SLO1).



5.4 **Wildlife Act 1975 and Wildlife Regulations 2013 (Victoria)**

The *Wildlife Act 1975* (and associated *Wildlife Regulations 2013*) is the primary legislation in Victoria providing for protection and management of wildlife. Authorisation for habitat removal may be obtained under the *Wildlife Act 1975* through a licence granted under the *Forests Act 1958*, or under any other Act such as the *Planning and Environment Act 1987*. Any persons engaged to remove, salvage, hold or relocate native fauna during construction must hold a current Management Authorisation under the *Wildlife Act 1975*, issued by DELWP.

5.5 **Catchment and Land Protection Act 1994 (Victoria)**

Weeds listed as noxious under the CaLP Act were recorded during the assessment (Winged Slender-thistle). Listed noxious weeds should be appropriately controlled throughout the study area.

6 **MITIGATION MEASURES**

6.1 **Avoid and Minimise Statement**

Native vegetation within the study area comprises a patch of Estuarine Wetland (0.068 ha in size) (EW1) (Figure 2). The remaining vegetation within the study area comprises exotic or planted vegetation.

All areas of planted vegetation within the study area will be removed. However, no removal of vegetation (planted or otherwise) will occur within the adjacent Merri River Reserve.

The ecological information provided in this Biodiversity Assessment report has informed the development plan, the storm water management plan and the cut-and-fill plan (SITEC 2020; 2021), which have been prepared to ensure impacts to native vegetation are avoided.

There will be no impacts to the Estuarine Wetland within the north-east corner of the study area. The proposed dwelling locations do not intersect with the wetland area. Furthermore, the cut and fill plan associated with the subdivision development (SITEC 2021) does not encroach upon the wetland.

The Stormwater Management Plan (SITEC 2020) also demonstrates that the Estuarine Wetland does not form part of any stormwater storage or treatments areas within the proposed development.

Water Sensitive Urban Design Best Practice Principles will be adopted, and the proposed berm previously required, has been removed to facilitate a more natural wetland drainage arrangement. A swale will be constructed to direct stormwater from the cul-de-sac to the wetland. This swale is expected to be vegetated with indigenous species to enhance the ecological value of the Estuarine Wetland.

Given that the Estuarine Wetland within in the study area will not be impacted by the development, there will also be no offsite impacts to the remaining area of wetland in the adjoining property to the east. Sedimentation controls will be used during construction and sedimentation fencing is to be erected to contain construction activity to the study area (see Section 6.2 for further details).



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In the context of the development, and ecological values present within the locality, the avoidance and minimisation measures implemented as part of the development are considered to be appropriate in this instance.

6.2 Best Practice Mitigation Measures

Recommended measures to mitigate impacts upon terrestrial and aquatic values present within the study area may include:

- Minimise impacts to native vegetation and habitats through construction and micro-siting techniques, including fencing retained areas of native vegetation. If indeed necessary, trees should be lopped or trimmed rather than removed. Similarly, soil disturbance and sedimentation within wetlands should be avoided or kept to a minimum, to avoid, or minimise impacts to fauna habitats;
- All contractors should be aware of ecologically sensitive areas to minimise the likelihood of inadvertent disturbance to areas marked for retention. Native vegetation (areas of sensitivity) should be included as a mapping overlay on any construction plans;
- Where possible, construction stockpiles, machinery, roads, and other infrastructure should be placed away from areas supporting native vegetation, Large Trees and/or wetlands;
- Ensure that best practice sedimentation and pollution control measures are undertaken at all times, in accordance with Environment Protection Authority guidelines (EPA 1991; EPA 1996; Victorian Stormwater Committee 1999) to prevent offsite impacts to waterways and wetlands; and,
- As indigenous flora provides valuable habitat for indigenous fauna, it is recommended that any landscape plantings that are undertaken as part of the proposed works are conducted using indigenous species sourced from a local provenance, rather than exotic deciduous trees and shrubs.



7 FURTHER REQUIREMENTS

Further requirements associated with development of the study area, as well as additional studies or reporting that may be required, are provided in Table 1.

Table 1. Further requirements associated with development of the study area

Relevant Legislation	Implications	Further Action
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	The proposed action is highly unlikely to have a significant impact on any matter of NES. As such, a referral to the Commonwealth Environment Minister is not required regarding matters listed under the EPBC Act.	No further action required.
<i>Flora and Fauna Guarantee Act 1988</i>	There were no confirmed records of species listed as threatened and/or protected under the FFG Act. Furthermore, the study area is privately owned, and as such a permit under the FFG Act is not required.	No further action required.
<i>Planning and Environment Act 1987</i>	No scattered trees or patches of native vegetation, as defined by the Guidelines (2017), will be impacted by the proposed development. However, scattered native grasses and herbs (Wallaby-grass and Saltbush <i>Rhagodia</i> spp.) are present throughout the study area and are likely to be impacted by the development. There are no offset requirements associated with the removal of vegetation within the study area. A Planning Permit from Warrnambool City Council is required to remove, destroy or lop any native vegetation under Clause 52.17 of the Planning Scheme. In addition, a site analysis and plan(s) (including a Landscaping Plan) of the proposed development must also accompany the permit application under Clause 42.03 (SLO1).	Prepare and submit a Planning Permit application.
<i>Catchment and Land Protection Act 1994</i>	A weed species listed under the CaLP Act were recorded within the study area. To meet requirements under the CaLP Act, listed noxious weeds should be appropriately controlled throughout the study area.	Listed noxious weeds should be appropriately controlled throughout the study area
<i>Wildlife Act 1975</i>	Any persons engaged to conduct salvage and translocation or general handling of terrestrial fauna species must hold a current Management Authorisation.	Ensure wildlife specialists hold a current Management Authorisation.



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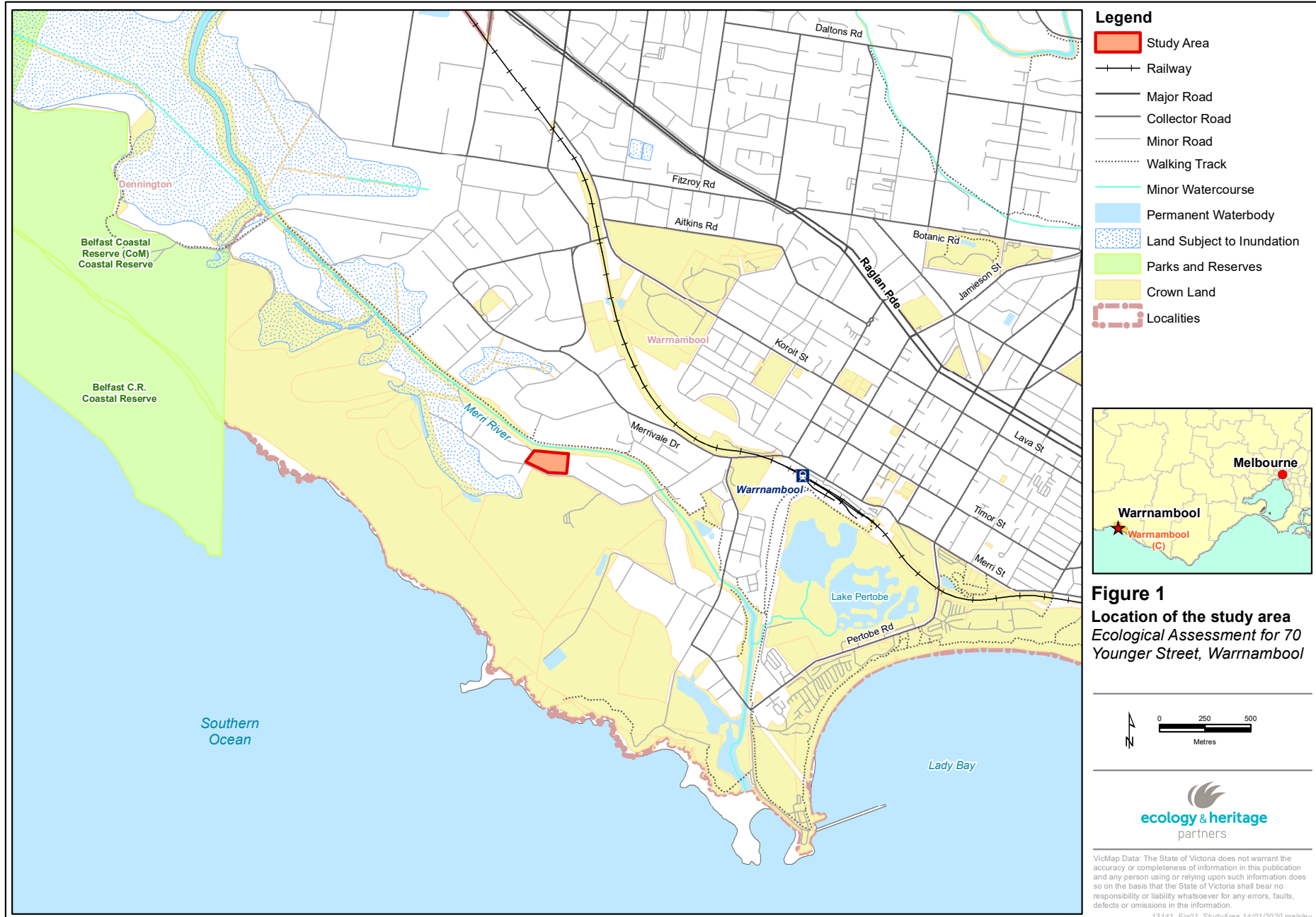
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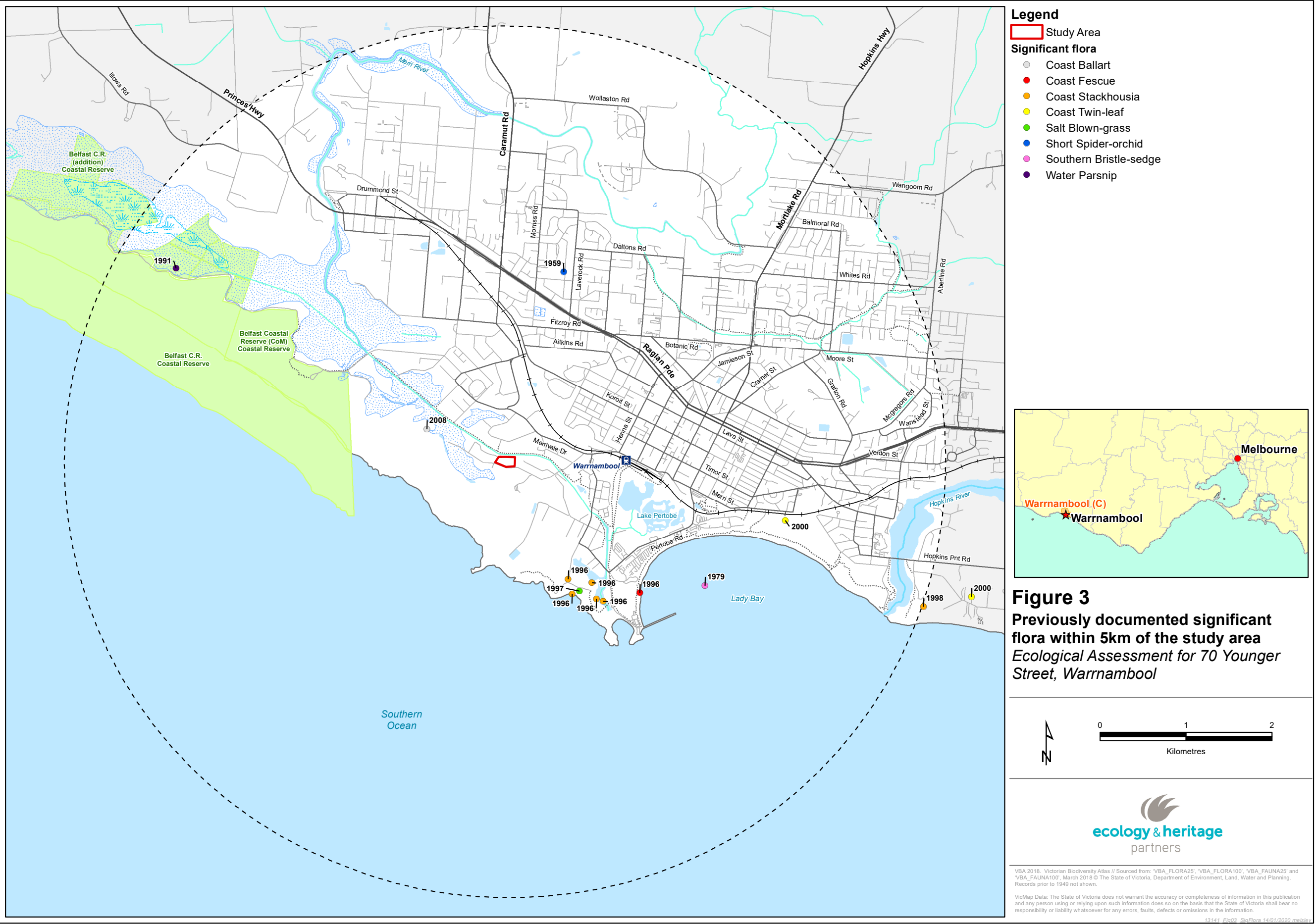


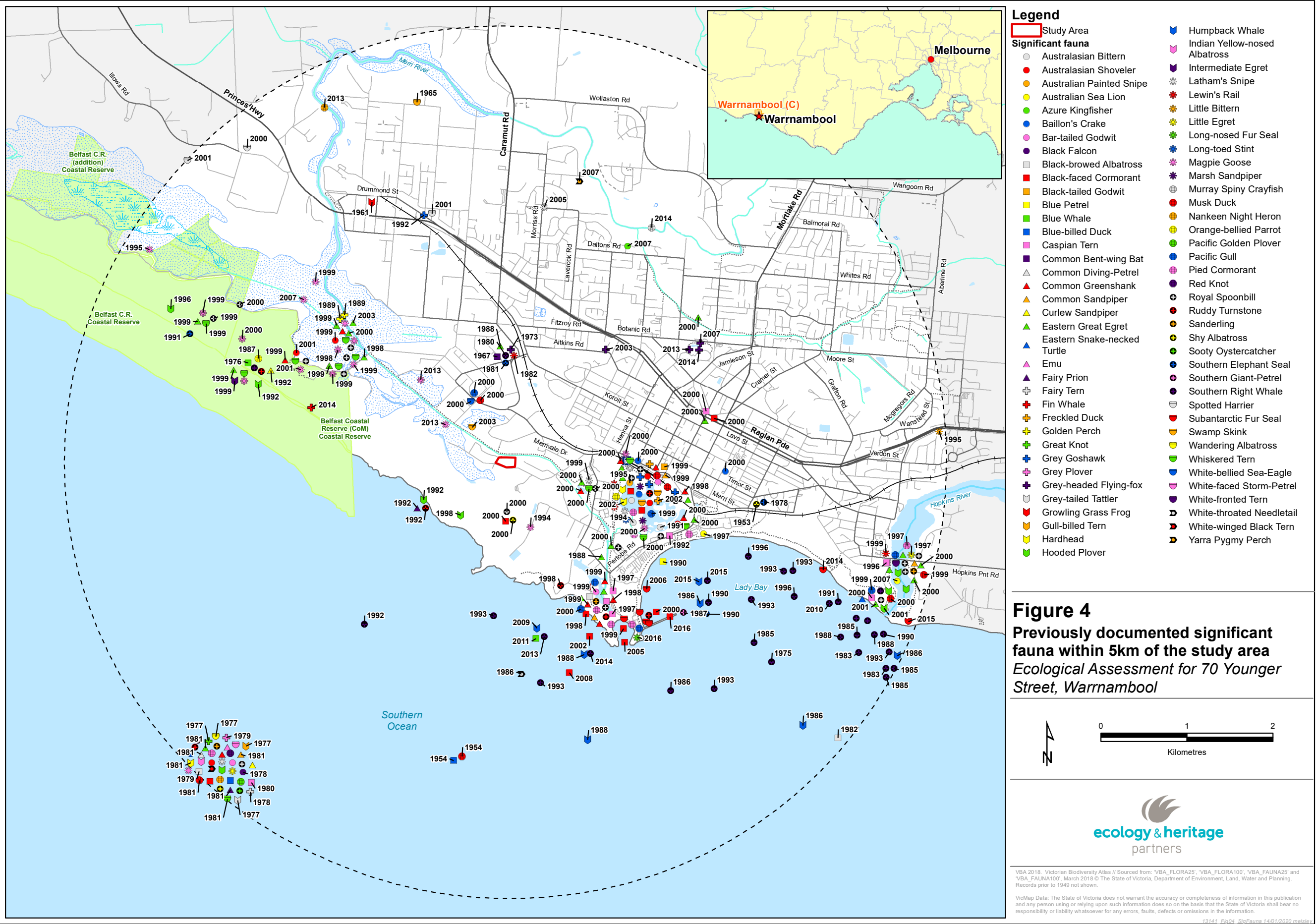
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FIGURES









APPENDIX 1 - FLORA

Legend:

- * Listed as a noxious weed under the CaLP Act;
- # Planted Victorian and non-Victorian species;
- ** Planted indigenous species in the study area.

Table A1.1. Flora recorded within the study area

Scientific Name	Common Name	Notes
INDIGENOUS SPECIES		
<i>Allocasuarina verticillata</i>	Drooping Sheoak	**
<i>Leptospermum laevigatum</i>	Coastal Tea-tree	**
<i>Melaleuca</i> spp.	Honey-myrtle	**
<i>Mimulus repens</i>	Creeping Monkey-flower	-
<i>Rhagodia</i> spp.	Saltbush	-
<i>Rytidosperma</i> spp.	Wallaby-grass	-
<i>Sarcocornia quinqueflora</i>	Beaded Glasswort	-
<i>Schoenoplectus pungens</i>	Sharp Club-sedge	-
<i>Tetragonia implexicoma</i>	Bower Spinach	-
NON-INDIGENOUS OR INTRODUCED SPECIES		
<i>Acacia longifolia</i>	Coast Wattle	#
<i>Agapanthus</i> spp.	Agapanthus	-
<i>Atriplex</i> spp.	Saltbush	-
<i>Avena fatua</i>	Wild Oat	-
<i>Brassica</i> spp.	Turnip	-
<i>Bromus</i> spp.	Brome	-
<i>Carduus tenuiflorus</i>	Winged Slender-thistle	*
<i>Cynodon dactylon</i>	Couch	-
<i>Dactylis glomerata</i>	Cocksfoot	-
<i>Ehrharta longifolia</i>	Annual Veldt-grass	-
<i>Eucalyptus</i> spp.	Eucalypt	#
<i>Hakea</i> spp.	Hakea	#
<i>Hypochaeris radicata</i>	Flatweed	-
<i>Lagurus ovatus</i>	Hare's-tail Grass	-
<i>Lysimachia arvensis</i>	Pimpernel	-



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Scientific Name	Common Name	Notes
<i>Medicago rugosa</i>	Medic	-
<i>Phalaris aquatica</i>	Toowoomba Canary-grass	-
<i>Plantago lanceolata</i>	Ribwort	-
<i>Sonchus oleraceus</i>	Common Sow-thistle	-
<i>Westringia</i> spp.	Westringia	#



APPENDIX 2 – HABITAT HECTARE ASSESSMENT

Table A2.1. Habitat Hectare Table

Vegetation Zone		EW ₁
Bioregion		WarP
EVC / Tree		EW
EVC Number		10
EVC Conservation Status		D
Patch Condition	Large Old Trees /10	n/a
	Canopy Cover /5	n/a
	Under storey /25	15
	Lack of Weeds /15	11
	Recruitment /10	3
	Organic Matter /5	0
	Logs /5	n/a
	Treeless EVC Multiplier	1.36
	Subtotal =	39.44
Landscape Value /25		6
Habitat Points /100		45
Habitat Score		0.45

Note. DHSrW= Damp Herb-rich Woodland; EW = Estuarine Wetland; En = Endangered; D = Depleted; WarP = Warrnambool Plain.



29th of March, 2021 (Revision D)

Steve Myer
Myers Planning Group
182B Lava Street (PO Box 207)
Warrnambool, VIC 3280

RE: O'Brien Street - Level for Level Cut & Fill Plan

Dear Steve,

Please find attached the proposed plans for the level for level cut & fill layout and the new 1% AEP (Annual Exceedance Probability) contour plan.

The proposed Level for Level Cut & Fill Layout plan shows in detail the locations of the cut and fill areas. The table below provides the area of cut and fill for each 100mm increment below the 1% AEP contour (2.4m AHD).

Contour	Cut Area Calculated (m ²)	Fill Area Calculated (m ²)
1.6m	12.4 m ²	12.1 m ²
1.7m	49.2 m ²	48.8 m ²
1.8m	113.9 m ²	113.9 m ²
1.9m	241.4 m ²	241.4 m ²
2.0m	425.8 m ²	425.7 m ²
2.1m	602.7 m ²	602.7 m ²
2.2m	797.8 m ²	788.6 m ²
2.3m	962.8 m ²	962.6 m ²
2.4m	1138.4 m ²	1135.7 m ²

The above table shows the cut areas are slightly larger than the fill areas. Slightly more cut is the preferred option of the Glenelg Hopkins Catchment Management Authority (GHCMA) who will be Catchment Management Authority (CMA) who will be overseeing this project in the future. A similar table is also provided on the layout plan which has hatching and colour references.

The 1% AEP contour plan shows clearly the new proposed 1% AEP contour line in a Cyan colour. The contour heights are labelled on the right side of the page along the boundary line. Any properties to the south and west of the cyan coloured line will be above the 1% AEP storm event. The red dashed line shows the existing location of the 1% AEP contour line.

This report was updated to remove the berm previously required.

If you have any further questions or need any clarification of the plans please don't hesitate to contact me.

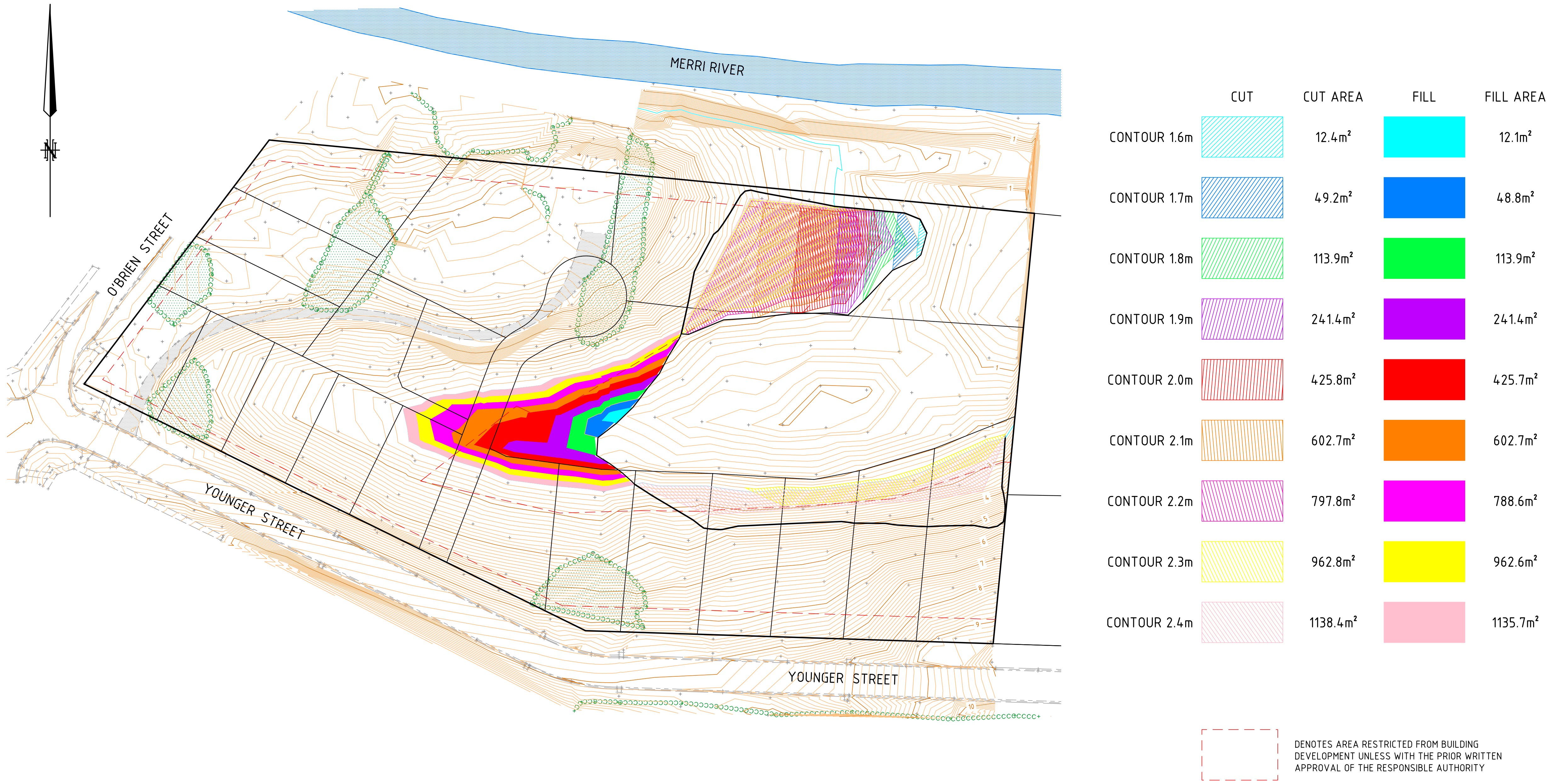
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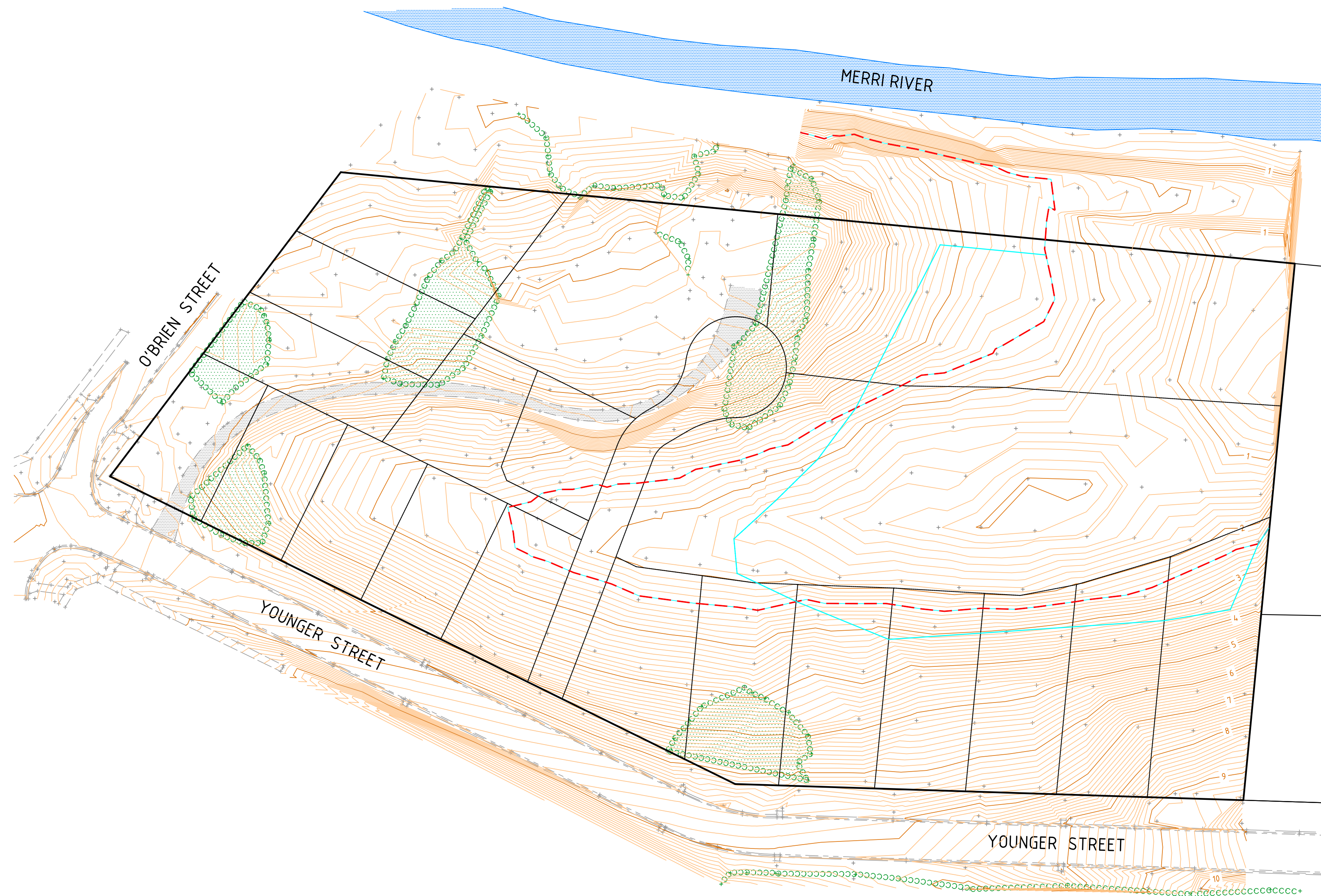
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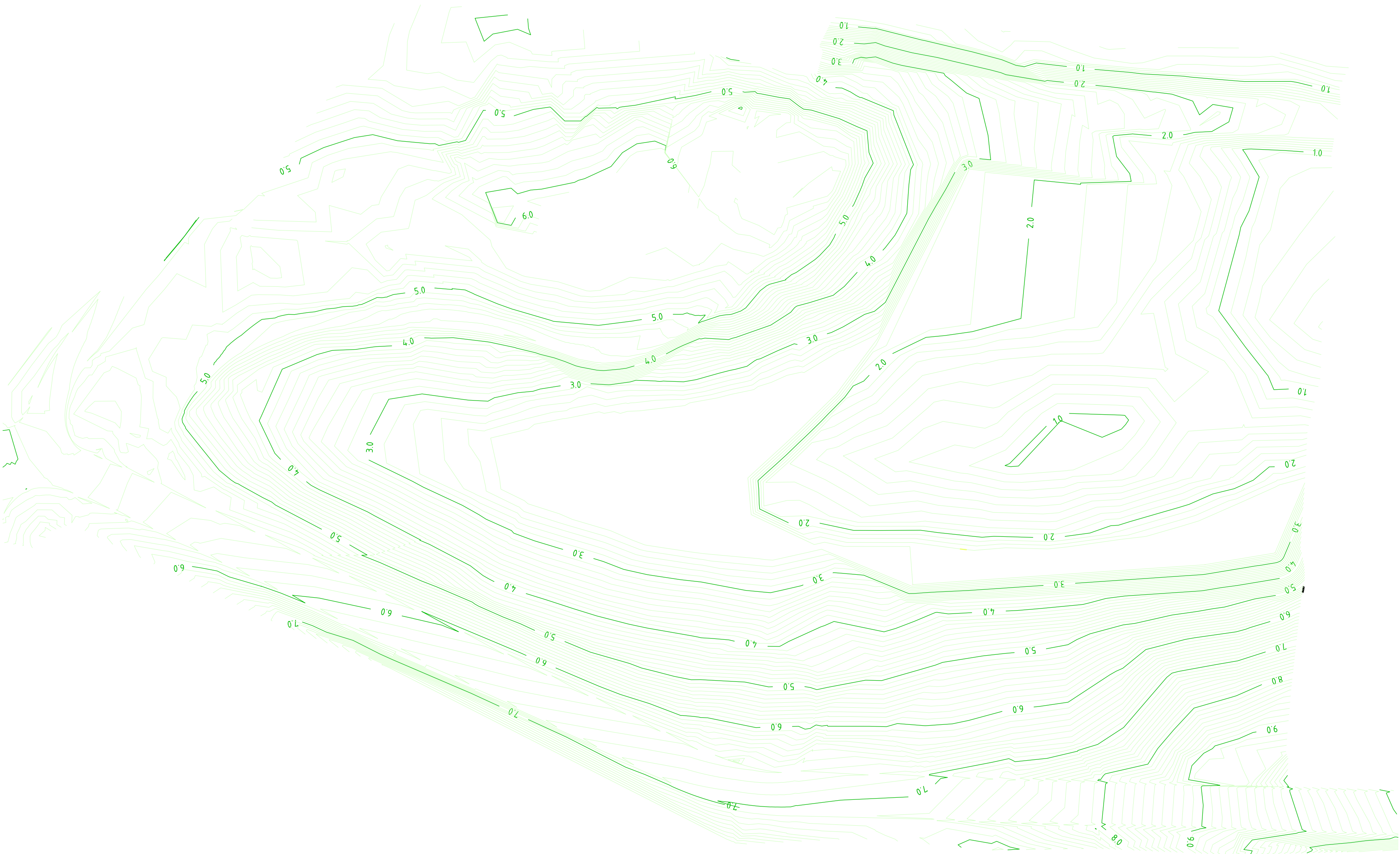
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			DESIGN	B. MEADE	SEP 19		PROPOSED SUBDIVISION O'BRIEN STREET/YOUNGER STREET WARRNAMBOOL LEVEL FOR LEVEL CUT & FILL LAYOUT					
D	GHCMA AMENDMENTS	MAR 21	DRAWN	B. MEADE	SEP 19							
C	DEWLP AMENDMENTS	OCT 20	CHECKED	S. TITMUS	SEP 19							
B	POS AMENDMENTS	AUG 20	APPROVED									
A	PLANNING PERMIT APPLICATION	APR 20				184 FAIRY STREET WARRNAMBOOL VIC 3280 E: INFO@SITECVIC.COM.AU P: (03) 5561 3939		SIZE A1	SCALE 1: 500	PROJECT No. 18-0575	SHEET No. 1 OF 3	REV D
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PROPOSED 1% AEP CONTOUR LINE

— — — — — EXISTING 1% AEP CONTOUR LINE

				NAME	DATE		PROJECT				PLANNING PERMIT NUMBER -			
D	GHCMA AMENDMENTS	MAR 21	DRAWN	B.MEADE	SEP 19		PROPOSED SUBDIVISION O'BRIEN STREET/YOUNGER STREET WARRNAMBOOL 1% AEP CONTOUR PLAN							
C	DEWLP AMENDMENTS	OCT 20	CHECKED	S.TITMUS	SEP 19									
B	Pos AMENDMENTS	AUG 20	APPROVED											
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C	DEWLP AMENDMENTS	OCT 20	CHECKED	S. TITMUS	SEP 19		WARRNAMBOOL					
B	POS AMENDMENTS	AUG 20	APPROVED				LEVEL FOR LEVEL CUT & FILL LAYOUT					
	A	PLANNING PERMIT APPLICATION	APR 20				FINISHED CONTOURS					
REVISION	DESCRIPTION	DATE	CAD FILE	18-0575 - LFL C&F - REV C			SIZE		SCALE	PROJECT No.	SHEET No.	REV
							A1	1: 500	18-0575	3 OF 3	D	



70 Younger Street Warrnambool Flood Impact Assessment

Final Report

Prepared For

Myers Planning Group

November 2020



Utilis Pty Ltd

ABN: 48324943836

42 Brown Street HAMILTON VIC 3300

Project Details	70 Younger St Warrnambool - FIA
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Job Number	03_70, CSS: J000366

Document				
Version	Type	Review	Release	Date
1	Final	Client	Submission	4/02/2020
2	Final – updated cut and fill	Client	Submission	26/11/2020

Note: Between the February and November revisions of this report, Utilis Pty Ltd has ceased to trade. All queries should be directed to Catchment Simulation Solutions Pty Ltd who are the co-authors of the report via email: Tim.Morrison@csse.com.au or ph. 0421 775 175

Disclaimer

The sole purpose of this report and the associated services performed by Utilis Pty Ltd and Catchment Simulation Solutions is to provide the information required in accordance with the scope of services set out in the contract between Utilis Pty Ltd and the Client. That scope of services was defined by the requests of the Client and set out in the proposal. No warranty is made as to the accuracy of any information provided in this report, which may change without notice. Utilis Pty Ltd (and its partner Catchment Simulation Solutions Pty Ltd) disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any person through relying on anything contained in or omitted from this report. This report has been prepared for the sole use of Myers Planning Group Pty Ltd and no responsibility is accepted by Utilis Pty Ltd with regard to any third party use of the whole or of any part of its contents. This information is subject to change as new information becomes available and as further investigations are carried out.



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1 Introduction

The subject site for this assessment is Younger Street, South Warrnambool (refer Figure 1).



Figure 1. Younger Street South Warrnambool subject site

Land within the development area is subject to flooding from the Merri River. The development has included land formation and manipulation (cut and fill) to minimise the risk of flooding to the development.

To receive a Statement of Compliance for the development, conditions pertaining to the impact of the development on flooding must be met. In particular, whether the development has exacerbated flooding at or beyond the subject site. Utilis has been engaged to undertake flood modelling to test this condition.

1.1 Available Information

The following information was sourced for the assessment:

- 2007 South Warrnambool Flood Study (Water Technology) report and flood model files including a 10m topographical grid, provided by Glenelg Hopkins CMA.
- Existing surface TIN (EXISTING DTM) provided by SITEC.
- Finished development TIN (L4L DESIGN REV B) provided by SITEC.
- Cut and Fill Calculations provided by SITEC, updated cut and fill provide 18/11/2020 (18-0575 – C&F 3d.dwg).

The flood model files, updated with the existing DTM, provide for a 'base case' or pre-construction scenario. Embedding the finished contours into the flood model enables a comparison of the base and design 'developed case' to be completed.



2 Assessment

To satisfy the permit conditions, the CMA has requested of SITEC that flood modelling be completed to confirm that the development does not result in an increased flood impact across or beyond the site.

Using the available MIKE FLOOD model from the South Warrnambool Flood Study, Utilis and its partner Catchment Simulation Solutions Pty Ltd were able to test and compare both the base and developed case using the design surface for the development.

2.1 Model Assumptions

The following modifications were made to the flood model:

- Updated to the 2016 version of the software
- Reduced the timestep to 0.5 seconds
- Changed the solution scheme from the “fully dynamic” to “higher order fully dynamic” (this option was not available in the version that was used to create the model, it is a required change to stabilise the model)

These minor changes when applied have no impact on the model in terms of causing changes to previously modelled design floods. The updated model was compared with the old model to demonstrate this and the same flood levels were achieved across the study area.

Note that all model files can be provided upon request by Tim Morrison (Catchment Simulation Solutions). Tim.Morrison@csse.com.au, 0421 775 175.

3 Results

3.1 Base Case

The 1% AEP flood model was run to establish the base case for the subject site. Figure 2 and Figure 3 below describes the pre-development flood depth and velocities from the flood model provided respectively. It is noted that the grid size of 10m accounts for the ‘pixel’ representation of the flooding across the site.

The flooding within the site is via backwatering up a gully from the Merri River. Therefore the flow has minimal velocity and the flooding surface is effectively flat, therefore depths are essentially driven by the topography.

3.2 Developed Case

The design surface profile was inserted into the flood model and re-run.

The developed case includes a cut and fill profile across the site to raise lower areas on a ‘level for level’ basis. The cut and fill calculations, as shown in Table 1 below are effectively balanced across the full topographic profile.

The flood depths and velocities for this scenario are shown in Figure 4 and Figure 5 respectively.



Table 1 Cut and Fill Calculations from SITEC Pty Ltd (updated 18/11/2020)

Contour	Cut Area Calculated (m ²)	Fill Area Calculated (m ²)
1.0m	3.7 m ²	3.5 m ²
1.1m	22.0 m ²	21.3 m ²
1.2m	34.5 m ²	34.3 m ²
1.3m	41.0 m ²	40.8 m ²
1.4m	41.3 m ²	41.0 m ²
1.5m	39.3 m ²	39.2 m ²
1.6m	43.6 m ²	44.0 m ²
1.7m	64.8 m ²	64.9 m ²
1.8m	113.9 m ²	113.9 m ²
1.9m	241.4 m ²	241.4 m ²
2.0m	425.8 m ²	425.7 m ²
2.1m	602.7 m ²	602.7 m ²
2.2m	797.9 m ²	788.6 m ²
2.3m	962.8 m ²	962.6 m ²
2.4m	1138.4 m ²	1135.7 m ²



3.3 Comparison

The development has very minimal impact on flood behaviour external to the site, with Figure 6 showing that there are no areas of afflux either externally or internally to the site. This result supports standard hydraulic theory whereby a site within a backwatering location rather than active flowpath, is impacted through reduced flood storage. Given that the cut and fill is balanced across the full topographic profile, it is reasonable to expect no impact.

With respect to access and egress during flooding, the proposed sub-division layout shows the potential development lots bordering the south and west of the site along Younger St and O'Brien St. The modelling shows that the flood extent does not encroach on either of these streets and therefore access is maintained to the south-east via Younger St. The modelling also shows the access point to the existing dwelling may be subject to a depth less than 150mm which is within acceptable hazard limits.

3.4 Conclusions

The design finished surface levels have been modelled using the current 1% AEP flood model applicable to the area (supplied by Glenelg Hopkins CMA). For the purposes of achieving a Statement of Compliance, the modelling demonstrates that the development does not create an increase in flood impact across or beyond the site. The assessment finds that:

- The design development does not create changes in water surface elevations across the site.
- Localised changes in flood depth occur in small areas as a result of design changes to topography (including cut and fill)

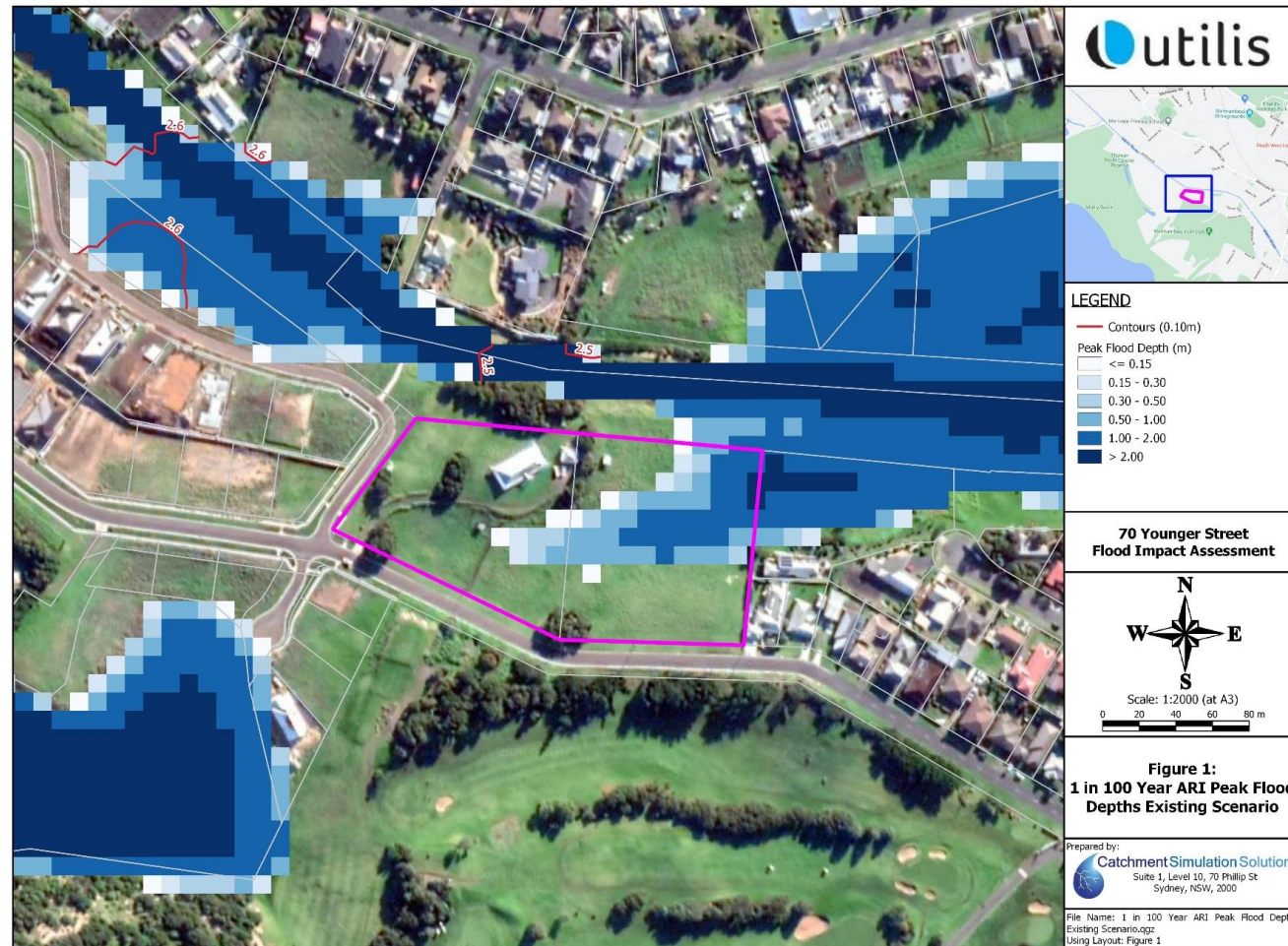


Figure 2. 1%AEP Base Case flood extent showing depth of flooding across the subject site.

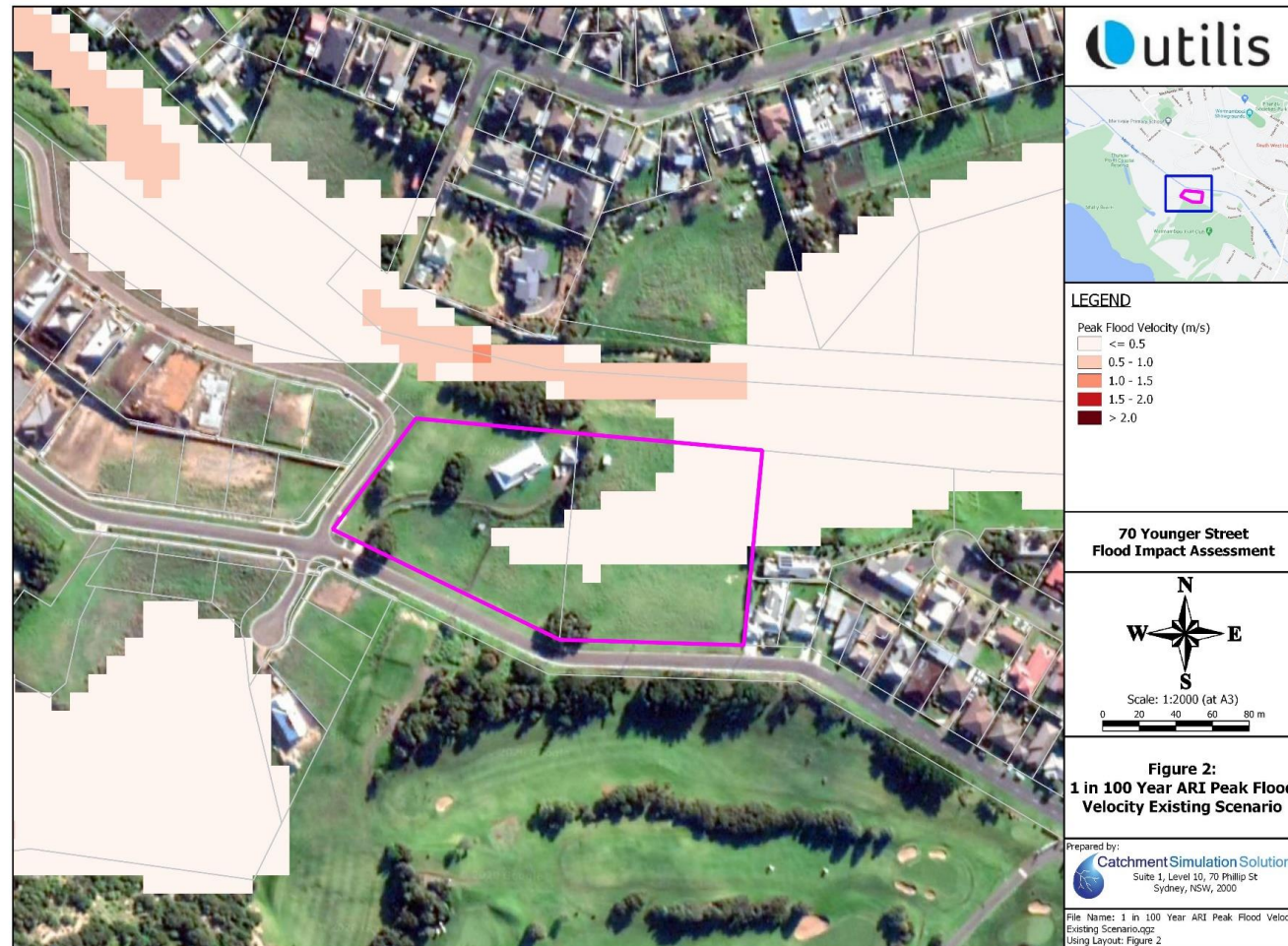


Figure 3. 1% AEP Base Case flood velocities across the subject site

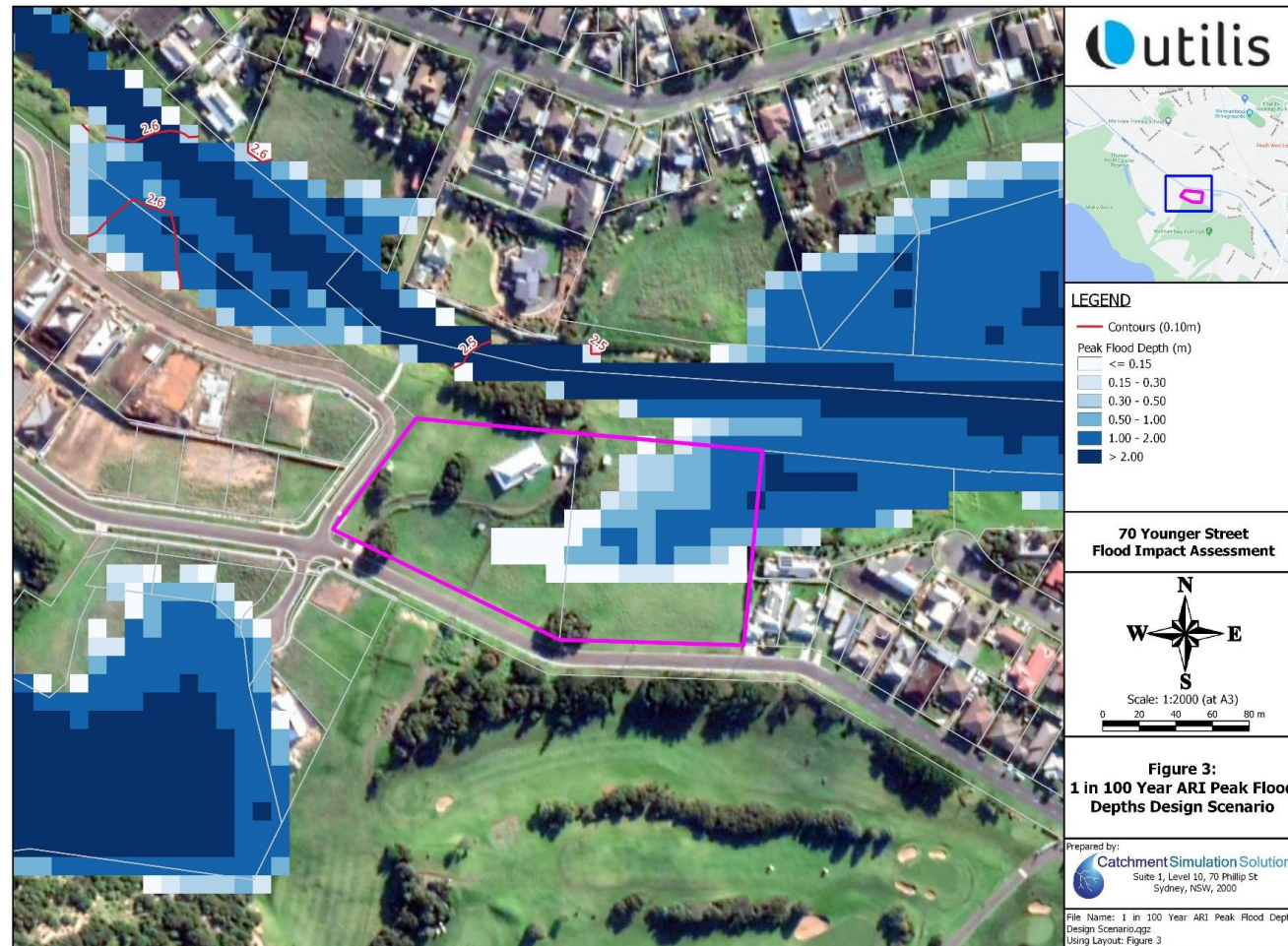


Figure 4. 1% AEP Developed Case flood depths and water levels across the subject site

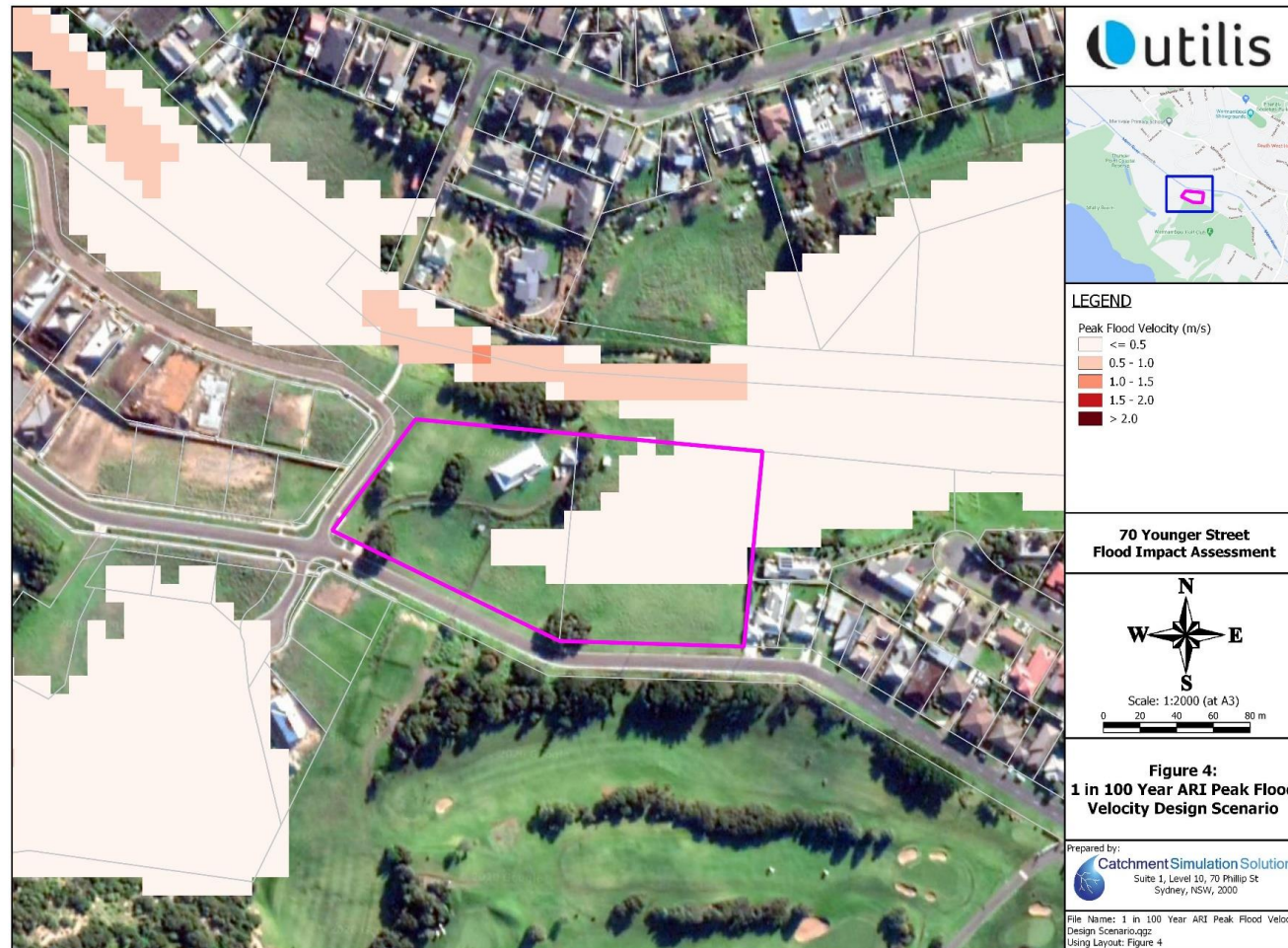


Figure 5. 1% AEP Developed Case flood velocities across the subject site

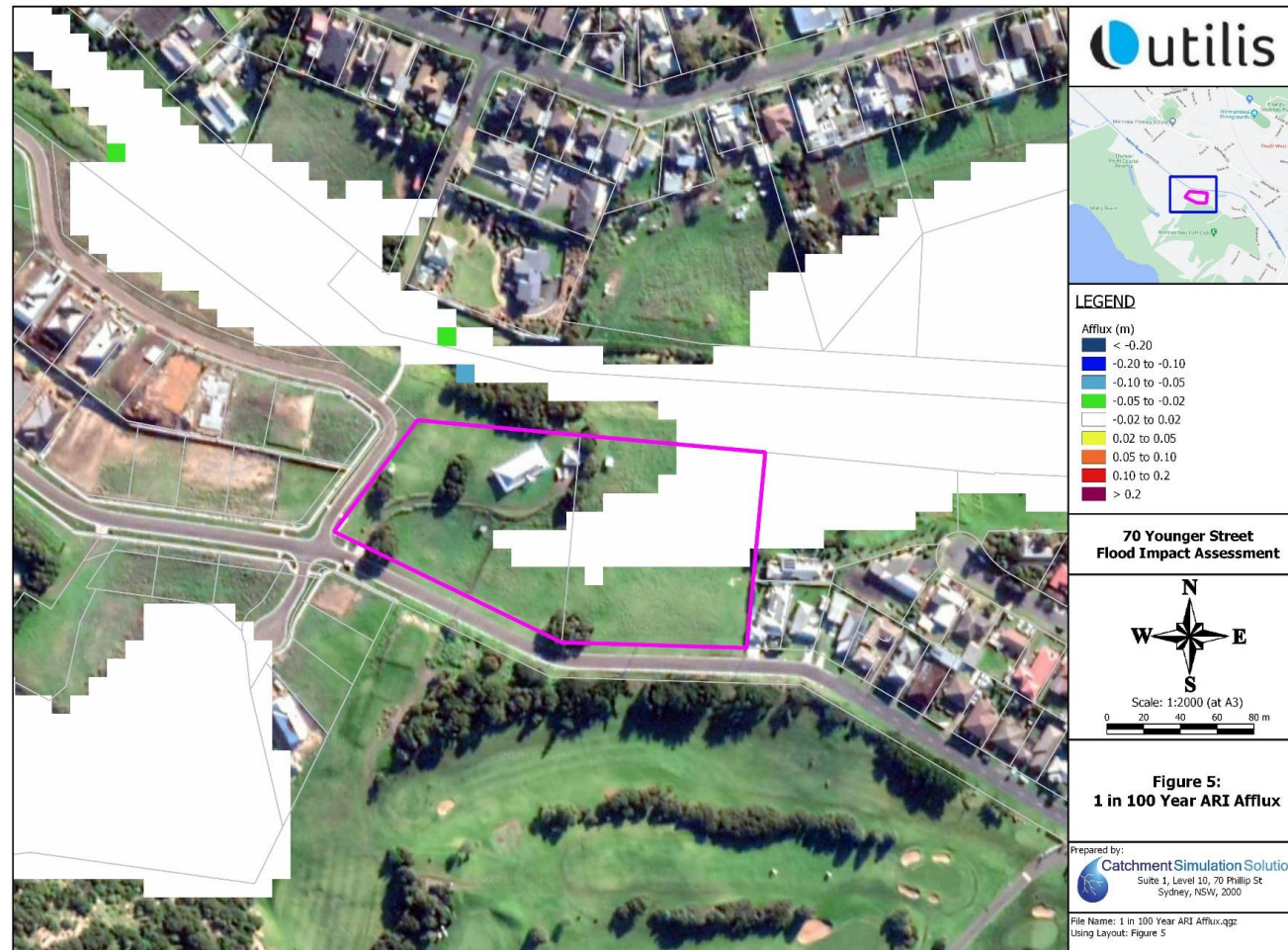


Figure 6. Development Afflux for the 1% AEP event



4 References

Australian Emergency Management Institute (Editor) (2015) National Emergency Risk Assessment Guidelines. Edited and published by the Australian Emergency Management Institute, part of the Australian Government Attorney-General's Department. Second Edition.

Engineers Australia (1987). Australian Rainfall and Runoff - A Guide to Flood Estimation. Edited by D. Pilgrim.

Water Technology, 2007, *South Warrnambool Flood Study (January 2007)*, Prepared for Glenelg Hopkins CMA and Warrnambool City Council



**20 LOT SUBDIVISION
68 – 70 YOUNGER STREET
WARRNAMBOOL
ENGINEERING SERVICES REPORT**



Author: Ben Meade
M.Eng Tech (Civil), B.Eng Sc (Civil), MIEAust

Project Number: 18-0575

Date: 28th of April, 2020

Client: Ian Bolden

Revision	Description	Date

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1. INTRODUCTION

This report provides engineering infrastructure servicing advice for the proposed 20 lot development at 68-70 Younger Street in Warrnambool.

Shown in the locality map below (*Figure 1*), the proposed development is situated on Younger Street. The Northern boundary abuts a Public Conservation and Resource Zoned property where the Merri River is situated, the Eastern boundary abuts two (2) General Residential zoned properties, the Southern boundary abuts Younger Street and beyond that one (1) General Residential zoned property and one (1) Public Park and Recreation Zoned property (Warrnambool Gold Course), the Western boundary abuts O'Brien Street and beyond that two (2) General Residential Zoned properties.

Figure 1 provides a locality plan indicating the entire site.

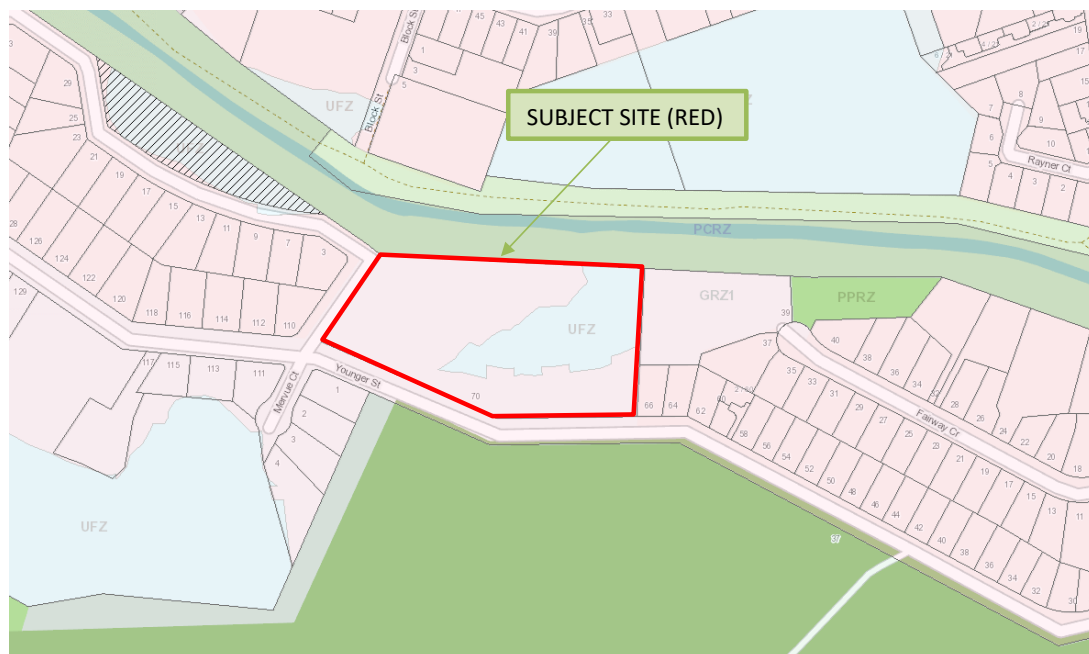


FIGURE 1: LOCALITY PLAN

2. ROADWORKS

The development site has two boundaries that front the road reserves of Younger Street and O'Brien Street respectively. Warrnambool City Council is the responsible authority for Younger Street and O'Brien Street. These roads will provide access to Lots 1 & 5-18. It is proposed to create a common property road to access lots 2-4, 19 & 20.

Photo 1 below shows Younger Street fronting the subject site.

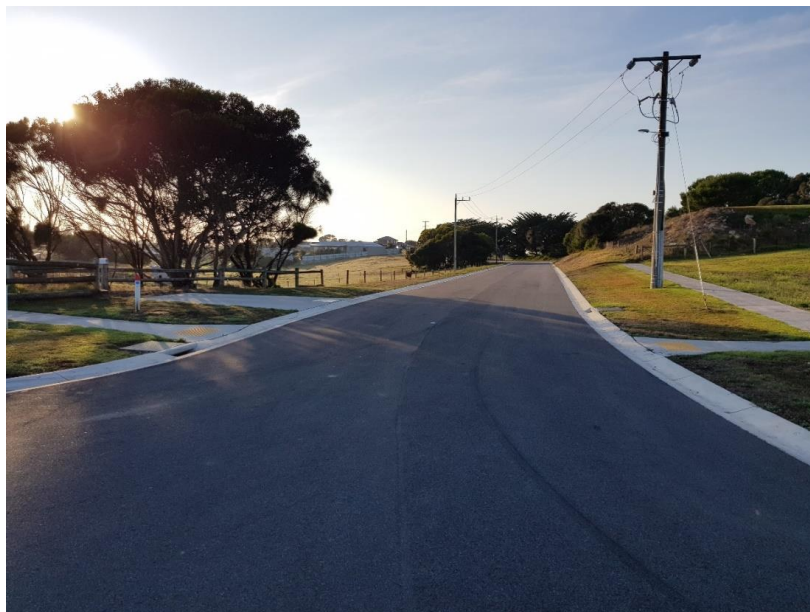
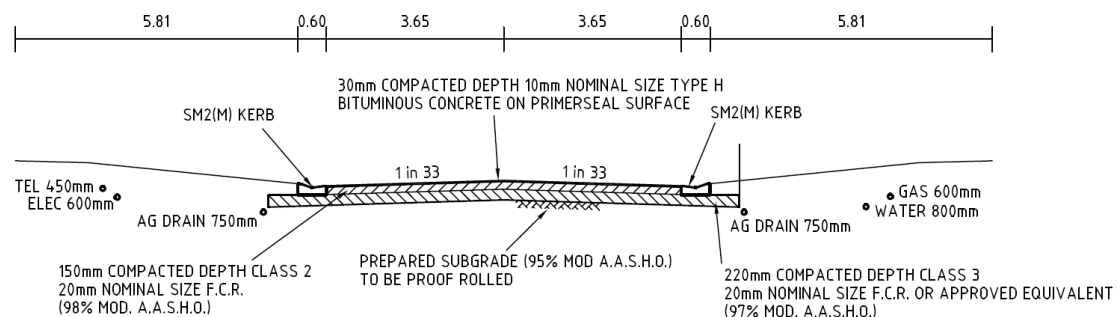


PHOTO 1: YOUNGER STREET (VIEWED EAST)

Younger Street is located in an approx. 20.1m road reserve. The road pavement is approx. 7.3m wide from lip of kerb to lip of kerb, the kerb type is SM2(M) (0.6m wide). There is an approximate 5.8m verge on both the north and south sides of Younger Street. See Figure 2 below the design typical cross section for Younger Street in front of the development area.



YOUNGER STREET - 20.12m ROAD RESERVE

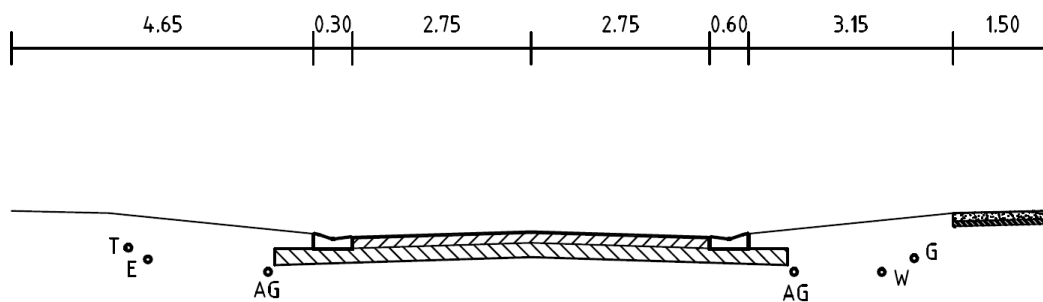
FIGURE 2: TYPICAL YOUNGER STREET CROSS SECTION

Photo 2 below shows O'Brien Street fronting the subject site.



PHOTO 2: O'BRIEN STREET (VIEWED NORTH)

O'Brien Street is located in an approx. 16m road reserve. The road pavement is approx. 5.5m wide from lip of kerb to lip of kerb, the kerb type is SM2(M) (0.6m wide). There is an approximate 4.65m verge on East side of O'Brien Street and an approximate 3.15m verge and 1.5m footpath on the west side of O'Brien Street. See Figure 3 below the design typical cross section for O'Brien Street in front of the development area.



O'BRIEN STREET – 16.00m ROAD RESERVE

FIGURE 3: TYPICAL O'BRIEN STREET CROSS SECTION

Figure 4 below shows the proposed layout of the Common Property Road.

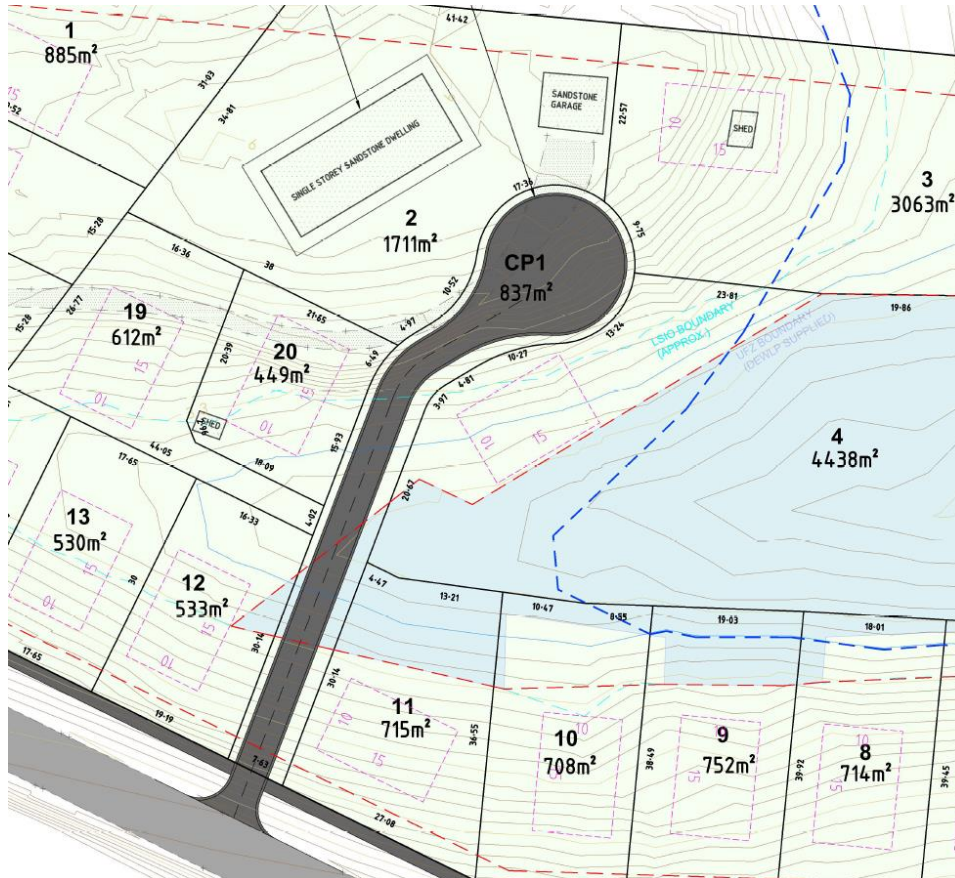


FIGURE 4: PROPOSED COMMON PROPERTY ROAD LAYOUT

Currently the proposed Common Property Road has a 7.6m Road Reserve. The road pavement will be 4.0m wide with a 0.3m edge strip on both sides. There is a 2m verge on the East side and a 1m verge on the West side. The Common Property Road will include a 9m radius courtbowl at the end to cater for the turning movements of the waste collection truck. The courtbowl will have a 1m verge around the outside.

3. DRAINAGE.

Warrnambool City Council is the responsible authority for stormwater discharge. A Stormwater Management Plan may be required as part of the Planning Permit conditions.

If required the stormwater management plan will detail how much stormwater can leave the site and at what flow rate. It will also provide computations on the amount of stormwater that needs to be detained on site. It is anticipated that the wetland that abuts the Merri River will be used as the treatment system and no further treatment will be required to achieve best practice Water Sensitive Urban Design guidelines.

The Feature & Level survey produced by Davies Simpson is appended to this report as **Appendix A** and the proposed layout plan also produced by Davies Simpson is appended to this report as **Appendix B**.



PHOTO 3: OVERVIEW OF THE SITE

4. SEWERAGE

Wannon Water is the responsible authority for the provision of sewerage facilities to the site. Currently there is one connection into the site from the recent Mervue Estate development, see figure 5 below.

It has been determined that a pump station will be necessary on site which will either discharge to the new connection made from the Mervue Estate development to the west or into a manhole to the east of the development. Further discussions with Wannon Water will be required during the detailed design phase.

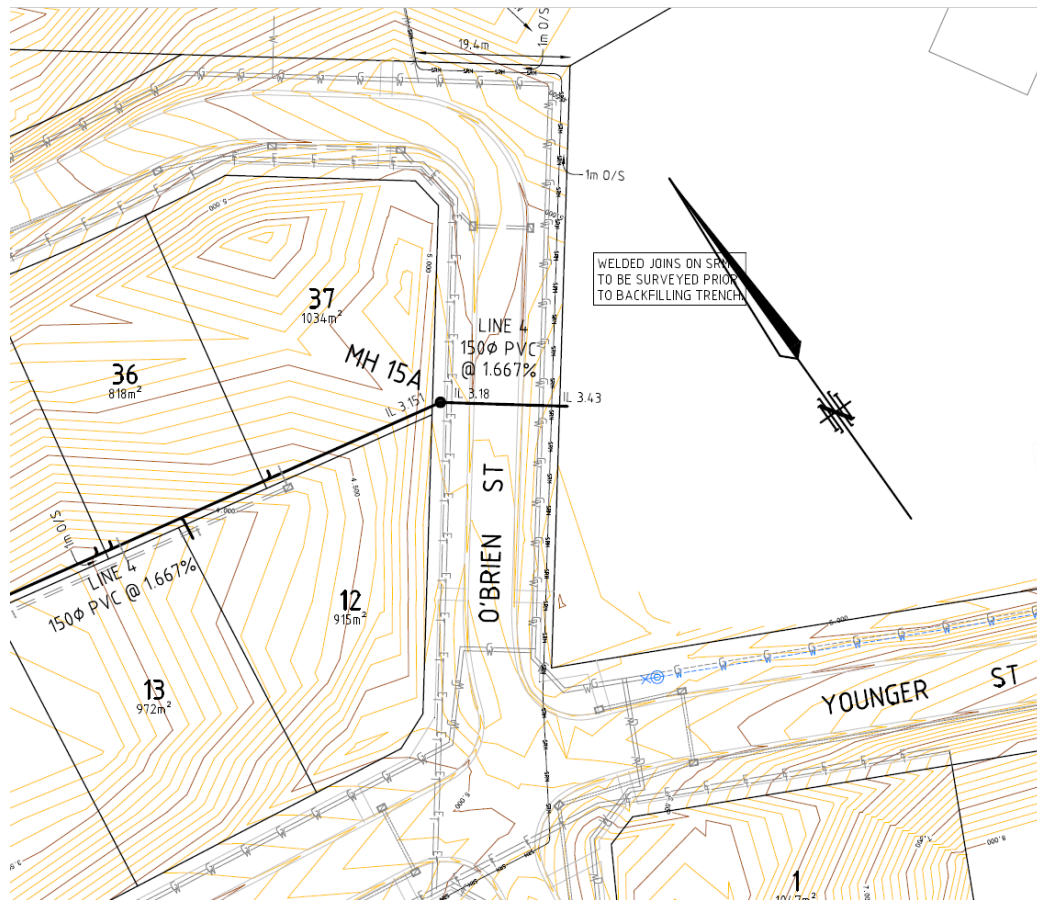


FIGURE 5: CONNECTION LOCATION FROM MERVUE ESTATE DEVELOPMENT

5. WATER SUPPLY

Wannon Water is the responsible authority for the provision of water supply facilities to the development.

As shown in *Figure 6* below there is water available along Younger Street via a 100mm diameter PVC main on the development side and along O'Brien Street via a 150mm diameter PVC main on the development side. The main would need to be extended into the property to serve the remaining lots not facing either Younger Street or O'Brien Street.

Prior to the design stage, an offer of conditions from Wannon Water will highlight all special conditions and specifications which must be met / achieved through the design and construction process. Application for an offer of conditions must follow planning approval for the development.

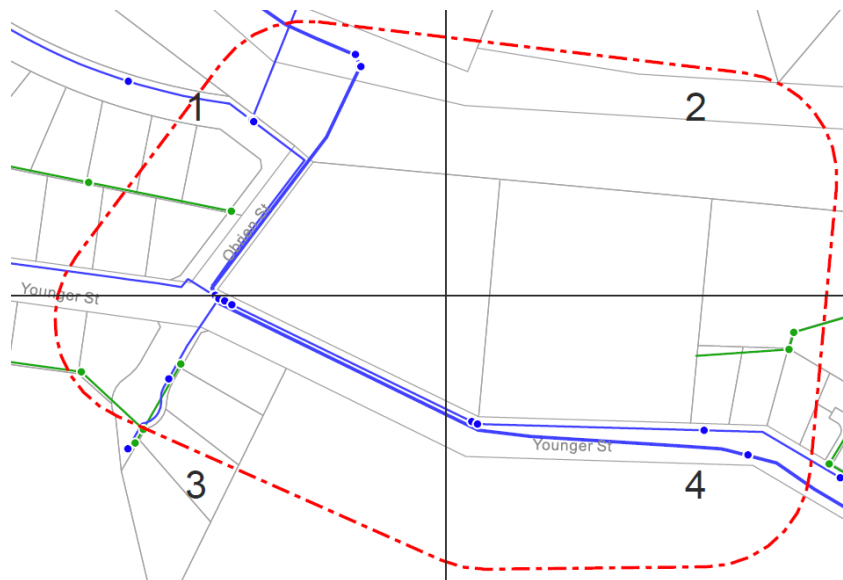


FIGURE 6: LOCATION OF WANNON WATER'S WATER ASSETS.

6. ELECTRICITY

Powercor is the responsible authority for the provision of electricity supply to service this development.

Electricity supply can be provided to the site from existing overhead power lines located in the Younger Street Road reserve (see *Photo 4* below). There is also electricity provided underground along the west side of O'Brien Street.

Supply would be subject to normal supply policy and a development agreement with Powercor.



PHOTO 4: HIGH VOLTAGE POWER POLES LOCATED IN YOUNGER STREET ROAD RESERVE

7. TELECOMMUNICATIONS

National Broadband Network Company (NBNCo) is the responsible authority for the provision and management of new telecommunication facilities to service the proposed development.

The NBN network has been rolled out in Warrnambool and is available along both Younger Street & O'Brien Street.

An existing underground Telstra & NBN cable network is located in Younger Street & O'Brien Street Road Reserve, see figure 7 showing the existing infrastructure.

Application must be made to NBNCo following the planning approval for this development.

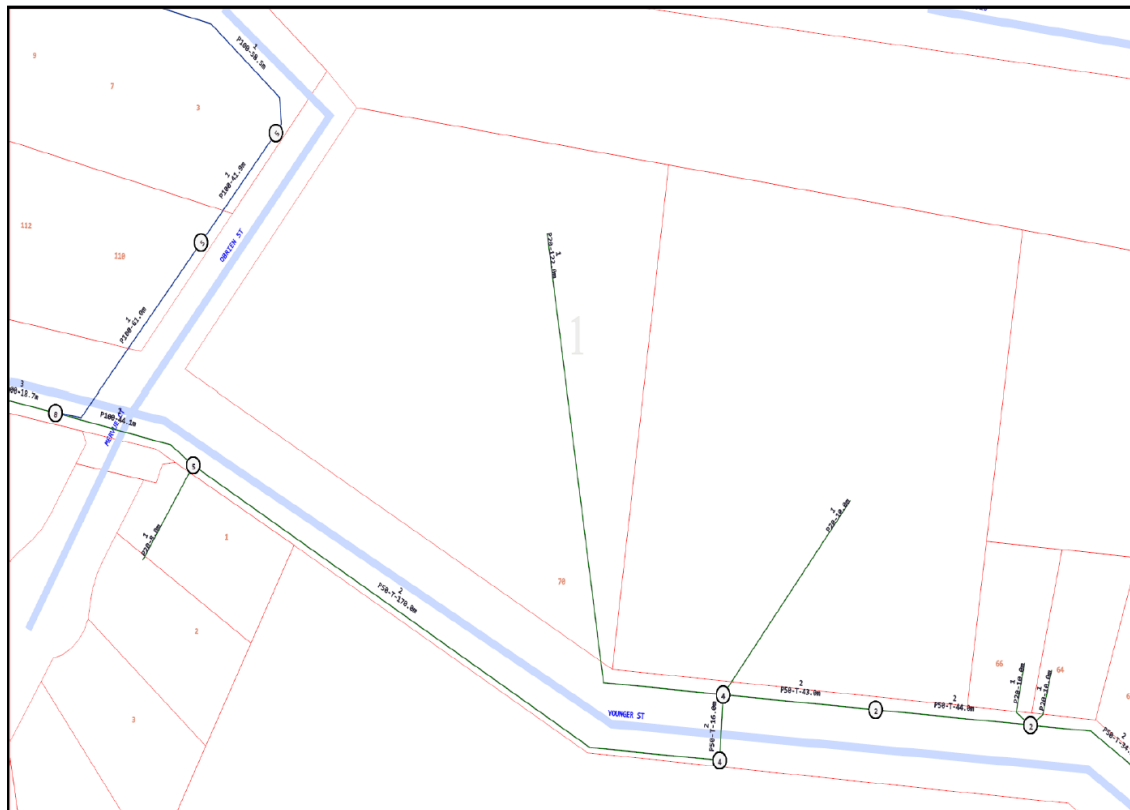


FIGURE 7: EXISTING NBN & TELSTRA INFRASTRUCTURE

8. GAS SUPPLY

AusNet Services are the principle provider of natural gas to the Warrnambool area.

AusNet Services have advised that there is a 50mm & 63mm diameter gas main located in Younger Street and a 63mm diameter gas main located in O'Brien Street, see figure 8 showing the existing infrastructure in the area.

Application must be made to AusNet Services for the provision of gas supply following the planning approval for this development

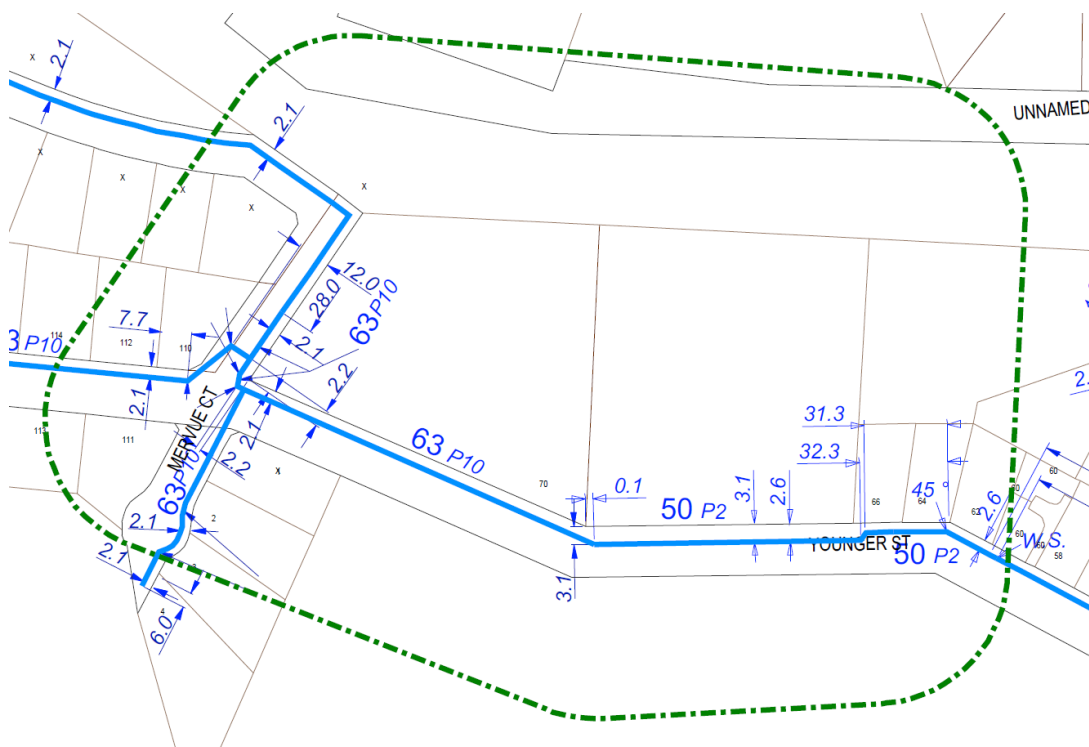


FIGURE 8: EXISTING GAS INFRASTRUCTURE

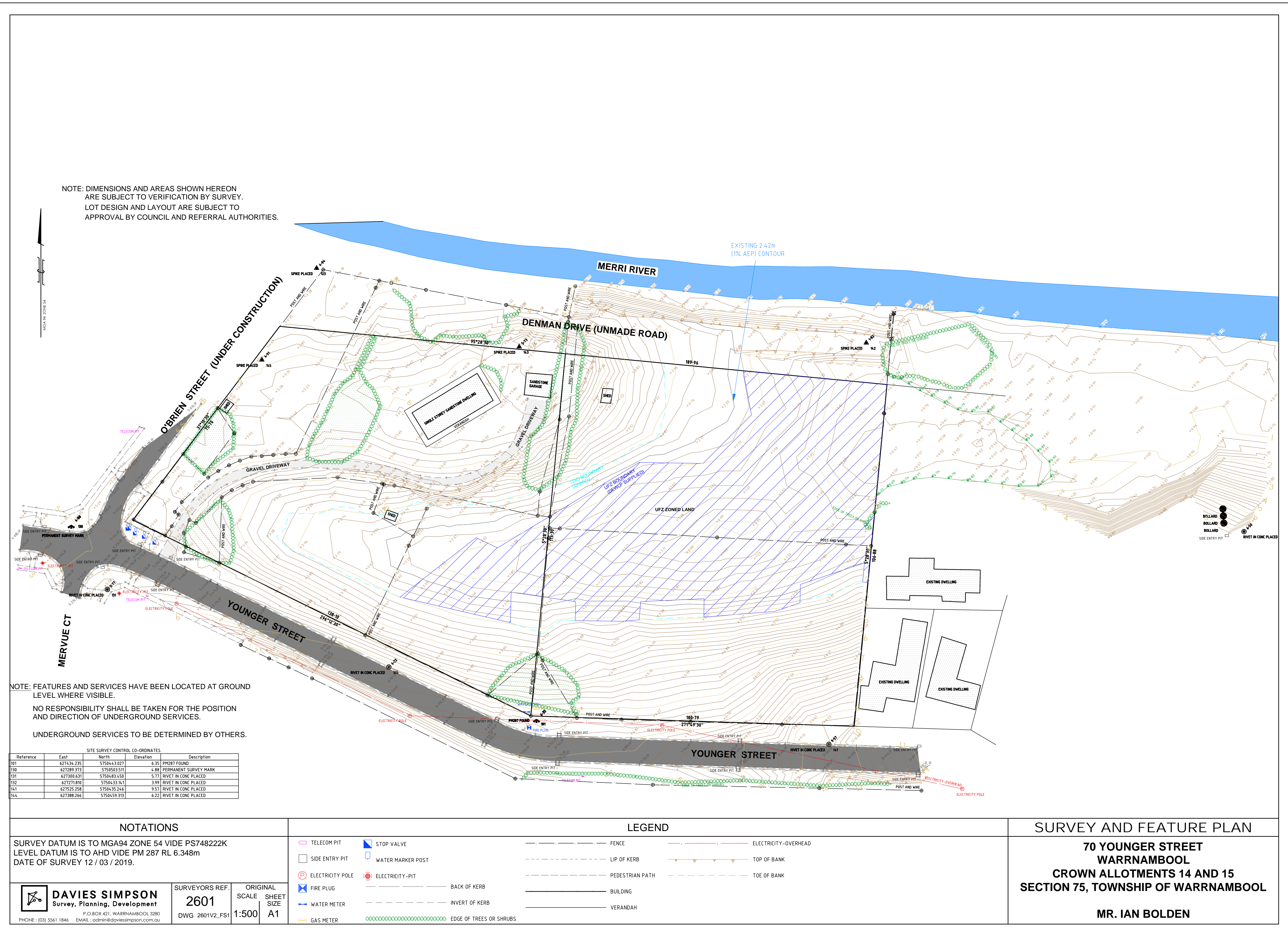
Ben Meade
M.Eng Tech (Civil), B.Eng Sc (Civil), MIEAust

28th of April 2020

REF: 18-0575 – ESR

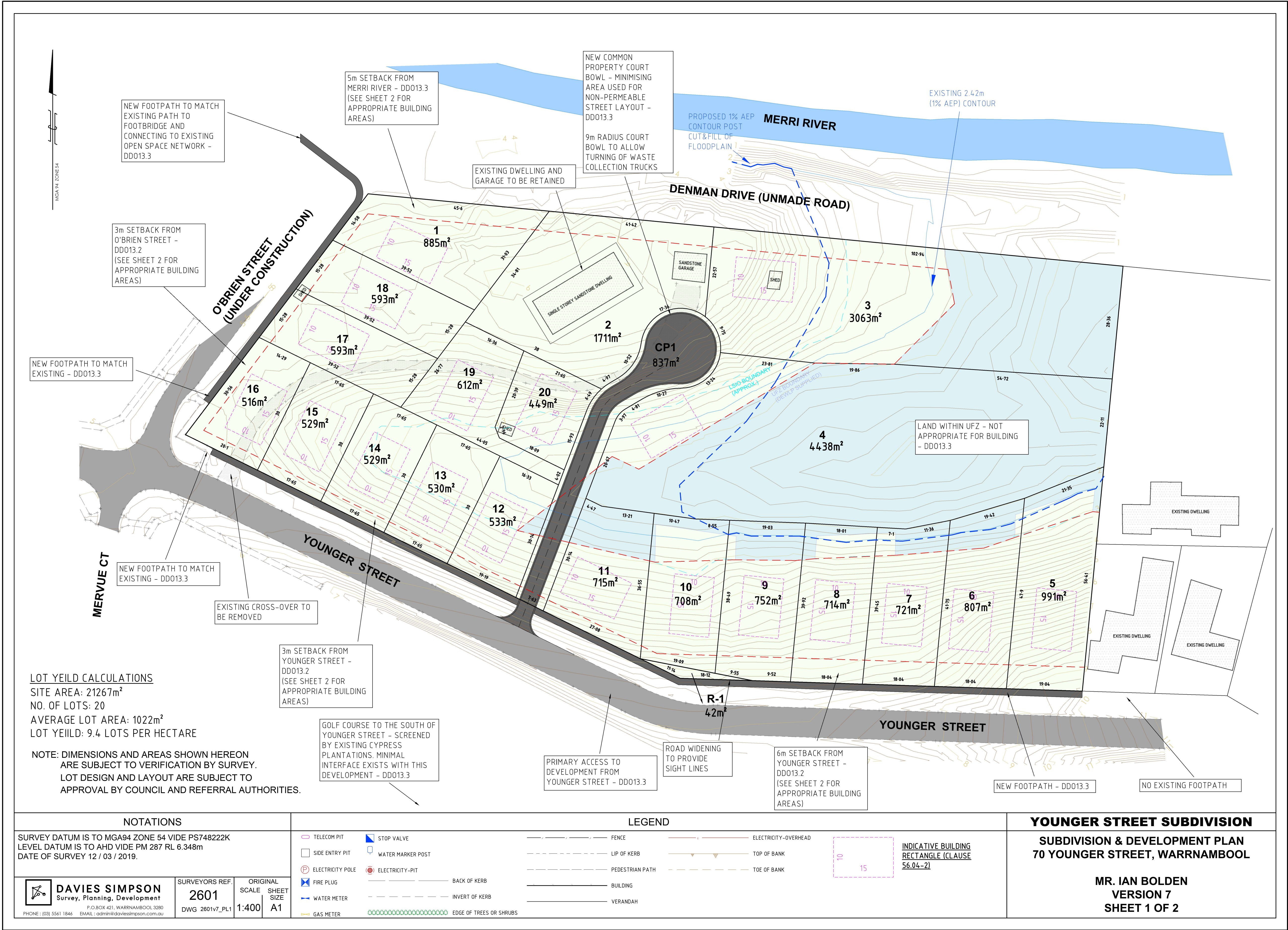
APPENDIX A

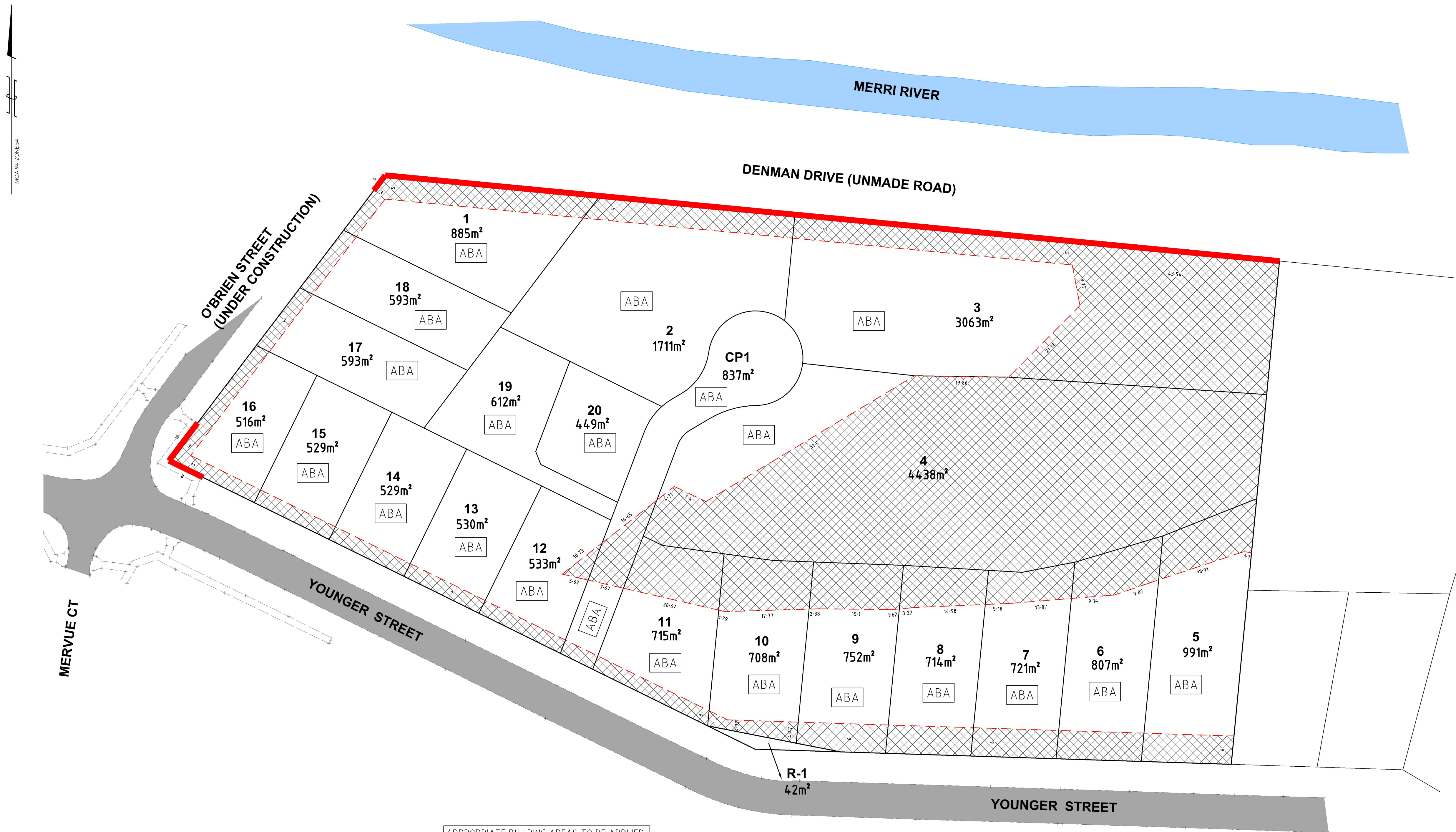
Feature & Level Survey



APPENDIX B





Proposed Layout Plan





NOTE: DIMENSIONS AND AREAS SHOWN HEREON
ARE SUBJECT TO VERIFICATION BY SURVEY.
LOT DESIGN AND LAYOUT ARE SUBJECT TO
APPROVAL BY COUNCIL AND REFERRAL AUTHORITIES.

APPROPRIATE BUILDING AREAS TO BE APPLIED
TO TITLES THROUGH S173 AGREEMENT.
DEDICATED PLAN(S) WILL BE DRAFTED TO
DEFINE APPROPRIATE BUILDING AREAS
GENERALLY IN ACCORDANCE WITH THIS PLAN.

NOTATIONS				LEGEND				YOUNGER STREET SUBDIVISION			
SURVEY DATUM IS TO MGA94 ZONE 54 VIDE PS748222K LEVEL DATUM IS TO AHD VIDE PM 287 RL 6.348m DATE OF SURVEY 12 / 03 / 2019.				<div><div></div><div>NOTES: AREA RESTRICTED FROM BUILDING DEVELOPMENT UNLESS WITH THE PRIOR WRITTEN APPROVAL OF THE RESPONSIBLE AUTHORITY</div></div> <div><div></div><div>NOTES: APPROPRIATE BUILDING AREA</div></div> <div><div></div><div>NOTES: AREA RESTRICTED FROM USE AS PRIMARY LOT ACCESS</div></div>				70 YOUNGER STREET, WARRNAMBOOL MR. IAN BOLDEN VERSION 7 SHEET 2 OF 2			
<div><div></div><div><div>DAVIES SIMPSON</div><div>Survey, Planning, Development</div><div><div>PHONE - (03) 5561 1846</div><div>FAX - (03) 5561 1847</div><div>EMAIL - enquiries@davies-simpson.com.au</div></div></div></div> <div><div>SURVEYORS REF.</div><div>2601</div><div>DWG 2601v7_PL1</div></div> <div><div>ORIGINAL SCALE</div><div>1:400</div></div> <div><div>SHEET SIZE</div><div>A1</div></div>											



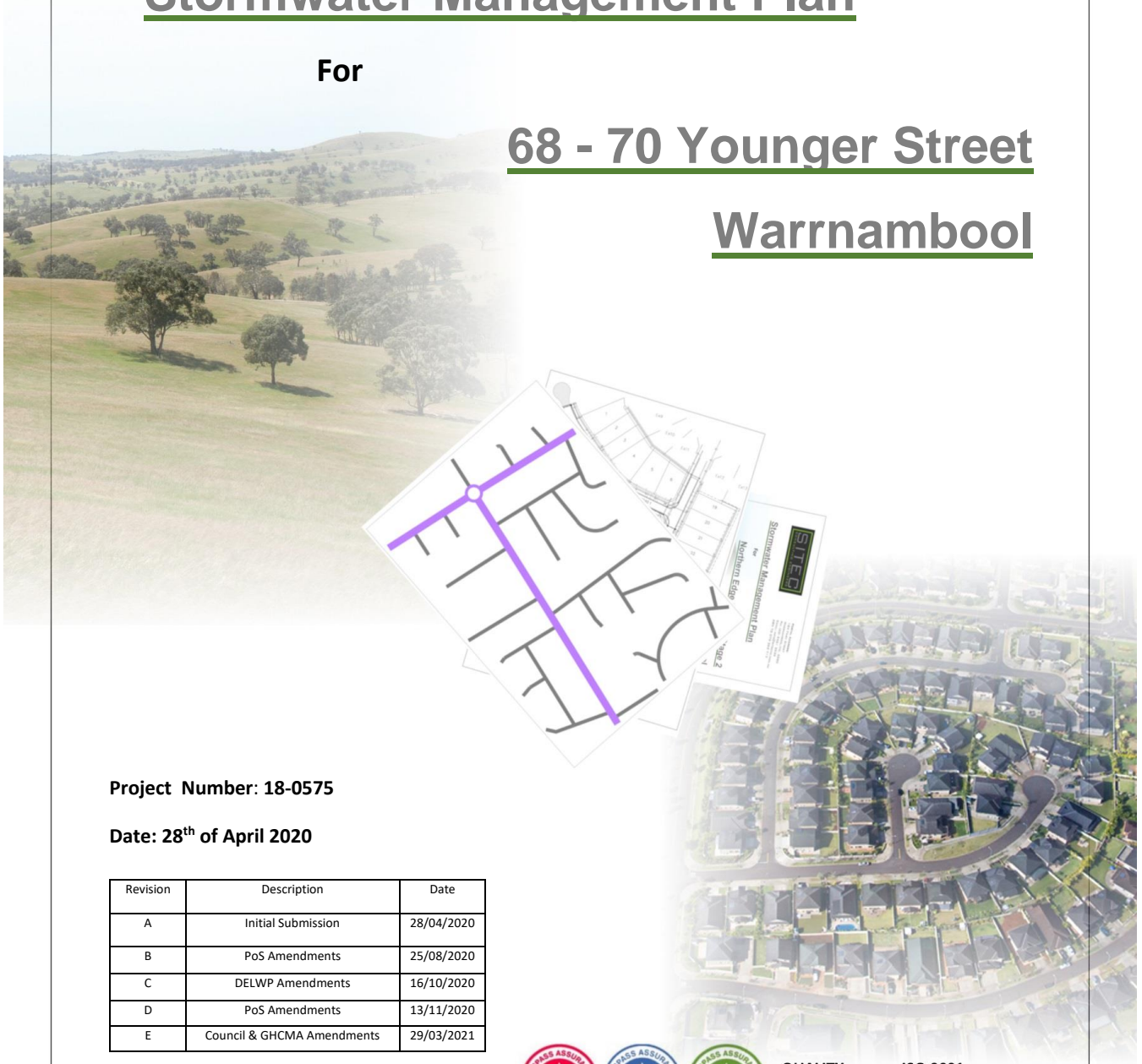
POSTAL ADDRESS:
184 FAIRY STREET
WARRNAMBOOL, VIC, 3280
PH: (03) 5561 3939
EMAIL: INFO@SITECVIC.COM.AU
ABN 72 079 362 717

Stormwater Management Plan

For

68 - 70 Younger Street

Warrnambool



Project Number: 18-0575

Date: 28th of April 2020

Revision	Description	Date
A	Initial Submission	28/04/2020
B	PoS Amendments	25/08/2020
C	DELWP Amendments	16/10/2020
D	PoS Amendments	13/11/2020
E	Council & GHCMCA Amendments	29/03/2021



QUALITY ISO 9001
SAFETY AS/NZS 4801
ENVIRONMENT ISO 14001



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Introduction

SITEC has been engaged to compile a Storm Water Management Plan for the 2.126 Ha site and associated catchments at 68 - 70 Younger Street, Warrnambool on behalf of Myers Planning Group.

This report is to accompany a planning permit application submitted to Warrnambool City Council for the development of the land. This document provides information about the site and the way in which storm water run-off will be conveyed to the nominated outfall points. It also provides explanation of treatment methods for the site.

Figure 1 provides a locality plan and indicates the location of the proposed development.

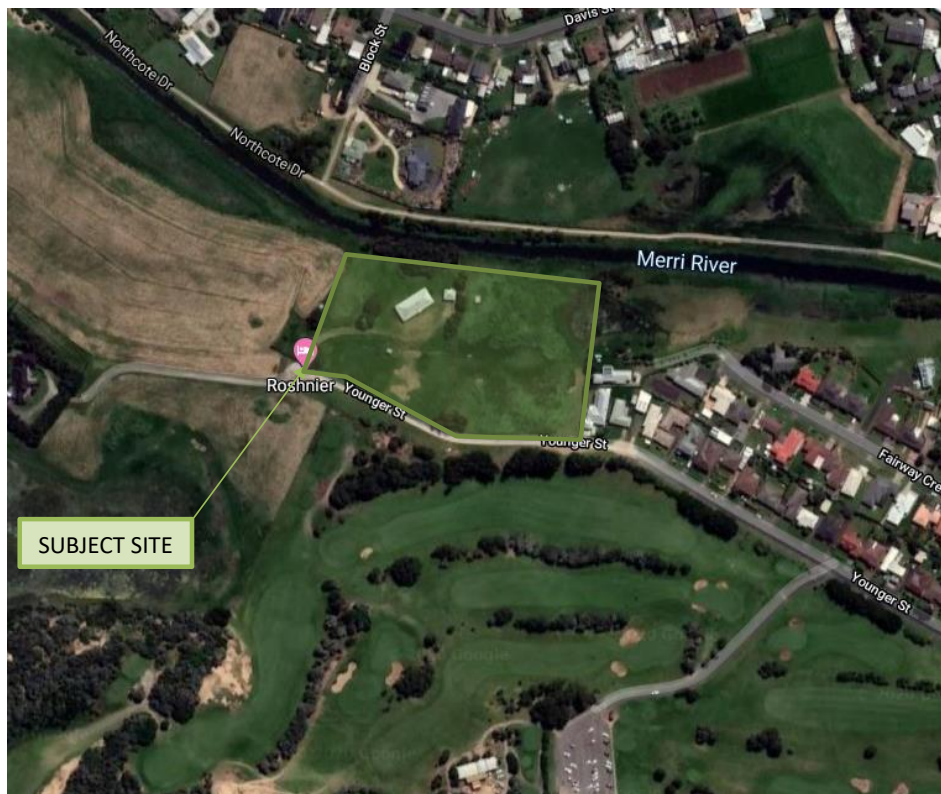


Figure 1: Locality Plan



Council Requirements

Throughout the design and approval process, and in accordance with the current Infrastructure Design Manual, Warrnambool City Council requires the following minimum drainage design criteria:

- Conveyance of the 1% AEP flood must be managed to ensure flows to private property is not increased.
- The underground drainage network must allow for the conveyance of a 20% AEP storm without surcharge or flooding.
- Water Sensitive Urban Design Best Practice Principles must be adopted.
- Post-development flows must not exceed pre-development flows.

A zoom meeting took place between Peter Reid (Warrnambool City Council), Paul Cugley (Warrnambool City Council) & Ben Meade (SITEC) on the 2nd of April to discuss appropriate outcomes for the site. It was decided that existing wetland can be used as both storage and treatment so long as a water is detained within the development property. This will involve building a berm within the development to ensure no flows are entering the existing property to the east. It is planned that all drainage infrastructure on site will be under control of the landowners as this will be a common property development.

A second meeting took place between Peter Reid, Paul Cugley, James Phillips (WCC) & Ben Meade on 16th of October (2020) to discuss the issues raised by DEWLP.

It was decided that the berm that will be solely placed on the property and not on the crown land to the north is not an issue. The culvert will be placed onsite and will maintain the flows to 20% AEP predevelopment levels. The flood plain area should be removed from calculations and use the remaining areas on the lots to calculate the post development coefficients.

A third meeting took place between Paul Cugley, James Phillips (WCC), Peter Robinson (GHCMA), Dan Peck (Myers Planning Group), Stuart Titmus & Ben Meade (SITEC) on 29th of March (2021) to discuss the issues raised by GHCMA.

It was decided that the berm that will be removed due the likelihood of the low flow pipe to be blocked. It was agreed upon that natural low point in lot 4 will act as an infiltration pond which will both treat the stormwater water and maintain the 20% AEP storm event to pre development levels.

The end wall from the main drain will require rock beaching and a vegetated swale to the low point.



Calculation

The pre-development catchment plan has been included, see **Attachment A**.

The post-development catchment plan has been included, see **Attachment B**.

The pre-development flows and storage calculations are provided below.

Calculating Pre-development flow:

$$Q = \frac{C \times I \times A}{360}$$

C = 0.35 (lot areas > 1 ha to 2 ha)

I = 31.4 (Tc = 30, See **Attachment C**, Tc Calculations)

A = 1.477 ha (Area above flood zone)

Q 20% AEP Pre - development = 0.0451 m³/sec

A layout plan of the development can be found in **Attachment D**.

Existing Wetland

The existing wetland on site will be used for both storage and Water Sensitive Urban Design treatment.

The calculations for the wetland storage capabilities will be completed as part of the detailed design.

Containment of the 1% AEP Flow

In the event of a 1% AEP (Annual Exceedance Probability) storm the subdivision will be designed to allow over land flow or piped towards the wetland area in lots 3 & 4.

Water Sensitive Urban Design

'Urban Storm Water – Best Practice Environmental Management Guidelines', as shown in the table below.

Pollutant	Performance Objective
Suspended Solids (SS)	80% retention of the typical urban load
Total Phosphorus (TP)	45% retention of the typical urban load
Total Nitrogen (TN)	45% retention of the typical urban load
Gross Pollutants	70% retention of the typical urban load

It is expected that the minimum criteria will be exceeded with the use of the wetland.

The Water treatment process will be modelled as a treatment train in MUSIC in the detailed design phase.



Conclusion

- The storage for the 20% AEP storm event will be held within the natural low point in the wetland on lot 4.
- The wetlands storage calculations will be completed as part of the detailed design phase.
- The main stormwater outlet discharging into the wetland will require rock beaching and a vegetated swale to the low point in the wetland.
- The 1% AEP storm will be conveyed to the wetland via a combination of underground pipes overland flow.
- Water Sensitive Urban Design performance objectives are to be achieved by the existing wetland. MUSIC modelling of the system will take place during detailed design.

A handwritten signature in blue ink, appearing to read "Ben Meade".

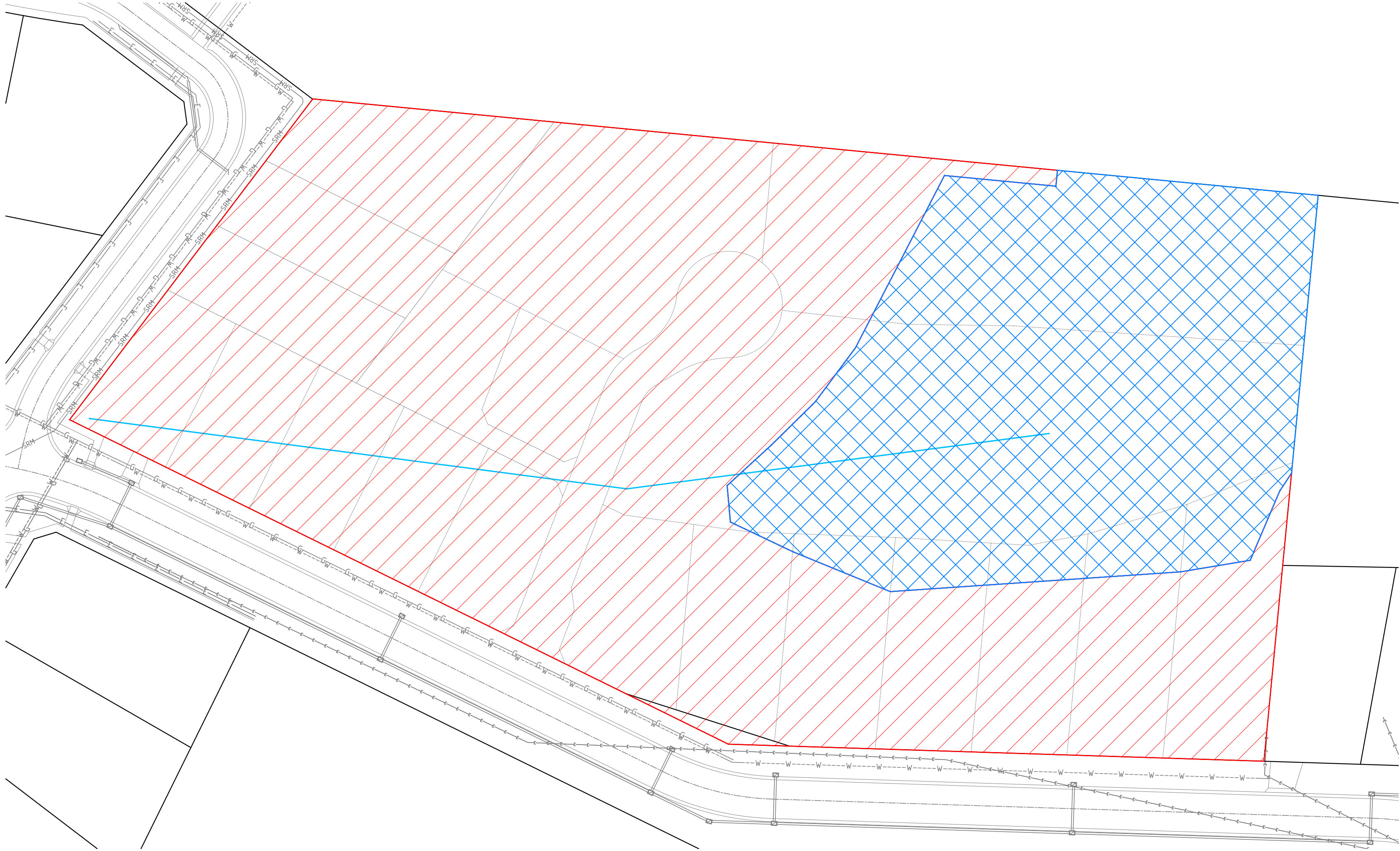
Ben Meade
Design Engineer
MIEAust, B.Eng Sc (Civil), M.Eng Tech (Civil)

Date: 29th of March 2021
Ref: 18-0575 SWMP Rev E



Attachment A

Pre-Development Catchment Plan



- TC PATH
- C = 0.35 (LOT AREAS >1 ha to 2 ha)
- AREA BELOW 1% AEP FLOOD LINE

				NAME	DATE
E	GHCMA AMENDMENTS	MAR 21	DESIGN	B MEADE	APR 20
D	PoS AMENDMENTS	NOV 20	DRAWN	L MACDOUGALL	APR 20
C	DEWLP AMENDMENTS	OCT 20	CHECKED	J BAUDINETTE	APR 20
B	PoS AMENDMENTS	AUG 20	APPROVED		
A	PLANNING PERMIT APPLICATION	APR 20			
REVISION	DESCRIPTION	DATE	CAD FILE	18-0575 - SWMP.dwg	



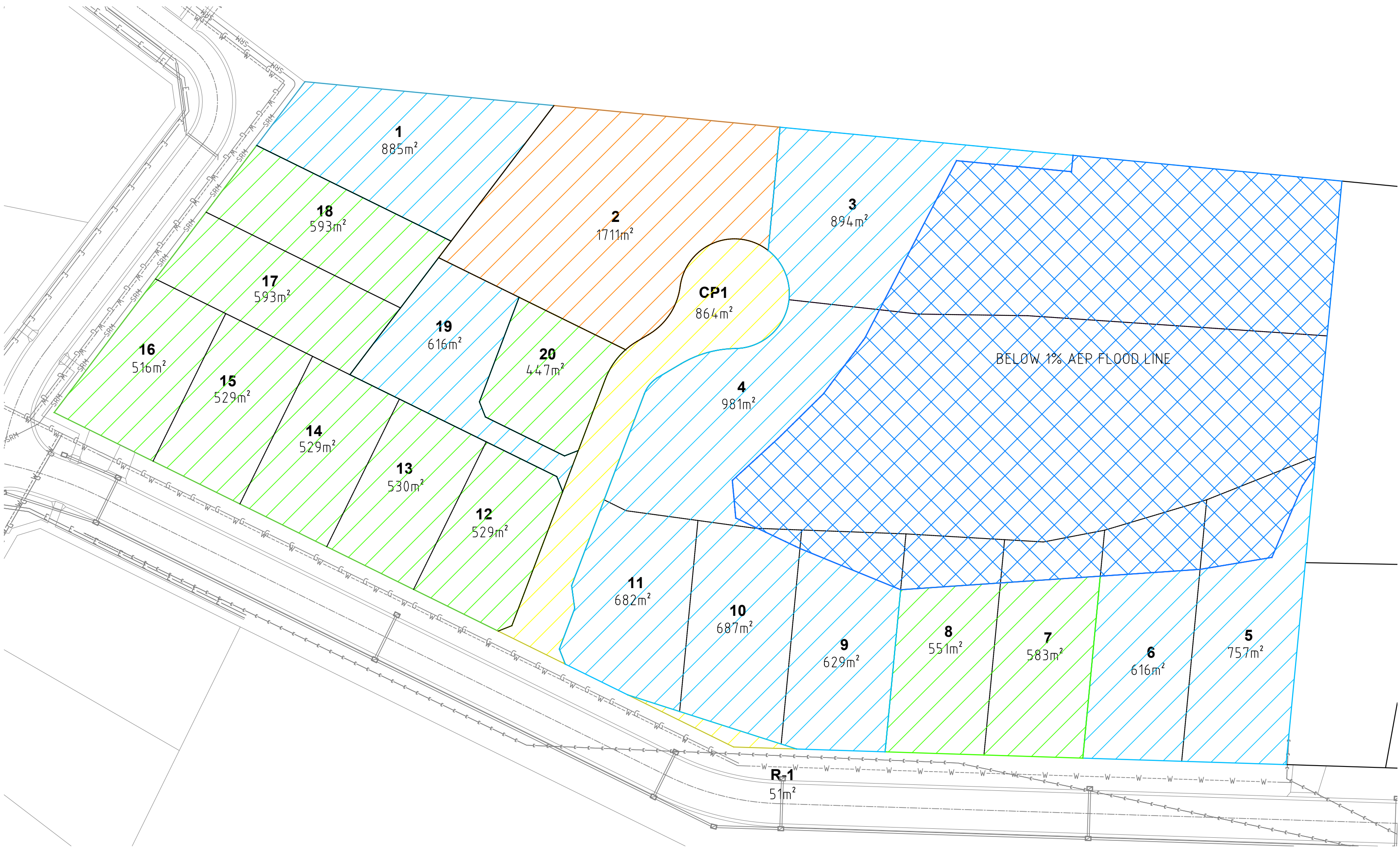
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E: INFO@SITEVID.COM.AU P: (03) 5561 3939

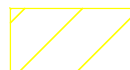
PROJECT		PLANNING PERMIT NUMBER P18149		
PROPOSED 18 LOT SUBDIVISION 68 - 70 YOUNGER STREET WARRNAMBOOL PRE-DEVELOPMENT CATCHMENT PLAN				
SIZE	SCALE	PROJECT No.	SHEET No.	REV
A1	1 : 500	18-0575	1 OF 1	E



Attachment B

Post – Development Catchment Plan



-  C = 0.75 (RESIDENTIAL ROAD RESERVES)
-  C = 0.75 (LOT AREAS >450m² TO 600m²)
-  C = 0.70 (LOT AREAS >600m² TO 1000m²)
-  C = 0.50 (LOT AREAS >1000m² TO 2000m²)
-  C = 0.45 (LOT AREAS >2000m² TO 4000m²)
-  C = 0.40 (LOT AREAS >4000m² TO 1 ha)

				NAME	DATE
E	GHCMA AMENDMENTS	MAR 21	DESIGN	B MEADE	APR 20
D	PoS AMENDMENTS	NOV 20	DRAWN	L MACDOUGALL	APR 20
C	DEWLP AMENDMENTS	OCT 20	CHECKED	J BAUDINETTE	APR 20
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SIZE	SCALE	PROJECT No.	SHEET No.	REV
A1	1 : 500	18-0575	1 OF 1	E



Attachment C

Time of Concentration Calculations



Stormwater Predevelopment Flow Computations

20% AEP Pre-Development Flow

Project: 68-70 Younger Street, Warrnambool
Job No: 18-0575

Pre-development flow (20% AEP)

Determine Time of concentration

$$t_c = 6.94(L \times F_R)^{0.6} / I^{0.4} \times S^{0.3}$$

length of flow path (L) = 182 m
Retardance Factor (F_R) = 0.1 (between 0.05-0.2 as per Vicroads drainage design table 7.4.5.3)
Intensity (I) = 31.45 mm/hr
High RL = 5.5 Low RL = 1 Fall = 4.5
Slope (S) = 0.0247253 (fall/ length)

Time of Concentration (T_c) 30.23 mins

Latitude -38.38
Longitude 142.449
Date 27/03/2020

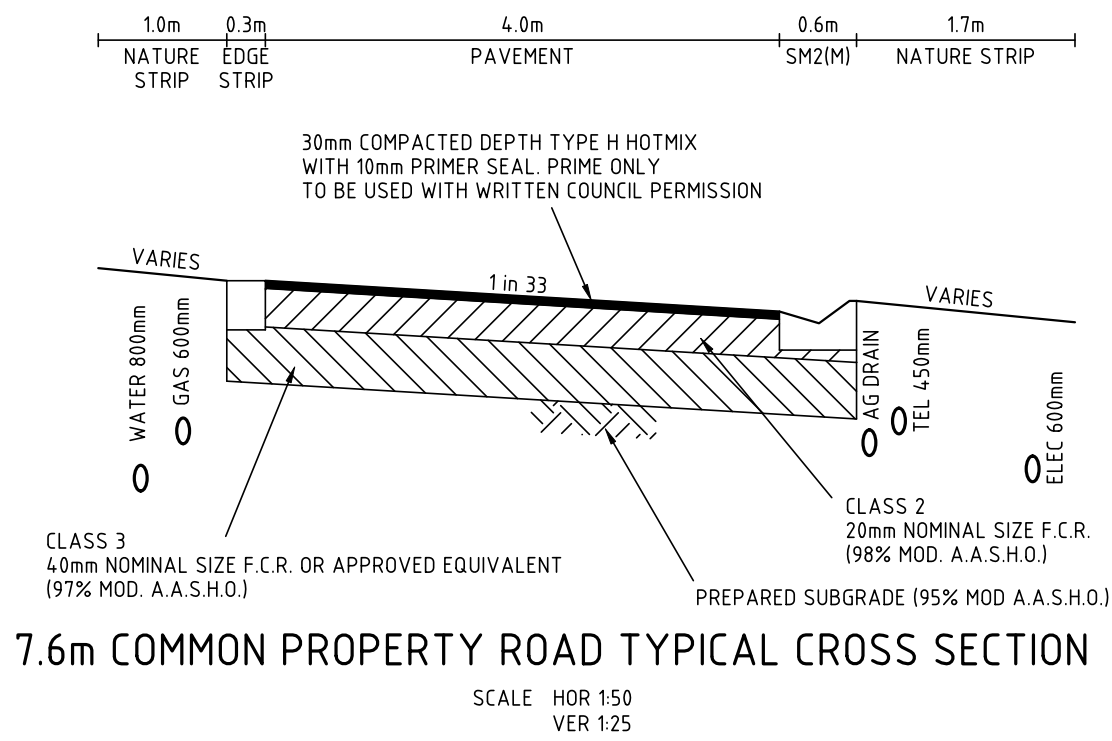
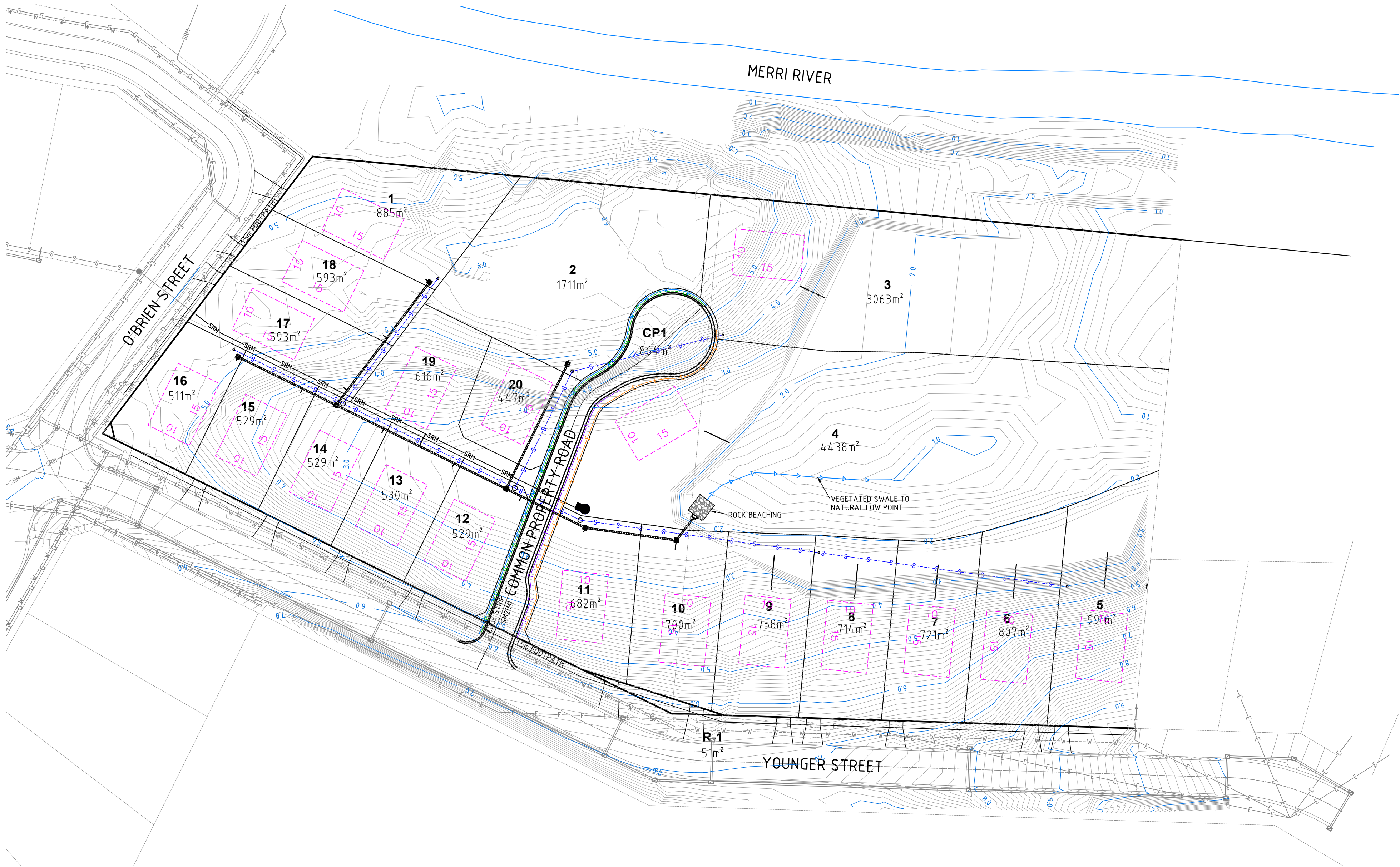
Warrnambool
20% AEP
t= (mins) 30.00 30.0 adjust until
I = 31.4 Tc matches

a 0.76222366 0.762224
b 0.6761294 2.29965
c 0.13894641 1.607352
d -0.1035888 -4.075758
e 0.02244919 3.004195
f -0.0020964 -0.954184
g 7.22E-05 0.111716
ln I = 2.755194



Attachment D

Layout Plan



LEGEND	
(PROPOSED)	(EXISTING)
STORMWATER DRAIN / PIT	
SEWER	
SEWER RISING MAIN	
WATER	
GAS	
TELSTRA	
ELECTRICITY	
KERB & CHANNEL	
DRIVEWAYS	
BUILDING ENVELOPE	

NOTES:
LEVELS ARE TO AUSTRALIAN HEIGHT DATUM.
ALL STORMWATER TO BE PP OR HDPE CONFORMING TO AS 2566.1-1998.
ALL CONSTRUCTION DETAILS TO BE AS PER IDM AND IDM STANDARD DRAWINGS UNLESS INDICATED OTHER WISE

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PROPOSED 18 LOT SUBDIVISION 70 YOUNGER STREET WARRNAMBOOL FUNCTIONAL LAYOUT PLAN & DETAILS				
SIZE	SCALE	PROJECT No.	SHEET No.	REV
A1	1: 500	18-0575	1 OF 1	E



PROPOSED RESIDENTIAL SUBDIVISION 70 YOUNGER STREET, WARRNAMBOOL

Transport Impact Assessment Report



efficient safe reliable    

ESR Transport Planning Pty Ltd 1/34A Doveton Street North, Ballarat VIC 3350

P: 0427 044 324 | E: drewm@esrtp.com.au | www.esrtp.com.au



DOCUMENT CONTROL

Date: 17/07/20
Filename: 200717-TIAR-Younger St
Our Ref: H0730
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PREPARED FOR

Monte Carlo Drive Pty Ltd

DISCLAIMER

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1 Introduction

1.1 Overview

A planning permit is being sought for a residential subdivision development at 70 Younger Street, Warrnambool. To assist in the consideration of the development proposal, ESR Transport Planning has been engaged to assess relevant transport implications.

1.2 Scope of This Report

This report documents a transport impact assessment which investigates the following:

- Existing transport conditions in the vicinity of the site.
- Statutory transport planning requirements.
- Traffic movements generated by the proposed land use.
- Site access arrangements.
- Anticipated impacts on the surrounding road network.

1.3 Referenced Information

- Subdivision and Development Plan, prepared by Davies Simpson, Version 8.
- An inspection of the site and surrounds November 2019.
- Austroads Traffic Management and Road Design Guides (various as noted in this report).
- CFA, 2006, *Requirements for Water Supplies and Access for Subdivision in Residential 1 and 2 and Township Zones*.
- Warrnambool Planning Scheme.
- Warrnambool City Council, 2017, *Register of Public Roads*.
- Institute of Transportation Engineers (ITE), 2012, 9th Edition, *Trip Generation Manual*.
- Local Government Infrastructure Design Association, 2019, *Infrastructure Design Manual*.
- Public Transport Victoria, maps and timetables (www.ptv.vic.gov.au).
- Roads and Traffic Authority (RTA), 2002, *Guide to Traffic Generating Developments*.
- Transport NSW, 2013, *Guide to Traffic Generating Developments - Updated Traffic Surveys*.
- Trips Database Bureau (TDB), 2018, *Trips Database*.
- VicPlan maps and aerial photography (www.mapshare.vic.gov.au/vicplan).
- VicRoads traffic volume and Crashstats accident data (www.data.vic.gov.au).

1.4 Terms

- | | | | |
|-----------|------------------------------|------------------|----------------------------------|
| • ASD | Approach Sight Distance | • m ² | square metres |
| • Council | Warrnambool City Council | • SISD | Safe Intersection Sight Distance |
| • IDM | Infrastructure Design Manual | • vph | vehicle movements per hour |
| • kph | kilometres per hour | • vpd | vehicle movements per day |
| • m | metres | | |



2 Existing Conditions

2.1 Site

The site is located approximately 2.5km southwest of Warrnambool's city centre. It has road frontages to Younger Street and Obrien Street. Nearby the site is the Merri River to the north, Warrnambool Golf Club to the south, residential properties to the east and a recently established (circa 2018) residential subdivision to the west.

The site has a dwelling building and small paddocks. Vehicle access is provided by a driveway extending from a Younger Street vehicle crossing near the site's southwest corner.

The site is mostly zoned as General Residential Zone and partly zoned as Urban Floodway Zone with a Design and Development Plan Overlay (DDO13) applicable.

Figure 2.1 Subject Site Locality Map



Image: VicPlan



Figure 2.2 Subject Site Aerial Photo



Image: Nearmap (captured 01/10/19)

2.2 Road Network

Roadways nearby the site are generally classified as Access Roads with a default 50kph speed limit applicable.

Younger Street

Prior to the 2018 subdivision of land west of the site, Younger Street had an sealed carriageway extending to property #60, then a gravel carriageway westwards including along the site frontage. In 2018, the gravel surface was replaced by a sealed carriageway.

The new section of Younger Street has a carriageway of approximately 7.5-8m width with no linemarkings set within a 20m road reserve. East of property #60, the carriageway is approximately 8.5m wide with centre line markings.

The new section of Younger Street and other roadways within the recent subdivision have semi-mountable kerbs.



Figure 2.3 Younger Street (facing east, site on left)



Figure 2.4 Younger Street (facing east towards golf club access)



Where Younger Street bends a short distance east of the site (adjacent property #62), an earth embankment beside the carriageway obstructs drivers sight lines around the bend as shown in Figure's 2.5 and 2.6.

Figure 2.5 Restricted Sight Line Around Bend Adjacent Property #62

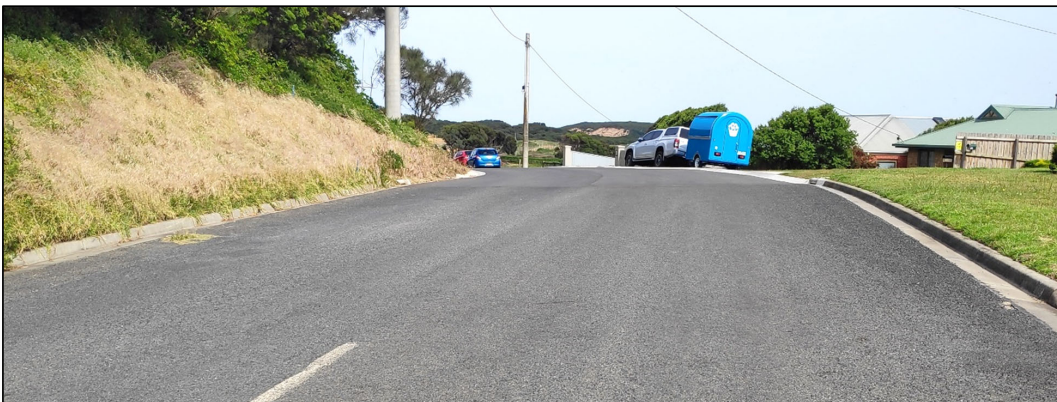
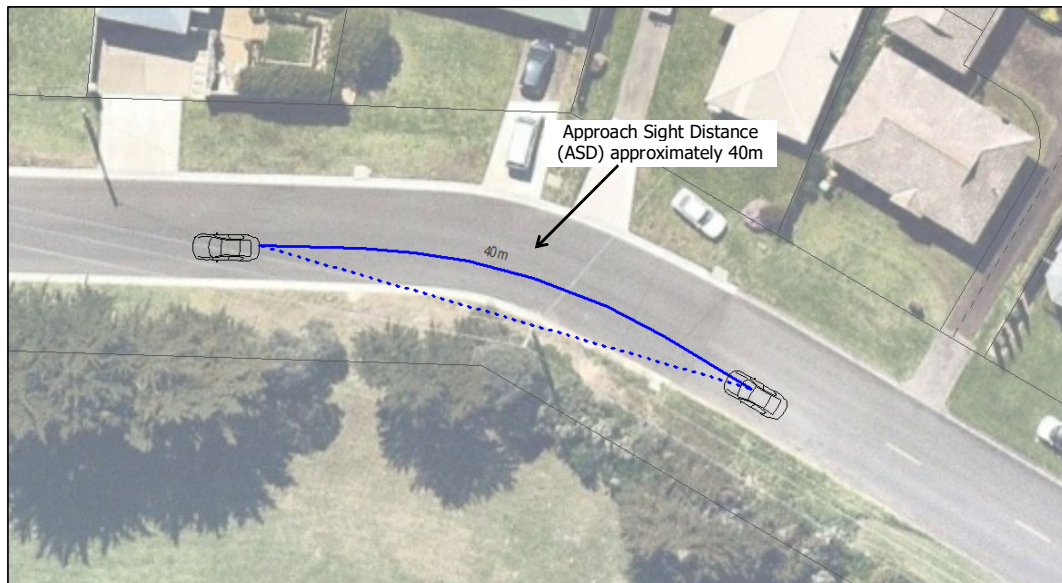




Figure 2.6 Sight Distance Around Bend Adjacent Property #62



Younger Street also bends at a similar radius along the site frontage, there is not a roadside embankment obstruction at this location, although trees within the site do obstruct sight lines. The available Approach Sight Distance (ASD) at this location is approximately 80m.

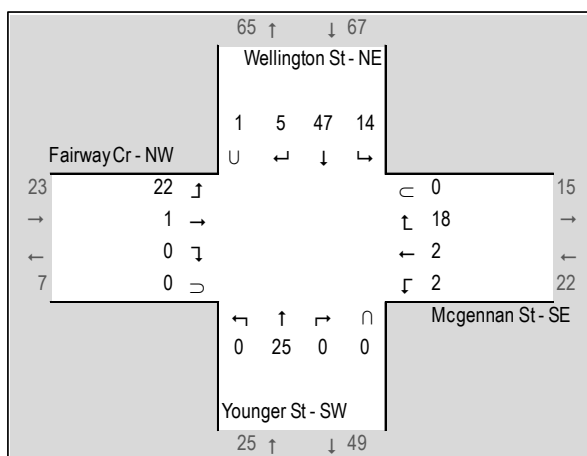
Obrien Street

Obrien Street has a carriageway of approximately 6m width within a 16m road reserve.

2.3 Traffic Volumes

ESR Transport Planning undertook an AM peak hour (8-9am) traffic volume survey at the intersection of Younger Street / McGennan Street / Wellington Street / Fairway Crescent on Thursday 21/11/19 with results shown in Figure 2.7.

Figure 2.7 Intersection Traffic Volumes AM Peak Hour





Based on a typical peak hour to daily ratio of 10%, this survey indicates Wellington Street carries a daily traffic volume in the order of 1,300 vpd at this location, and Younger Street carries a daily traffic volume in the order of 750 vpd at this location. It is likely that volumes on Younger Street west of the golf club are significantly less.

Council has provided historic traffic volume survey data that is reproduced in Appendix A. This data also indicates that Wellington Street carries a daily traffic volume in the order of 1,300 vpd at the Merri River (in 2012). While for Younger Street, a daily volume in the order of 400 vpd was recorded somewhere between Wellington Street and Obrien Street (in 2012).

These Council surveys also recorded 85th percentile speeds of 60kph on Wellington Street and 54kph on Younger Street.

2.4 Accident History

A review of road accidents in the site's vicinity has been undertaken using VicRoads Crashstats database¹ which includes accidents reported to police which resulted in personal injury within the last 5 years. In that time, no accidents have been recorded along Younger Street or Wellington Street (south of Merrivale Drive).

2.5 Public Transport

The nearest bus services are approximately 1km walking distance from the site, being Warrnambool to Merrivale (Route 6) which operates along Merrivale Drive and Warrnambool to Lake Pertobe Loop (Route 5) which operates along Harris Street.

2.6 Walking & Cycling

The recently developed subdivision west of the site incorporates footpaths along property frontages. Younger Street does not have footpaths along the site frontage or sections to the east.

A bridge crossing of Merri River near the site's northwest corner was provided as part of the 2018 subdivision.

Nearby roadways do not incorporate on-road cycling lanes.

¹ VicRoads Crashstats Last 5 Years database (www.data.vic.gov.au).



3 Proposed Development

The proposed development will subdivide the site into a total of 20 residential lots. One lot incorporates the existing dwelling (i.e. 19 new dwellings).

The majority of lots will have frontage to either Younger Street or Obrien Street with direct access from these roadways.

Five (5) lots in the centre and northeast of the site will have access provided via a common property cul-de-sac accessway that extends from a Younger Street vehicle crossing approximately 100m from Obrien Street.

The common property accessway is to have a 4m width pavement bound by a semi-mountable kerb one side and concrete edge strip other side, within a 7.6m reserve, except near Younger Street where the carriageway widens to 6m within a 9.5m reserve. A 9m radius court bowl pavement is proposed.

At a Younger Street bend near the centre of the site's frontage, part of the site is to become road reserve for sight distance reasons as described in Section 5.



4 Traffic Assessment

4.1 Traffic Generation

Guidance on the likely traffic generating characteristics of the proposed development has been sought from TDB 2018, Transport NSW 2013, ITE 2012 and RTA 2002. These sources indicate that low density residential land use typically generates traffic as follows:

- AM peak hour, 0.7-0.8vph / lot, 25% entering, 75% exiting.
- PM peak hour, 0.8-1.1vph / lot, 65% entering, 35% exiting.
- Daily, 7.5-10vpd / lot, 50% entering, 50% exiting.

Adopting traffic generation rates approximately midway within the ranges above, the additional 19 dwellings are expected to generate additional traffic in the AM peak hour, PM peak hour and daily time periods in the order of 14, 18 and 166 vehicle movements, respectively.

The common property roadway is expected to carry vehicle movements of approximately 5 (peak hour) and 45 (daily).

4.2 Ability of Nearby Road Network to Absorb Development Traffic

As a general rule, roadways in urban areas with 2 traffic lanes typically experience high delays during commuter peak periods when daily traffic volumes approach 15,000 - 20,000 vpd².

However, in residential areas, roadways are planned to carry an indicative maximum volume which takes into account amenity considerations. The Planning Scheme and Infrastructure Design Manual (IDM) define indicative maximum volumes of up to 3,000 vpd for a 7-7.5m carriageway Access Road and 6,000 vpd for a 11.6m carriageway Collector Road.

As set out in Section 2.3, Younger Street currently accommodates a daily traffic in the order of 750 vpd south of the Merri River and Wellington Street accommodates a daily traffic in the order of 1,300 vpd north of the Merri River.

Dwellings yet to be constructed within the recently established residential subdivision to the west of the site will generate additional traffic along Younger Street and Wellington Street. With approximately 50 new lots to be occupied, additional traffic in the order of 440 vpd could be expected. And the proposed development is expected to result in an increase of approximately 170 vpd.

Therefore, under post development conditions, Younger Street and Wellington Street will continue to accommodate traffic volumes well below capacity, that could be described as low and consistent with a high level of residential amenity.

4.3 Traffic Impacts

Given all of the above, it is expected that development traffic can be absorbed by the local road network without significant impact to efficient traffic flow.

² Interrupted flow capacity = 900 vph lane (Austroads Guide to Traffic Management Part 3), with 10% peak to daily ratio = 18,000 vpd.



5 Design Review

Preamble

The proposed subdivision layout has been reviewed to assess its ability to accommodate the safe and efficient movement for all road users. The review considers transport design guidance defined within the Warrnambool Planning Scheme, Infrastructure Design Manual (IDM) and Austroads publications. The Younger Street (West) Design and Development Overlay also defines road network and streetscapes design objectives.

It is noted that previous design reviews have led to the development plan being revised to incorporate modifications recommended by ESR Transport Planning.

Accessway

The proposed accessway has been designed to be a low traffic volume and low vehicle speed shared carriageway (shared use by vehicles / cyclists / pedestrians).

It has a carriageway width of approximately 4m for much of its length, with a two-way width passing area near its intersection with Younger Street, while the court bowl will provide another vehicle passing area.

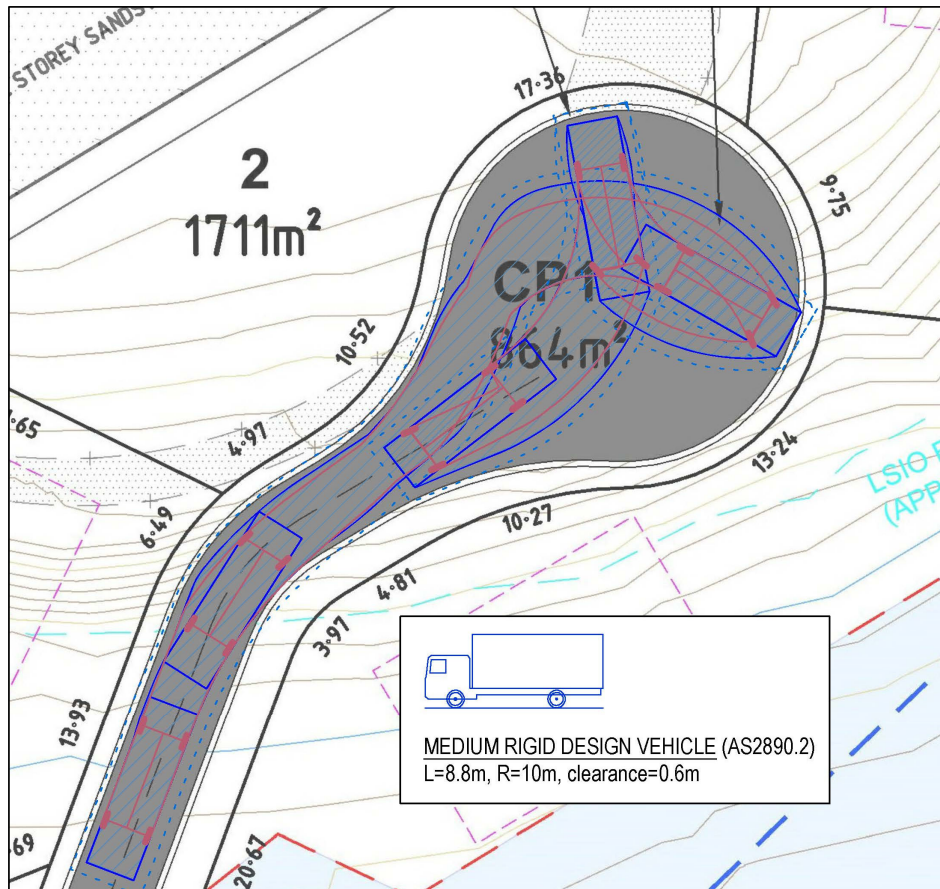
The proposed accessway alignment and cross section are considered appropriate for its functionality.

Swept Path Analysis

A 9m radius court bowl pavement is proposed, this exceeds the 8m radius court bowl specified by CFA guidelines to accommodate a 3-point turn by a fire truck.

Notwithstanding, swept path analysis has been used to assess the ability for larger vehicles, such as waste collection trucks and fire trucks, to enter and exit the proposed accessway in a forwards direction. Results of the analysis are shown in Figure 5.1, indicating such vehicles will satisfactorily turn-around with the court bowl to enter and exit the site in a forwards direction.

Figure 5.1 Swept Path Analysis Diagram



Pedestrian Connections

The proposed development includes new footpaths along the site's Younger Street and Obrien Street frontages connecting with the nearby path network.

Sight Distance (East of Site)

As set out in Section 2.2, bends along Younger Street together with roadside visual obstructions are currently obstructing sight distances.

The most severe sight distance restriction is located a short distance east of the site and most severely effects westbound traffic. There is an associated risk of a westbound vehicle rear ending a slow / stopped vehicle about to turn right into a nearby driveway. The 40m Approach Sight Distance (ASD) that is available meets Austroads requirements for a 40 kph design speed. And it could be expected that motorists reduce their free flow speed when negotiating this bend.

Similar circumstances are not uncommon and significant works to increase sight distances or placing a constraint on the site's development are not considered reasonable. It is noted that this section of roadway was recently constructed as part of the subdivision west of the site.

Notwithstanding, it may be prudent for the Responsible Authority to consider some minor traffic management measures to mitigate this risk. Potential options may be installation of either a

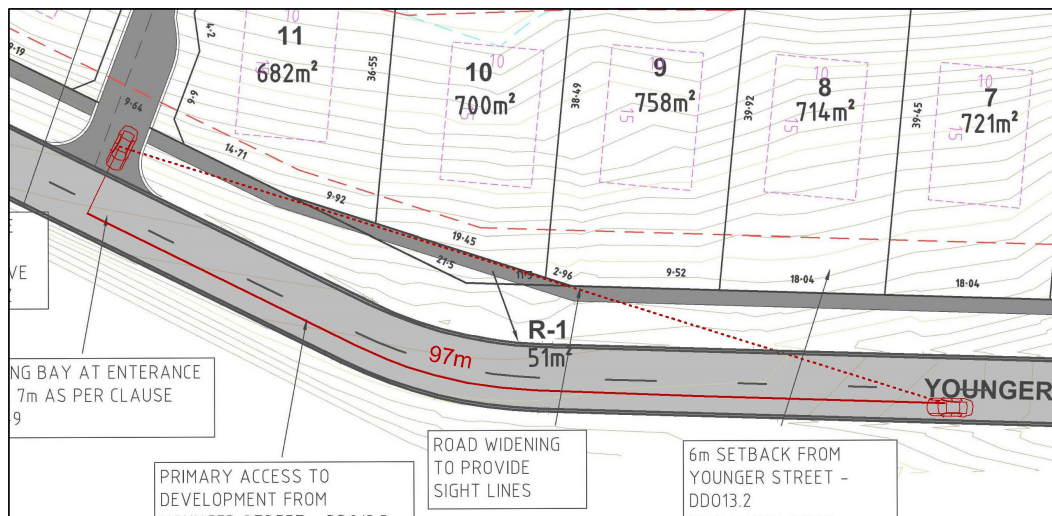


concealed driveways sign or a substandard curve with advisory speed sign facing westbound traffic approaching the bend.

Sight Distance (Site Frontage)

Where Younger Street bends near the centre of the site's frontage, part of the site is to become road reserve. This has been proposed to ensure that safe sight distances will be available to / from the proposed accessway intersection with Younger Street, as shown in Figure 5.2.

Figure 5.2 Safe Intersection Sight Distance (SISD) Diagram



As shown in Figure 5.2, the proposed site boundary splay will ensure a 97m Safe Intersection Sight Distance (SISD) is available, satisfying minimum requirements as defined with Austroads Guide to Road Design.

The proposed splay will also improve sight distances for all traffic along Younger Street.

Summary

Given all of the above, the proposed development is considered consistent with the objectives of the Planning Scheme as it is expected to provide direct, safe and convenient movement for all road users.



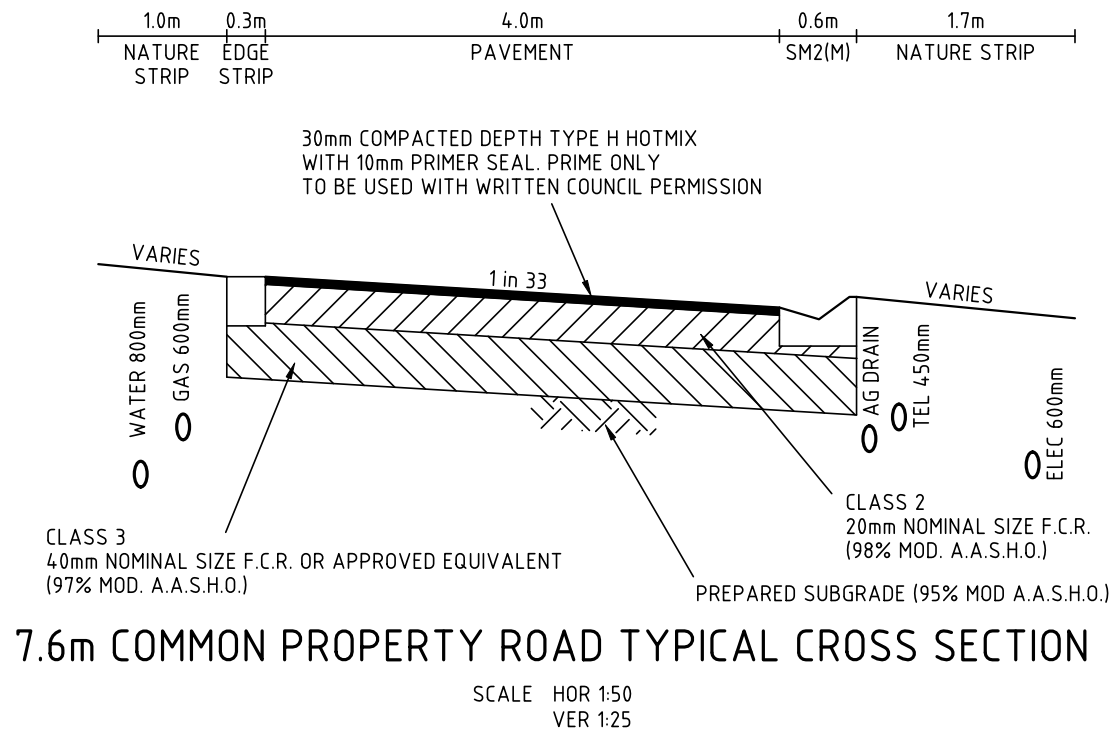
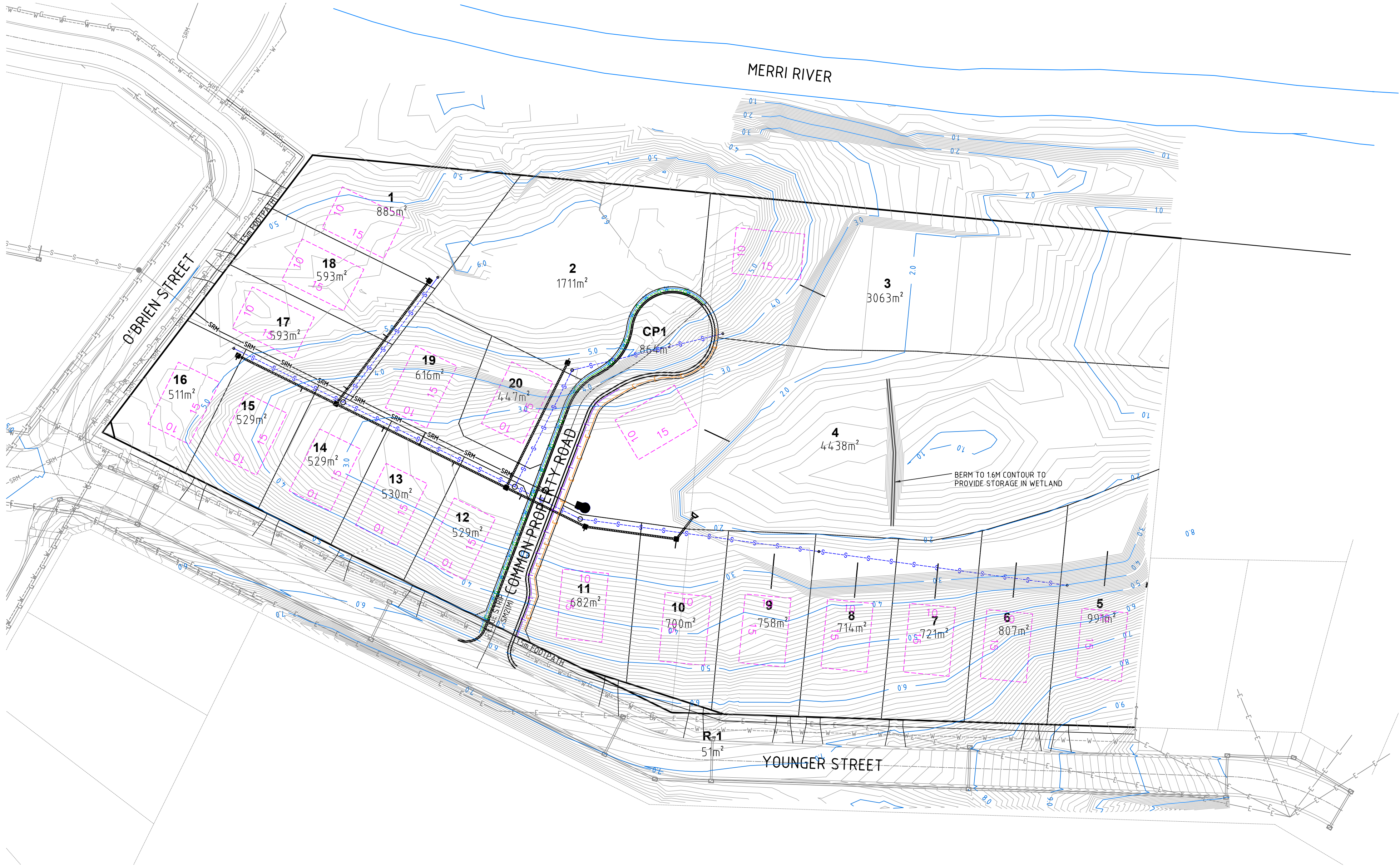
Appendix A Council Traffic Volume Survey Data



Count date	Asset ID	Asset Description	Hierarchy	24hr Vehicle Count	Speed Limit	85% Speed	% Cars	Cars	Trucks
07/11/2012	32428	Younger St: Wellington - O'Brien (CH 00 - CH 297)	Access	389	50	54	96	373	16

Count date	Asset ID	Asset Description	Hierarchy	24hr Vehicle Count	Speed Limit	85% Speed	% Cars	Cars	Trucks
22/02/2017	32661	Wellington St: Railway Line - Harris	Link	8228	60	59	95.7	7874	329
20/09/2012	32657	Wellington St: Merri River Bridge - McGennan	Access	1335	60	60	97	1288	47
24/05/2010	32662	Wellington St: Merri - Railway Line	Link	7287	50	57	97.4	7098	189
24/05/2010	32662	Wellington St: Merri - Railway Line	Link	7287	50	57	97.4	7098	189

Count date	Asset ID	Asset Description	Hierarchy	24hr Vehicle Count	Speed Limit	85% Speed	% Cars	Cars	Trucks
04/09/2019	32994	Merrivale Dr: Davis (West) - Eccles	Link	3858	60	60	93.5	3607	245
02/04/2019	98547	Merrivale Dr: Scott St (Intersection)		3775	60	64	82	3095	679
11/04/2018	33095	Merrivale Dr: Duirs - Wellington	Link	4739	60	62.5	92.3	4374	364
21/01/2015	32997	Merrivale Dr: McCullagh - Landmann	Link	1925	60	59	90.7	1745	152
10/08/2011	32996	Merrivale Dr: Landmann - Scott	Link	2174		63	95	2065	109



LEGEND	
(PROPOSED)	(EXISTING)
STORMWATER DRAIN / PIT	
SEWER	
SEWER RISING MAIN	
WATER	
GAS	
TELSTRA	
ELECTRICITY	
KERB & CHANNEL	
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A1	1 : 500	18-0575	1 OF 1	D

OCEAN EX RIVER ESTATE DESIGN GUIDELINES

Warrnambool | Victoria

JULY 2020

MYERS
PLANNING GROUP

Quality Information

Title	Version	Date	Authors
Design Guidelines	V1	29 July 2020	SM/DP

Myers Planning Group has taken all professional care to ensure this document is current at the time of writing. Myers Planning Group accepts no liability for any loss or damages incurred as a result of reliance placed upon its content.

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2.3 Environmentally Sustainable Design	4

Schedule of Documents

Appendix A - Building Area Plan

Appendix B - Fencing Location Plan

Appendix C - Colour Schedule

1. Introduction

The Ocean Ex River Estate Design Guidelines have been prepared by Myers Planning Group on behalf of Monte Carlo Pty Ltd. The Design Guidelines apply to the proposed 20-lot subdivision at Younger Street, Warrnambool, which encompasses approximately 2.1 hectares of land located along the Merri River opposite the Warrnambool Golf Course.

This document acknowledges that the Younger Street Design Guidelines, 2015 (Planisphere and Warrnambool City Council) provides guidance on the preferred urban landscape character of the precinct. This document provides detailed guidance on how the Ocean Ex River Estate will achieve the intent of the guidelines and corresponding Schedule 13 to the Design and Development Overlay.

This document will be registered via a Section 173 Agreement or similar provision on subsequent titles for the proposed 20-lot subdivision.

2. Design Guidelines

The design intent for the Ocean Ex River Estate and accompanying design guidelines is directly influenced by the character statement and design objectives outlined in Schedule 13 to the Design and Development Overlay (Younger Street West).

The design intent is to create a sustainable urban development which encourages recessive built form elements, high-quality vegetation, accessible pedestrian routes and connections to the surrounding natural environs.

The following principles are inspired from the Younger Street Design Guidelines 2005, and provide the overarching framework for the design guidelines for the estate:

- Ensure coastal vegetation remains a dominant feature of the estate from key vantage points.
- Ensure new vegetation and landscaping treatments within the estate become a dominant feature of the estate from key vantage points.
- Dwellings will be a subordinate feature within the estate through the selection of materials, colours, finishes, landscaping treatments and siting and design of buildings.

The following design guidelines aim to ensure a high standard of environmentally sustainable housing design and are grouped as follows:

- General Design Guidelines
- Environmentally Sustainable Design

2.2 General Design Guidelines

Siting

Front, side and rear setbacks must comply with the relevant Building Area Plan (**Appendix A**) except for the following allowable encroachments:

- Fences constructed in accordance with the Fencing Location Plan (**Appendix B**);
- Eaves (being the part of a roof extending beyond the wall of the building and including gutters and fascias) which extend into the airspace outside the building envelope by a maximum of 600mm; or
- Chimneys which do not extend more than 600mm outside the building envelope.

Building height

It is intended to create and maintain a low-scale one and two storey character across the estate. Dwellings must not exceed 7.5 metres above natural ground level, with no more than two storeys above natural ground level.

Facade

Dwelling facades should provide articulation through the use of staggered forms (such as porticos or verandahs), design elements and/or a variety of finishes/materials. Walls facing a street or common property road should not exceed 6.5 metres in length without a vertical or horizontal stagger of at least 600mm. Dwellings should be designed to address the dominant street interface.

Corner lot dwellings must be designed to address both street alignments (except those on common property roads) through the use of a combination of matching design features including windows on both elevations.

Garages / carports

The width of the garage door should not exceed 50 percent of the facade and be no more than 6 metres wide. The garage / carport must not be located forward of the building line (minimum 1 metre setback behind building line). Where a triple garage is proposed, the additional door should be no wider than 3 metres and should be setback a minimum 500mm behind the main garage door.

Materials and colours

External walls (excluding doors and windows) of a dwelling visible from a street or linkway should have at least two contrasting materials /finishes (such as brick face work, timber, metallic or cement sheeting, etc.) External building colours should predominately reflect muted, dark, earthy tones and matte finishes which will blend with the coastal setting and balance the need to reduce urban heat island effect. Light sandy tones are discouraged. A range of preferred colours are outlined in **Appendix C** as a guide. Additional colours and materials may be considered at the discretion of the responsible authority (Warrnambool City Council).

Fencing

Side and rear fencing must be constructed in accordance with the Fencing Location Plan (**Appendix B**).

Fencing will incorporate fencing of post and wire and single rail and post construction as outlined in the Fencing Location Plan contained at **Appendix B**.

Landscaping

All lots between 500sqm-999sqm must contain at least three (3) canopy trees within the front set back, between the façade and front property boundary. Canopy trees must include indigenous species suited to the coastal setting. Appropriate species are outlined in Table 1 (below). Trees must be provided a minimum 20m² permeable surface. Landscaping must be designed to maximise permeable surfaces.

Table 1. Plant list - Canopy Trees

Botanical name	Common name
Acacia melanoxylon	Blackwood
Allocasuarina verticillata	Drooping She-oak
Banksia integrifolia	Coast Banksia
Banksia marginata	Silver Banksia
Eucalyptus ovata	Swamp Gum
Eucalyptus viminalis subsp. viminalis	Manna Gum
Corymbia ficifolia	Red Flowering Gum

Driveways

Driveways should not dominate front gardens. They should be a secondary element to landscaping and not detract from the appearance of the streetscape.

Driveway and paths should be constructed using permeable or semi-permeable materials with consideration to accessibility. A minimum 600mm wide landscaping strip should be provided between a boundary fence and driveway.

Sheds and outbuildings

Outbuildings must be located behind the back walls of the dwelling to minimise their visual impact on the street or other public realm. Outbuildings which are visible from the street should be constructed such that the external appearance and colour complements the dwelling.

2.3 Environmentally Sustainable Design

NatHERS energy rating

The minimum NatHERS energy rating for dwellings will be 6 stars, achieved by utilising passive solar design and cross ventilation principles and appropriate insulation and construction materials.

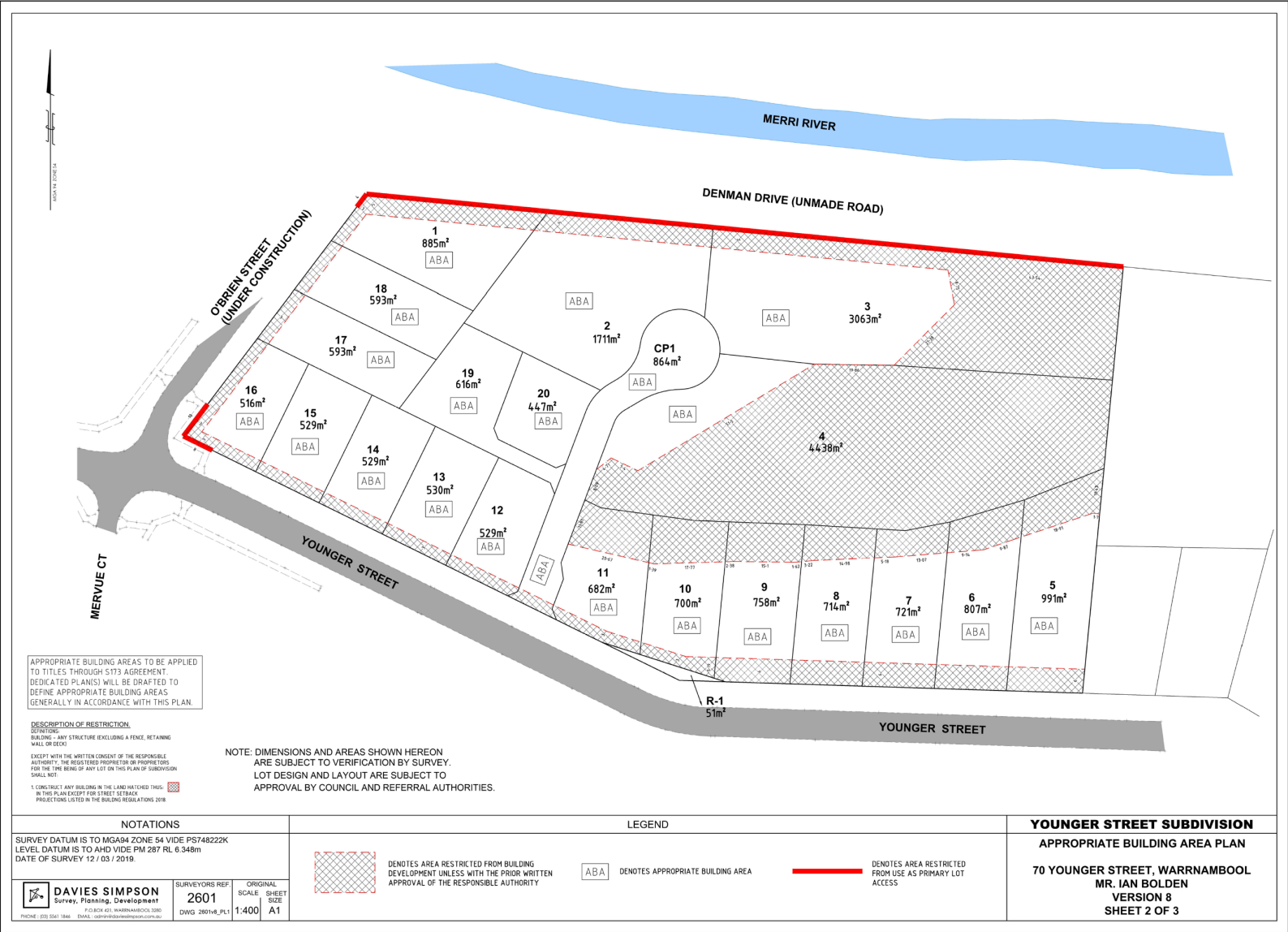
Energy and water efficiency

All dwellings must install energy and water efficient appliances and fittings.

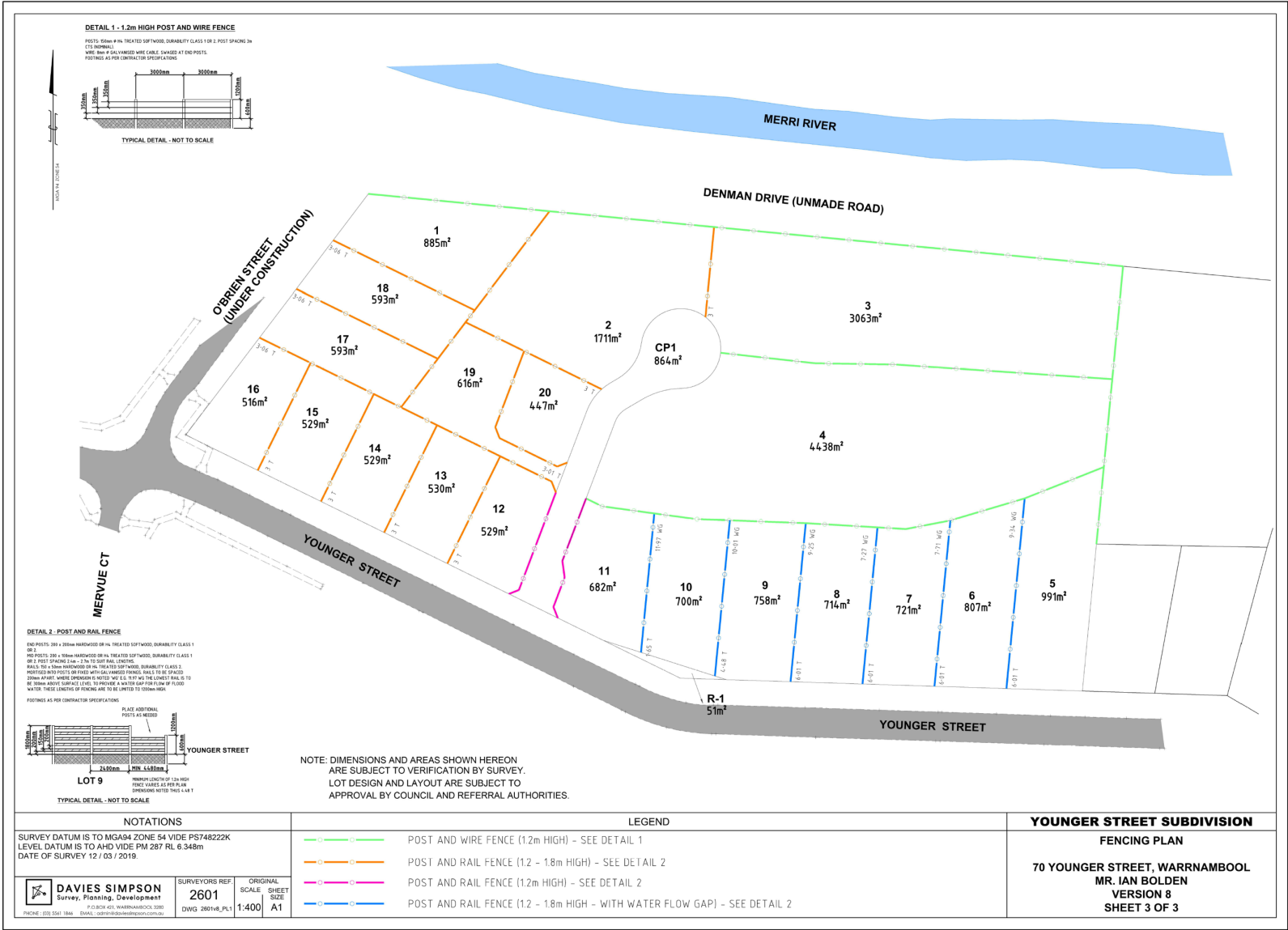
It is recommended that new dwellings incorporate the following principles, in addition to the mandatory requirement of the Nationwide Housing Energy Rating Scheme 6 Star Energy Rating.

- The use of toxic or allergenic materials for construction, floor coverings, surface finishes and furnishings are discouraged.
 - The installation of solar panels and/or gas boosted solar hot water systems is recommended as one of the most effective means of energy saving.
 - Evaporative and inverter type cooling systems are recommended against refrigeration.
 - Where possible, the indoor and outdoor living areas of the dwelling should face north to maximise solar access.
 - North facing windows should be shaded with the use of eaves, verandahs, awnings, and/or pergolas.
- Dwellings should be cross ventilated by locating opening windows on opposite sides of the dwelling building. At a minimum, it is recommended that screens be installed to the front and rear doors to allow cross ventilation.
 - Ensure west-facing windows are suitably screened from the effects of the afternoon sun.
 - Service areas such as bathrooms and laundries, kitchens and storage areas should not be placed on the north side of the dwelling.

APPENDIX A – APPROPRIATE BUILDING AREA PLAN

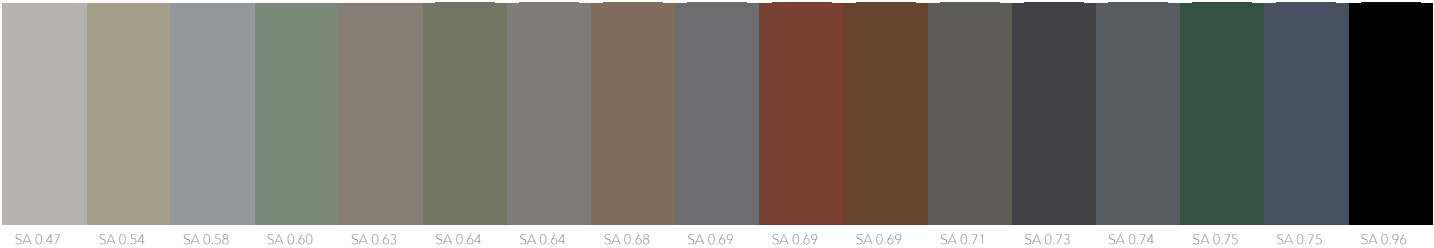


APPENDIX B - FENCING LOCATION PLAN

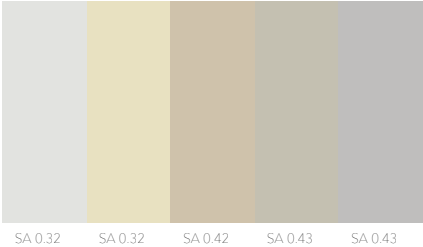


APPENDIX C – COLOUR SCHEDULE

**Preferred earthy
and dark colours**
(solar absorptance >
0.475)



**Discouraged
colours**
(solar absorptance <
0.475)



PLANTING SCHEDULE

NOTE: ALL TREES TO BE SUPPLIED IN MINIMUM 45L/33cm POT

TREE	ABBREVIATION	SIZE (H x Ø)	QUANTITY
Banksia marginata (Silver Banksia)	BM	5m x 4mØ	11
Corymbia ficifolia (Red Flowering Gum)	CF	6m x 4mØ	17

WATERING SCHEDULE

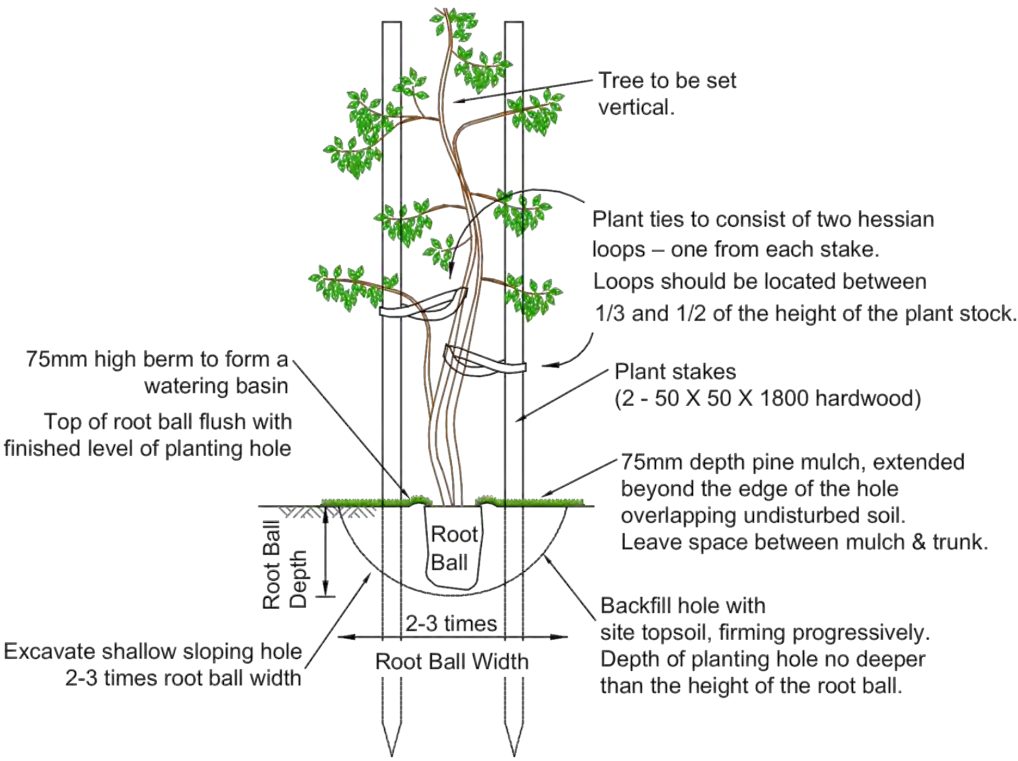
PERIOD	FREQUENCY
NOVEMBER - MARCH	10 - 14 DAYS
APRIL - OCTOBER	28 DAYS

MAINTENANCE STRATEGY

TASK	FREQUENCY
MOWING	MONTHLY
WEEDING	BIANNUALLY
PRUNING	ANNUALLY
POISONING	ANNUALLY
MULCHING	ANNUALLY

Note:
Driveways and tree locations are
indicative only and are subject to
re-location following detailed
design and power design.

NOTE:
1. TREES ARE NOT TO BE PLANTED WITHIN 2.5m OF A VEHICLE CROSSING, STORMWATER PITS AND PEDESTRIAN CROSSINGS.
2. TREES ARE NOT TO BE PLANTED WITHIN 4m OF A LIGHT POLE.



MATURE TREE PLANTING DETAIL
N T S



70 YOUNGER STREET,
WARRNAMBOOL
LANDSCAPE PLAN

SHEET No.
1 OF 1

N.T.S Job No.18-0575





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Bushfire Management Plan

**For the proposed subdivision of
70 Younger Street,
Warrnambool**

**Prepared for:
Myers Planning Group**



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Document Information


Bushfire Management Plan for the subdivision of 70 Younger Street, Warrnambool

Report prepared by Okologie Consulting Pty Ltd for Myers Planning Group

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Document Control

Version	Author	Review	Approval	Date
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Summary

This Bushfire Management Plan has been prepared to support a planning permit application for the residential subdivision of 70 Younger Street, Warrnambool that is located in a bushfire prone area. The assessment was undertaken to inform the bushfire risk and management response to reduce this risk to appropriate levels.

The development proposal is for a 20-lot residential subdivision. Warrnambool City Council requires development applications in bushfire prone areas (not subject to the Bushfire Management Overlay) to prepare a Bushfire Management Plan and address Clause 13.05-1 (Bushfire Planning). This includes preparation of a bushfire site hazard and landscape hazard assessment and implementation of appropriate bushfire protection measures to address the identified bushfire risk.

The site was characterised by exotic dominated pasture, interspersed with planted native trees and shrubs along windrows and the existing dwelling and associated site infrastructure. Two classifiable vegetation types (Scrubland and Grassland) were recorded within the 100-metre assessment area, with an effective slope of Upslope and Flat Land 0 degrees to each aspect. The assessment area also included low-threat vegetation that consists of slashed lawn, planted windbreaks, cultivated gardens and non-vegetated areas.

The surrounding landscape was identified as Broader Landscape Type One. The potential bushfire scenario with the highest probable impact on the site involves Scrubland vegetation within the Thunder Point Coastal Reserve to the west of the development. However, the presence of managed (low-risk) vegetation and Merri River reduces the potential for direct flame contact to the subdivision. Ember attack represents the main bushfire threat to the site under this bushfire scenario.

The bushfire hazard site assessment identified the development is capable of achieving BAL-12.5 defensible space and construction in accordance with Column A of Table 2 to Clause 53.02. The defensible space requirements can be wholly contained within the boundary of the proposed subdivision.

The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level, as the subdivision is capable of managing the bushfire risk within the property boundary.



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1 Introduction

1.1 Background

Okologie Consulting Pty Ltd was engaged by Myers Planning Group to prepare a Bushfire Management Plan for 70 Younger Street, Warrnambool.

The development proposal is for a 20-lot residential subdivision. Warrnambool City Council requires development applications in bushfire prone areas (not subject to the Bushfire Management Overlay) to prepare a Bushfire Management Plan and address Clause 13.05-1 (Bushfire Planning) (DELWP 2018a).

This includes preparation of a bushfire hazard site assessment, landscape hazard assessment and implementation of appropriate bushfire protection measures to address the identified bushfire risk. This assessment also has regard to the *Design Guidelines Settlement Planning at the Bushfire Interface* (DELWP 2020c).

The relevant information provided with this application comprises:

- A bushfire hazard site assessment, which calculates the defendable space from the bushfire hazard as informed by the methodology of AS 3959-2018 *Construction of buildings in bushfire prone areas* (Australian Standard 2018).
- A bushfire hazard landscape assessment including a plan that describes the bushfire hazard of the general locality more than 100-metres from the site.
- Review of Clause 13.05 to shows how the development responds to the identified bushfire risk.



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2 Site Description

2.1 Site Details

The site comprises the property at 70 Younger Street, Warrnambool. It covers approximately two-hectares and is bounded by Merri Creek to the north, private property to the east, Younger Street to the south and O'Brien Street to the west. The assessment area covers the site as well as land extending for 100-metres in all directions beyond the boundary of the development area (Figure 1).

The site topography comprises low undulating slopes towards the southwest. The site has been used for agriculture (grazing) and contains an existing dwelling and associated infrastructure (sheds). The majority of the site comprises exotic dominated pasture interspersed with planted trees and shrubs around the dwelling and property boundary. Native vegetation is located in the northern section of the site and extends along Merri Creek. The surrounding land use includes agriculture, residential development and recreation (Warrnambool Golf Club).



The site occurs in the Warrnambool City Council municipality. It is zoned General Residential Zone – Schedule 1 (GRZ1) and Urban Floodplain Zone (UFZ). It is within a Designated Bushfire Prone Area and is subject to Significant Landscape Overlay – Schedule 1 (SLO1) under the Warrnambool Planning Scheme (DELWP 2020).

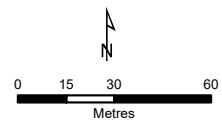
Figure 1

Site Location

70 Younger Street,
Warrnambool

Legend

-  Subject Site
-  100m Assessment Area



Coordinate System: GDA 1994 MGA Zone 55
Map Scale when printed @ A4 1:2,000



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3 Methodology

3.1 Desktop Assessment

The desktop assessment included review of relevant databases including:

- Planning Schemes Online for planning information (DELWP 2020a).
- NatureKit for modelled vegetation, topography and bushfire history (DELWP 2020b) of the surrounding area.
- Aerial photographs of the site and surrounding areas.

State planning provisions and relevant literature were also reviewed, including:

- Design Guidelines Settlement Planning at the Bushfire Interface (DELWP 2020c).
- State Planning Policy Framework 13.05-1 *Bushfire planning* (DELWP 2018a).
- Clause 53.02 *Bushfire Planning* (DELWP 2018b).
- Clause 44.06 *Bushfire Management Overlay* (DELWP 2018c).
- Practice Note 65: Preparing and Assessing a Planning Application Under the Bushfire Provisions in Planning Schemes (DTPLI 2014).
- CFA guideline 'Applying the Bushfire Hazard Landscape Assessment in Bushfire Management' (CFA 2015).
- Planning for Bushfire Victoria: Version 2 (CFA 2012).
- Australian Standard *AS 3959-2018 Construction of buildings in bushfire prone areas* (Australian Standards 2018).

3.2 Bushfire Hazard Site Assessment

A bushfire hazard site assessment was undertaken on 18 September 2020. The assessment involved determining the classifiable vegetation and effective slope within a 100-metre radius of the proposed development using the method described by AS3959-2018 (Australian Standards 2018). The Bushfire Attack Level (BAL) is calculated using Table 1 or 2 from Clause 53.02 and applying the classifiable vegetation type, the effective slope under classifiable vegetation and distances between vegetation (the hazard) and the proposed development.

The bushfire hazard site assessment process is used to determine how far away from unmanaged vegetation a building would need to be to receive less than a certain level of radiant heat (e.g. a building constructed to BAL-12.5 has been designed to withstand a radiant heat flux of 12.5 kW/m²). The higher the BAL, the higher the exposure to the effects of flame, radiant heat and ember attack from a bushfire (Plate 1).



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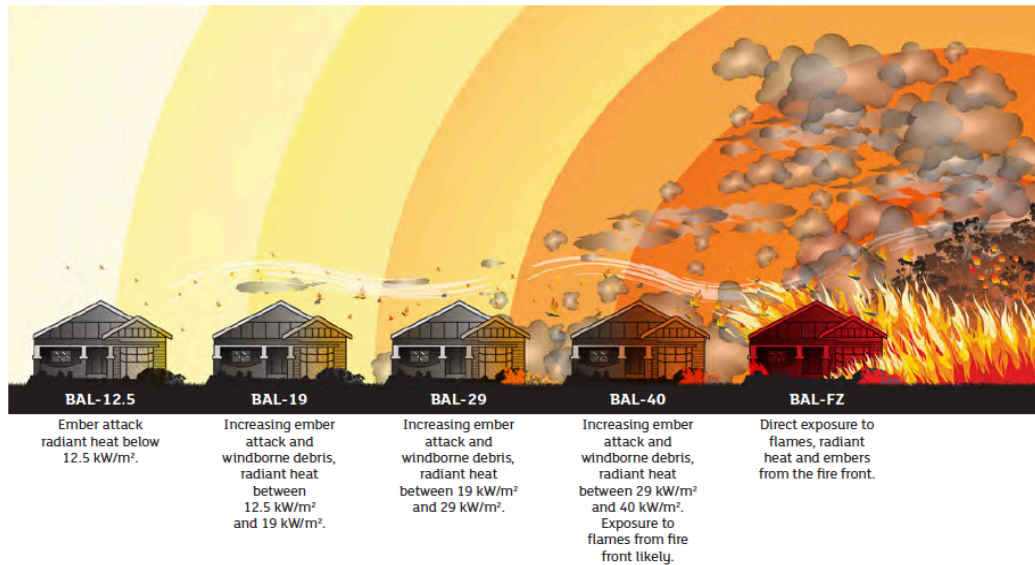


Plate 1. Bushfire Attack Levels and hazards associated with bushfire threats (Source: DELWP 2017).

3.3 Vegetation

For the purposes of determining the defensible space and construction requirements, classified vegetation is vegetation that constitutes a bushfire hazard within 100 metres of the development in accordance with the classification system of AS 3959-2018 (Australian Standards 2018) and Table 1 or Table 2 of Clause 53.02 (DELWP 2018a). If more than one classified vegetation type is present the 'worst case scenario' is applied to determine the BAL (Standards Australia 2018).

Areas of low-threat vegetation are described as:

- Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.
- Low-threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks (Standards Australia 2018).

Modified vegetation refers to vegetation that is different from the other vegetation classifications in AS 3959-2018 (the standard) because it:

- Has been modified, altered or is managed due to urban development, or gardening;
- Has different fuel loads from those assumed in the standard;
- Has limited or no understorey vegetation; or



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- Is not low-threat or low-risk vegetation as defined in the standard (DELWP 2018b).

3.4 Topography

The site topography was assessed within the 100-metre assessment area, to determine the effective slope under classified vegetation in accordance with AS 3959-2018 (Australian Standards 2018). For the landscape assessment, the effective slope is determined on worst case rather than an average (CFA 2015).

Topography (or slope) influences the rate of spread and intensity of a bushfire. Fire burns faster uphill as the slope increases so does the speed of the fire and its intensity. As a general rule, for every 10° slope, the fire will double its speed. Fires tend to move more slowly as the slope decreases, and for every 10° of downhill slope, the fire will halve its speed (CFA 2012).

3.5 Defendable Space

Defendable space is one of the most effective ways of reducing the impact of bushfire on a building. It comprises an area of land around a building (inner zone and outer zone) where vegetation is modified and managed to reduce the effects of flame contact, radiant heat and embers associated with bushfire (Plate 2) (CFA 2015).

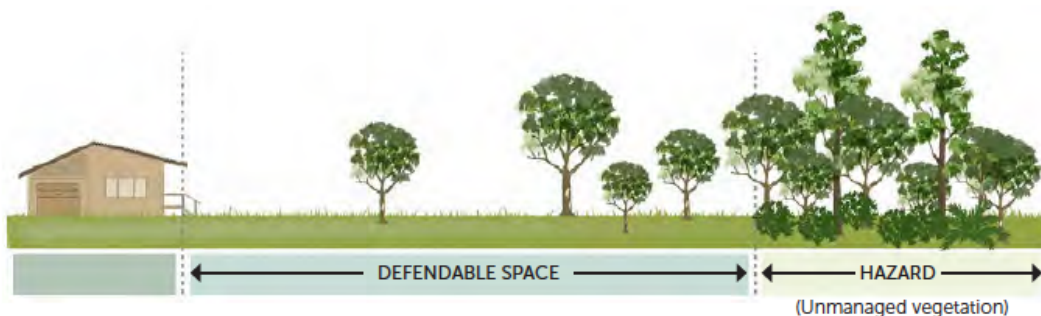


Plate 2. Defendable space around a building (Source: DELWP 2017).

3.6 Construction Standards

Construction requirements for buildings relating to a calculated BAL are prescribed in AS3959-2018 (Standards Australia 2018). Building construction and design can be used to minimise the impacts of ember attack and radiant heat on a building. The materials and design of a building can be used to prevent the accumulation of debris and entry of embers. Appropriate construction helps the building to withstand the potential exposure from a bushfire as the fire front passes (CFA 2015).



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3.7 Limitations

The information outlined in this report relies on the accuracy of GIS layers and spatial imagery. To minimise potential errors, the most current available data was obtained from relevant sources. The bushfire hazard within the local area was determined from interpretation of aerial photography, as access to all private property was not available. Determination of vegetation classification was based on relevant standards and guidelines, and vegetation condition and extent observed during the site assessment.



4 Bushfire Hazard Landscape Assessment

4.1 Site and Landscape Context

The site is located within a General Residential Zone, on the southwestern boundary of the City of Warrnambool. The surrounding landscape predominantly consists of residential development, agriculture, recreation and conservation (Thunder Point Coastal Reserve). Access to Younger Street is via Merrivale Drive, which extends north toward Princes Highway. The nearest designated neighbourhood safer place is located at Merrivale Recreation Reserve Car Park, approximately one kilometre to the northwest of the site. Warrnambool also contains areas of residential parkland and ovals that can provide protection during extreme fire conditions.

4.2 Vegetation Extent in the Locality

Land in the immediate surrounds contains agricultural land that has largely been cleared of native vegetation. Areas of native vegetation extend along Merri River to the north and throughout Thunder Point Coastal Reserve to the southwest (Figure 1). Managed native vegetation occurs in the Warrnambool Golf Club to the south.

4.3 Recent Bushfire History

The NatureKit (DEWLP 2020b) contains data on the bushfire history for the local area from 1970. The 1983 Ash Wednesday bushfires impacted 39,597-hectares approximately 18-kilometres to the east of the site. A 193-hectare bushfire occurred 16-kilometres northeast of the site in 2007, and a 33-hectare bushfire occurred approximately 12-kilometres west of the site in 2008 (DEWLP 2020b) (Figure 2).

4.4 Potential Bushfire Scenario

Bushfire Scenario 1

The potential bushfire scenario with the highest probable impact on the site involves Scrubland vegetation southwest of the site. Strong wind changes from the southwest direction are associated with high bushfire risk weather. The site could potentially be impacted by a bushfire approaching from the southwest along the coastal reserve that would likely result from local ignition. However, the presence of Merri River and residential development to the west reduces the potential fire run to less than one-kilometre, which would reduce the potential for direct flame contact (Figure 2). Ember attack represents the main bushfire threat to the site under this bushfire scenario.



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4.5 Landscape Type

The site corresponds to Broader Landscape Type One as specified in Practice Note 65 (DTPLI 2014) as it meets the following criteria:



- Vegetation beyond 100 metres of the site is highly modified and comprises a modified cover of native vegetation, agricultural grasslands and low-threat vegetation.
- Extreme bushfire behaviour is not possible.
- The type and extent of vegetation (agricultural grassland) is unlikely to result in neighbourhood-scale destruction of property.
- Access to a designated bushfire shelter place is likely during a bushfire event.

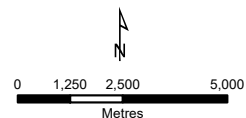
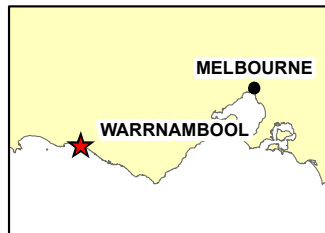
Figure 2

Landscape Hazard Assessment

70 Younger Street,
Warrnambool

Legend

-  Subject Site
-  100m Assessment Area

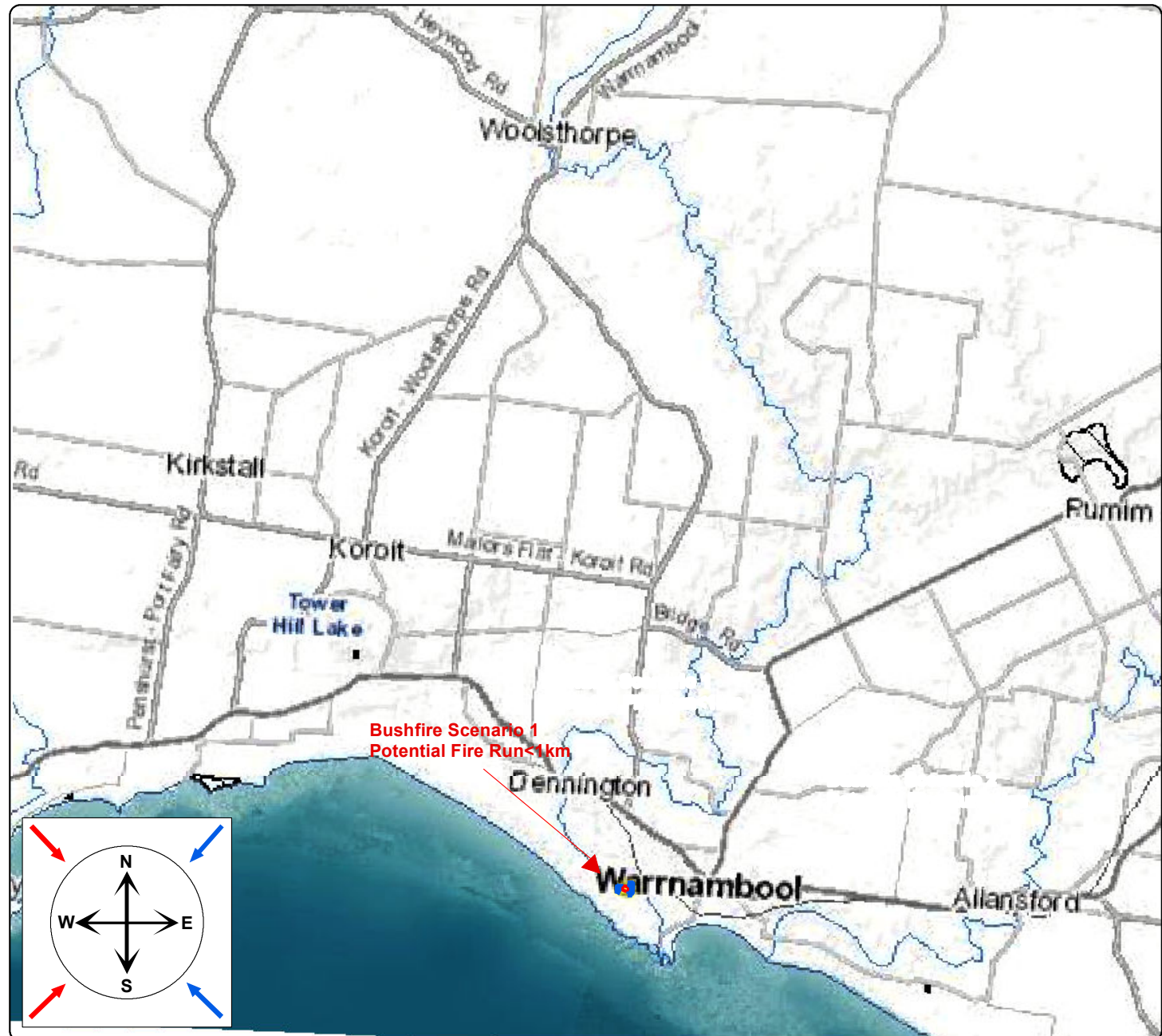


Coordinate System: GDA 1994 MGA Zone 55
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5 Bushfire Hazard Site Assessment

5.1 Vegetation Assessment

Two classifiable vegetation types, Scrubland and Grassland, were recorded within the 100-metre assessment area. The assessment area also included low-threat vegetation in private land to the north and west, and Warrnambool Golf Club to the south (Figure 3). A description of the vegetation types within the 100-metre assessment area is outlined below.

Scrubland Vegetation

Native vegetation to the east of the site meets the classification of Scrubland under AS 3959-2018 as it comprises *shrubs 1-2 metres high, occurs in dunes on the littoral shore zone* (Standards Australia 2018). Scrubland vegetation in the assessment area included low shrubland and open heath as described in Standards Australia (2018).

Scrubland vegetation was located along the northern banks of the Merri River and in private property to the northwest. The vegetation comprised a shrub layer of Coast Beard-heath *Leucopogon parviflorus*, Coast Wattle *Acacia longifolia* subsp. *sophorae*, Seaberry Saltbush *Chenopodium candolleanum* to two-metres tall. The ground layer consisted of Knobby Club-sedge *Ficinia nodosa*, Coast Tussock-grass *Poa poiformis* and Bower Spinach *Tetragonia implexicoma*, interspersed with exotic Cocksfoot *Dactylis glomerata*, Prairie Grass *Bromus catharticus*, Yorkshire Fog-grass *Holcus lanatus* and Panic Veldt-grass *Ehrharta erecta* (Plates 1 and 2). The effective slope beneath Scrubland was classified as 'All upslopes and flat land 0 degrees' category (Figure 3).

Grassland Vegetation

Introduced pasture throughout the site and within the 100-metre assessment area meets the classification of Grassland under AS 3959-2018. The vegetation was dominated by exotic species such as Brown-top bent *Agrostis capillaris*, Perennial Ryegrass *Lolium perenne*, Kikuyu *Cenchrus clandestinus*, Paspalum *Paspalum dilatatum*, Bearded Oat *Avena barbata*, Yorkshire Fog-grass, Cocksfoot and Cape Weed *Arctotheca calendula* (Plates 3 and 4). The effective slope under Grassland vegetation was 'Upslope and flat land 0 degrees' to each aspect (Figure 3).

Low-threat Vegetation

The property comprised trees and shrubs along windrows and landscaped gardens around the existing dwelling. Planted Swamp Gum *Eucalyptus ovata*, Bushy Yate *Eucalyptus lehmannii* and Drooping Sheoak *Allocasuarina verticillata*, with a ground layer devoid of vegetation. Areas of exotic lawn were mown to 100mm. These areas are managed in minimal fuel condition and were considered to meet the low-threat vegetation criteria under AS 3959-2018 (Standards Australia 2018) (Plates 5 to 8).



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Plate 1: Scrubland vegetation to the immediate north of the site



Plate 2: Scrubland vegetation to the immediate north of the site



Plate 3: Grassland vegetation to the northwest of the site



Plate 4: Grassland vegetation to the east of the site



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Plate 5: Low-threat vegetation – northern aspect



Plate 6: Low-threat vegetation within the site



Plate 7: Low-threat vegetation – southern aspect



Plate 8: Low-threat vegetation – western aspect



5.2 Bushfire Hazard Site Assessment Results

The Bushfire Hazard Site Assessment process is used to determine how far away from unmanaged vegetation a building would need to be to receive less than a certain level of radiant heat (e.g. a building constructed to BAL-12.5 has been designed to withstand a radiant heat flux of 12.5 kW/m²). The development BAL also includes consideration of the bushfire hazard landscape assessment to ensure defensible space provides an adequate safety zone around each building (CFA 2015).

The results of the site assessment in conjunction with Table 2 under Clause 53.02 were used to determine the appropriate BAL and associated defensible space and construction standard. The highest BAL threat is from Scrubland vegetation to the north of the property boundary. The development is separated from Scrubland vegetation by Merri River and is outside the 19-metres defensible space requirement of Table 2 to Clause 53.02 and can be achieved within the property boundary (Figure 3).

The development is capable of achieving BAL-12.5 defensible space and construction requirement in accordance with Column A of Table 2 to Clause 53.02 (Table 1). The required defensible space can be achieved within the development area boundary in accordance with Table 2 and Table 6 to Clause 53.02-5 (Figure 3).

Table 1. Bushfire Hazard Site Assessment Results








Orientation	Classified Vegetation	Effective Slope	Defendable Space*	BAL
North	Scrubland	Flat/Upslope	Property boundary	12.5
East	Low threat	Flat/Upslope	Property boundary	12.5
South	Low threat	Flat/Upslope	Property boundary	12.5
West	Low threat	Flat/Upslope	Property boundary	12.5

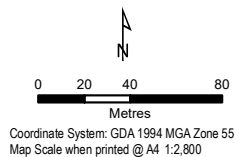
*Defendable space is to be provided for a distance of 50 metres, or the property boundary whichever is the lesser, for buildings constructed to all bushfire attack levels. The minimum construction standard is BAL 12.5 (DELWP 2018a).

Figure 3

Bushfire Management Plan
70 Younger Street,
Warrnambool

Legend

-  Subject Site
-  BAL 12.5
-  100m Assessment Area
-  Grassland
-  Scrubland
-  Woodland
-  Low Threat Vegetation



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VicMap Data: The state of Victoria does not warrant the accuracy or correctness of information in this publication and any person using or relying upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information.



Defendable Space Management

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Water Supply and Access

- Each Lot will be required to maintain a static water supply of 5,000 litres specifically for fire fighting purposes. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supply.

- There are no access design and construction requirements as the length of access is less than 30 metres.

Construction Requirements

- Each dwelling is to be constructed to BAL-12.5 in accordance with AS3959 requirements.

Landscaping

- Any landscaping of the subdivision will conform to the CFA Landscaping for Bushfire Guidelines to reduce the bushfire risk



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6 Clause 13.05-1 Bushfire Planning

6.1 Application Requirements

Clause 13.05-1 (Bushfire Planning) requires development applications in bushfire prone areas to address the objectives and application requirements of this policy at the planning permit application stage. The assessment of Clause 13.05-1 has regard to the *Design Guidelines Settlement Planning at the Bushfire Interface* (DELWP 2020c).

The objective of Clause 13.05 *is to strengthen the resilience of settlements and communities and prioritise protection of human life*. The relevant application requirements of Clause 13.05-1 are addressed in Table 2.

Table 2. Response to Clause 13.05-1

Protection of Human Life	
Strategy	Response
Prioritising the protection of human life over all other policy considerations.	<p>The site occurs within the City of Warrnambool and is adjacent to residential development to the north and west. Land use to the east and west includes agriculture, and Warrnambool Golf Club to the south.</p> <p>The site is located in a residential development area, with agriculture, conservation and recreational land use in the immediate surrounds. There is adequate access to the local road network, town water supply and existing cleared areas. Areas of scrubland to the north and west and grassland to the east of the site represent a potential bushfire risk to the local area, however this threat to human life is considered to be low.</p> <p>The bushfire risk to human life can be mitigated to an acceptable level through the layout, siting and design of the development and implementation of bushfire protection measures.</p>
Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.	<p>The proposed development is located within the City of Warrnambool town boundary, with agriculture, conservation and recreational land use in the immediate surrounds. Access to Younger Street is via Merrivale Drive, which provides suitable access for residents and emergency services.</p> <p>The nearest designated neighbourhood safer place is located at Merrivale Recreation Reserve Car Park, approximately one kilometre to the northwest of the site. The local area contains shopping centres, ovals and carpark areas that may provide protection from the impact of bushfire conditions.</p>



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Protection of Human Life	
Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision-making at all stages of the planning process.	The proposed development will not increase the bushfire risk to the local community, or the adjacent area and it is located in a low bushfire risk area. Implementing bushfire protection measures may assist in reducing the bushfire risk to adjacent dwellings.
Bushfire hazard identification and assessment	
Strategy	Response
Applying the best available science to identify vegetation, topographic and climatic conditions that create a bushfire hazard.	The bushfire hazard has been reviewed using the most current available vegetation, topographic and climatic data, GIS layers and spatial imagery.
Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.	The area surrounding the development is identified as a bushfire prone area.
Applying the Bushfire Management Overlay in planning schemes to areas where the extent of vegetation can create an extreme bushfire hazard.	The site is located in a highly modified agricultural area, where the existing vegetation cannot create an extreme bushfire risk.
<p>Considering and assessing the bushfire hazard on the basis of:</p> <ul style="list-style-type: none"> Landscape conditions - meaning the conditions in the landscape within 20 kilometres and potentially up to 75 kilometres from a site. Local conditions - meaning conditions in the area within approximately 1 kilometre from a site. Neighbourhood conditions - meaning conditions in the area within 400 metres of a site; and the site for the development. 	<p>The bushfire hazard landscape assessment has addressed the bushfire hazard of the locality approximately 20 km from the site (Figure 2). The highest bushfire risk within the broader landscape comprises areas of scrubland vegetation in the coastal reserve and unmanaged grassland vegetation on agricultural land; however, this threat is mitigated through the presence of low-risk vegetation managed in a minimum fuel condition. Extreme bushfire behaviour is not possible within these areas.</p> <p>The local bushfire conditions were addressed within the bushfire hazard landscape assessment (Figure 2). The bushfire risk within the local area comprises areas of scrubland vegetation in the coastal reserve and unmanaged grassland vegetation on agricultural land; however, surrounding low-threat vegetation, residential development, the local road network, and modified agricultural land reduces this risk to the development.</p> <p>The surrounding landscape was identified as Broader Landscape Type One. The development is located in a highly modified area, adjacent to the local road network, town water supply and existing cleared areas. Areas of scrubland to the north and west and grassland to the east of the site represent a potential bushfire risk to the local area, however this threat is considered to be low through the presence of surrounding agricultural land and low-threat vegetation managed in a minimum fuel condition.</p>



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Protection of Human Life	
Consulting with emergency management agencies and the relevant fire authority early in the process to receive their recommendations and implement appropriate bushfire protection measures.	Consultation has been undertaken with CFA Fire Safety Officer Cindy Harrison-Roberts (Fire & Emergency Management).
Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.	This application has assessed the bushfire risk through preparation of a bushfire hazard site assessment, landscape hazard assessment, which includes appropriate bushfire protection measures.
Not approving development where a landowner or proponent has not satisfactorily demonstrated that the relevant policies have been addressed, performance measures satisfied or bushfire protection measures can be adequately implemented.	The development can meet the required BAL 12.5 defensible space and construction as well as the associated bushfire protection measures to reduce this risk to appropriate levels.
Settlement planning	
Strategy	Response
Directing population growth and development to low risk locations, being those locations assessed as having a radiant heat flux of less than 12.5 kilowatts/square metre under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009).	The bushfire hazard site assessment identified the development is capable of achieving BAL-12.5 defensible space and construction in accordance with Column A of Table 2 to Clause 53.02-5
Ensuring the availability of, and safe access to, areas assessed as a BAL-LOW rating under AS 3959-2009 Construction of Buildings in Bushfire-prone Areas (Standards Australia, 2009) where human life can be better protected from the effects of bushfire.	The nearest designated neighbourhood safer place is located at Merrivale Recreation Reserve Car Park, approximately one kilometre to the northwest of the site. The local area contains shopping centres, ovals and carpark areas that may provide protection from the impact of bushfire conditions.
Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development	The proposed development will not increase the bushfire risk to the local community or the adjacent area and it is located in a low bushfire risk area.
Achieving no net increase in risk to existing and future residents, property and community infrastructure, through the implementation of bushfire protection measures and where possible reduce bushfire risk overall.	The development is capable of managing the bushfire risk entirely within the property boundary. Implementing additional bushfire protection measures may assist in reducing the overall risk to adjacent properties.
Assessing and addressing the bushfire hazard posed to the settlement and the likely bushfire behaviour it will produce at a landscape, settlement, local, neighbourhood and site scale, including the potential for neighbourhood-scale	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level, as the required defensible space vegetation management measures will be implemented with the ongoing use of the land.



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Protection of Human Life	
destruction.	
Assessing alternative low risk locations for settlement growth on a regional, municipal, settlement, local and neighbourhood basis.	The development area is located on semi-agricultural land that is considered a low bushfire risk location for settlement growth. It occurs within the existing town boundary.
Not approving any strategic planning document, local planning policy, or planning scheme amendment that will result in the introduction or intensification of development in an area that has, or will on completion have, more than a BAL-12.5 rating under AS 3959-2009.	The bushfire hazard site assessment identified the development is capable of achieving BAL-12.5 defensible space and construction in accordance with Column A of Table 2 to Clause 53.02-5.
Use and development control in a Bushfire Prone Area	
Strategy	Response
Consider the risk of bushfire to people, property and community infrastructure.	<p>The bushfire risk has been assessed through preparation of a bushfire hazard site assessment, and landscape hazard assessment, which includes appropriate bushfire protection measures.</p> <p>The development is capable of achieving BAL-12.5 defensible space and construction and is capable of managing the bushfire risk entirely within the property boundary. The development is set back from the bushfire hazard (Scrubland) by the Merri River to the north (Figure 3).</p>
Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk.	The required defensible space vegetation management measures can be implemented with the ongoing use of the land.
Ensure new development can implement bushfire protection measures without unacceptable biodiversity impacts.	The site is highly modified as a result of agricultural use. The development will not result in unacceptable impacts to biodiversity as the site is devoid of remnant native vegetation.



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7 References

CFA 2011. *Landscaping for Bushfire: Garden design and plant selection*. Country Fire Authority.

CFA 2012. *Planning for Bushfire: Guidelines for meeting Victoria's bushfire planning requirements*. Country Fire Authority.

CFA 2015. *Guideline: Applying the Bushfire Hazard Landscape Assessment in a Bushfire Management. Version 2.1*. Country Fire Authority.

DEWLP 2018a. Clause 13.02 Bushfire Planning. Department of Environment, Water, Land and Planning: <http://planning-schemes.delwp.vic.gov.au/schemes/vpps>

DEWLP 2018b. Clause 53.02 Bushfire Planning. Department of Environment, Water, Land and Planning: <http://planning-schemes.delwp.vic.gov.au/schemes/vpps>

DELWP 2018c. Clause 44.06 Bushfire Management Overlay. Department of Environment, Water, Land and Planning: <http://planning-schemes.delwp.vic.gov.au/schemes/vpps>

DEWLP 2020a. Planning Scheme Online. Department of Environment, Water, Land and Planning: <http://mapshare.maps.vic.gov.au/>

DEWLP 2020b. NatureKit. Department of Environment, Water, Land and Planning: <http://maps.biodiversity.vic.gov.au/viewer/?viewer=NatureKit>

DELWP 2020c. *Design Guidelines Settlement Planning at the Bushfire Interface*. Department of Environment, Water, Land and Planning

DTPLI 2014. *Practice Note 65: Preparing and Assessing a Planning Application Under the Bushfire Provisions in Planning Schemes*. Department of Transport, Planning and Local Infrastructure.

Standards Australia 2018. *Australian Standard: Construction of buildings in bushfire-prone areas AS 3959 – 2018*. Published by Standards Australia, Sydney, NSW.



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Appendix 1: Defendable Space

Defendable space is to be managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 square metres in area and must be separated by at least 5 metres.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority (DELWP 2018a).

From: [REDACTED]
To: [Town Planning](#)
Subject: Planning Permit Objection
Date: Wednesday, 17 February 2021 9:52:49 PM

CAUTION: This email originated from outside of Warnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

To Whom It May Concern,

We are writing with regard to the planning application permit for 70 Younger St, Warnambool (application reference number PP2020-0137). The current planning proposal is for a subdivision of the land into 20 lots, with 19 new residences to be built, including a new access road.

As owners of [REDACTED], we are disappointed and concerned by the large number of proposed residences to be built, when until now this land has only had a single residence, which is surrounded by trees, and is therefore quite discreet. The current single dwelling and field where horses graze, provides a beautiful outlook from our property, and the proposed planning permit would impact very significantly on the view from our home, and our sense of privacy. We would encourage a more modest proposal, with fewer dwellings, prioritising retention of existing vegetation and planting of new trees, to try and maintain the natural outlook and discreet nature that the current dwelling on this site models.

Yours sincerely,

[REDACTED]

[REDACTED]

From: [REDACTED]
To: [Town Planning](#)
Subject: 70 Younger Street subdivision
Date: Wednesday, 17 February 2021 10:34:08 PM

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Dear Sir/Madam,

Thank you for informing us of the recent planning permit for subdivision 70 Younger Street.

Whilst I do not object to the subdivision, I do have great concerns for the safety of pedestrians that walk along the road between Fairway Crescent and O'Brien Street.

Being a resident of Younger Street for almost 8 years, I have noticed the traffic has increased immensely since the establishment Mervue Estate. There has also been an increase of pedestrians due to the footbridge that crosses the Merri River from O'Brien Street.

Younger Street once was a quiet street and there has been no need for a footpath, but now there are many more residents in Mervue Estate and potentially another 20 more houses; a footpath that extends east along Younger Street to Fairway Crescent should be strongly considered.

As a mother of 3 children (2 on bikes and 1 in a pram), we have to use the road which at times feels extremely dangerous. The road has bends, dips and overgrown trees....as well as many drivers that do not adhere to the speed limit. My concern is, it is going to take an incident before something gets done to fix the situation.

More and more pedestrians are walking along Younger Street, not only residents but people of greater Warrnambool walking along the rail trail and crossing the foot bridge. It is an enjoyable walk, and it would be even better if it was safer.

If the plan for 20 more blocks goes ahead, please consider a footpath linking the old Younger Street with the new.

Many thanks

[REDACTED]



Objection to Grant Planning Permit – Part B

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

What application do you object to?

Planning Application Number PP2020-0137

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

70 Younger St. Warrnambool, 3280

What is proposed? Twenty lot subdivision and associated

earthworks and removal of native vegetation.

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

As attached

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

As attached

[REDACTED]
February 12, 2021.2.15

Mayor and Councillors,
City of Warrnambool,
Dear Madams/ Sirs,

I wish to lodge an objection against the proposed development plan for 70 Younger St, Warrnambool which covers a 20-lot subdivision, associated earthworks and removal of native vegetation submitted on behalf of Myers Planning Group.

As a longtime resident of this area (from 1972 onwards) I am rather concerned at the amount of subdivision taking place at the western end of the street. I am well acquainted with the history of the intent for this area from 1991 when the Warrnambool Golf Club wanted to have sections of Younger St rezoned to allow a six million-dollar semi-resort development through to the rezoning of land in 2007 to allow what is now the Mervue estate.

The proposal for a 20-lot subdivision on the land, which formerly belonged to [REDACTED] is far and away out of character for this area. When the Mervue development plans went ahead it included a five-lot subdivision on the then Kings land along with four more on Robert Coffey's land. The five-lot proposal included in the Mervue application is about the correct number for this area of land.

This proposal allows for blocks about one-third the size of those in Mervue to about half the size or slightly larger which creates a high rate of density and in future years will have something akin to a ghetto-style appearance. Once approved the over-development cannot be rescinded and while it may be in the interests of particular individuals to gains as much as possible from the land; I would submit that it is not only the interests of today's world that should be taken into account but also that of future years and what will the area be like in 25 to 30 years. With the amount of development that has been taking place in Warrnambool in the past two decades this south western pocket is now the only one that retains much of its former character. To allow over-development to occur now is to take away from future generations an opportunity to view a wetland area and its associated wildlife and birdlife which is relatively close to the central part of the city.

The wetlands for many years have been home to a large variety of wildlife and birdlife. The birdlife, in particular, has been varied over the years with the species and numbers dependant on the season from extremely wet to some dry. There is also an abundance of small wildlife that exists on the fringes of the wetlands and relies on the native vegetation for its existence, to which this proposal would be detrimental.

The reduction of the the native vegetation in this area is of concern as large amount were destroyed to allow the construction of houses in the Mervue estate. To allow this trend to continue with a further reduction on this parcel of land is only to exacerbate what is already an unwanted problem.

Just what associated earthworks are planned for this proposed development is not clear on the paperwork submitted to council but I would contend that any works should not allow earth to be put onto what is now wetland areas or other low-lying areas which are adjacent to the river. This is a fragile area and the moving of any earth would be detrimental to the habitat of existing birdlife and wildlife.

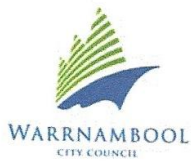
The changes to our area have also brought with them other problems with the main ones being access of emergency vehicles and increased traffic. With emergency vehicles the only access to Mervue and this proposal is down Wellington St and along Younger St as Younger St is not a through road. My property is one kilometre from just past the Wellington St intersection and is about another half a kilometre to this proposal and nearly a kilometre to the end houses of Younger St. In the event of a medical emergency or fire the time taken for a vehicle to get to these sites is greater than it should be. At the time of the Mervue application a suggestion for a road bridge across the Merri River adjacent to Mott St or what was Wainright St was rejected but a footbridge was constructed for pedestrian traffic giving them access to Mott St rather than having to walk to the Wellington St Merrivale Drive intersection for public transport. With a further subdivision there will be an increase in the number of people living there plus an increase in traffic.

The increase in traffic is of great concern to residents along Younger St. Since the development of Mervue there has been a sizeable increase in the volume of traffic using Younger St. While the volume is one issue the speed at which they travel is also of great concern. When vehicles travelling in the western direction get past the golf course gates they tend to speed up and with vehicles travelling in the easterly direction when they top the rise adjacent to No 64 they do speed up, often quite considerably and we are just waiting for the accident at the golf course gates to happen. A traffic calmer adjacent to Nos 54 or 56 may help solve that. Also, when council officers are looking at traffic volumes from developments they should also take into consideration topography as it has a bearing on speed.

Yours Faithfully,

[REDACTED]

.....



Objection to Grant Planning Permit – Part B

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

What application do you object to?

Planning Application Number.....PP 2020-0137.....

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

70 YOUNGER STREET, WARRNAMBOOL VIC 3280

What is proposed? TWENTY (20) lot subdivision & associated earthworks, & removal of native vegetation.

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

See attached page

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

See attached page

Planning Permit Application PP2020-0137

70 Younger Street Warrnambool VIC 3280
Twenty (20) lot subdivision & associated earthworks, & removal of native vegetation.

What are the reasons for your objection?

Natural Environment

We are concerned with removal of established trees on the river boundary + neighbouring boundary fence lines which will impact the Merri Wetlands setting as well as bird life.

The river bank on Denham Road (unsealed) has a dense established native tree environment and we are concerned about the risk of unapproved tree removal

ESD Design Existing Wetlands - Appendix H, regarding stormwater drainage and site drainage. It is hoped that Warrnambool City Council's best practice guidelines for site drainage will not result in additional tree loss at the river edge, especially on crown land.

Traffic Management

Clause 15.01-3

- There is no obvious allowance to reduce car dependency as no public transport in Younger street through to the Mervue Estate
- There is no footpath between O'Brien & Younger Street corner down Younger Street to and including McGennan Street and Henry Street

Clause 15.91-1S

- Added traffic load on Younger and Wellington streets especially given the incompletion of the Mervue residential development.
- Specific problem of traffic cutting through Duir and Henry streets to short cut Merrival Drive to and from Wellington streets. Traffic rounding the corner of Duir and Henry streets is already dangerous.

Flood Management

Clause 13.03-1S

- Spurious claim of 1/100 year flood peaks given four events since 2011: 2011, 2013, 2016 and of course 2020 inundating lower level of proposed development. Indeed is there evidence of the 100 year extreme level of flooding being promulgated? We do have clear evidence of the impact of the October 2020 flooding which clearly inundated much of lowlands of this proposed development.
- The proposed earthworks presumably to mitigate flooding on this proposed development site will likely impact drainage of flooding rains into the river. What is the likely impact of those works to other homeowners along the river?
- Sharp focus required to ensure no building at all on areas shown to be subject to flooding

Built Environment

Clause 21.03

Environmental Values of the Area

Given that some of the houses being built on the Mervue Estate are sited very prominently on their blocks and are double storied, it is clear that Applications for Permits may state one thing and be approved but once block owners set about their own building plans, key elements as in Clause 21.03 of this permit are discarded. It would be aesthetically unpleasant if this was to occur with this proposed development.

The lot numbers and sizes proposed are varied and numerous for a relatively small amount of "buildable" land. The smallest is ridiculously small at 306sq m. The next smallest 447sq m. While others are larger, the density on this site is incredibly tight considering the overall area. I'm not sure that this proposed building site needs to be another Warrnambool Woollen Mill development. At least that was built on a former industrial site and is serviced by public transport and within walking distance of key recreational facilities.

It is to be fervently hoped that the key tenets of this clause are adhered to as per Appendices L - landscaping details, K - visible future development to be privately landscaped with buildings finished in dark earthy colours and materials & D - management and planting of native vegetation

How will you be affected by the grant of the permit?

Natural Environment

Clause 21.03 Environment and Landscape values Also Clause 52.27 Native Vegetation (Also Appendix F)

No one is naive enough to think that views present on moving to the area will be retained however the loss of trees and indeed the risk of a gung ho all out wholesale removal of trees that might then be deemed fait accompli is a high risk on this development site. Can this developer be trusted?

The view (photograph) of riverfront trees shown on page 236 - front page (first page) of the Flood Impact Assessment shows very clearly the group of trees on the southern side of the river bank that we are most concerned about.

Traffic Management

Increased traffic coming from this proposed development and exiting via the only road available ie Wellington Street.

Firstly there is already a problem of traffic cutting through Duir and Henry streets to short cut Merrivale Drive to and from Wellington streets.

We have experienced many instances of cars using Merrivale Drive from a westerly direction, turning right into Duir Street and cutting the corner at a significant angle across our car as we drive up Duir Street to make a right turn at Merrivale Drive. It is highly likely that this traffic will increase and so increase the risk of collisions.

Secondly, entering Rayner Court via Duir Street from Merrivale Drive must be undertaken with great caution.

Specifically cars rounding the corner of Duir and Henry streets create an already dangerous situation as there is no impediment to their speed or cutting the corner. It is highly likely that this traffic will increase and increase the risk of a collision.

Flood Management

Having clear evidence of the impact of the October 2020 flooding which clearly inundated much of lowlands of this proposed development (refer included attached photographs taken by Marilyn Schroeder on 9 October 2020) there are serious doubts of the viability of some aspects of this proposal. It is now well known that the Younger and O'Brien streets corner of the Mervue Estate was cut during last October's flood as well as inundation of the rear outbuilding and partially installed pool of the house on that corner.

Proposed earthworks presumably to mitigate flooding on this proposed development site at 70 Younger Street will likely impact drainage of flooding rains into the river. What is the likely impact of those works to other homeowners along the river?

Built Environment

We fear loss of amenity due to the proposed density of this site as it is likely to lose much of the current treed outlook on the proposed development site and the rural calm that attracted us to make the purchase of our home with a rural outlook five years ago. In reality, 20 homes on this site will be crowded and afford little scope for planting of replacement native vegetation.

It may read as a small thing however it's hard to place a value on the daily joy of watching the two agisted horses or the joy of grandchildren being able to walk to their paddocks to feed them apples.

This development will necessarily include additional street lighting further adding to the loss of rural calm.

An additional concern is the site management during earthworks and road building. Appropriate levels of dust management would be expected as was the case with the development of the Mervue Estate. This estate is very close to existing residences adjacent to 70 Younger Street and on the northern side of the Merri River and with the prevailing westerly winds, likely to affect neighbouring properties if not properly managed.

Concluding Statement

No doubt, this subdivision will go ahead in some form however to proceed as proposed is shortsighted and will exceed realistic housing density levels, destroy much native vegetation as well as the rural setting and add to the traffic load upon extremely limited existing exit roads.

Please seriously consider reducing the size and density of this proposed development in order to preserve the rural amenity of this Merri Wetlands setting.

[REDACTED]



16-2-21

(P)

Notice of objection for 70 Younger St W'Pool 3280.
Application reference No PP2020-0137

Road usage & footpath plan.

My concerns are

The road is a narrow carriageway that joins on to new developments. In the report Traffic one, it states that 2 corners are dangerous because you can't view road in front properly. It has to be driven at 40 km/h. to make it safe.

This road doesn't have footpath so people can walk safely. Younger St development has put a Walking Bridge over the Merri River. Lots of people are using it to do a loop off rail trail then coming down Younger St with no footpath to go over Wellington St Bridge or go the Kennons St, exercising or walking dog.

We see young people walking after school & weekends carrying their golf clubs for a Practice & game of Golf. They have to walk on a narrow road way no footpaths.

The Traffic report used for the application is out of Date. 2019 Why haven't we got a more accurate Traffic Report.

Storm water.

Storm water on the plan of subdivision shows it going nowhere. Why?

The permeable water that falls on Vacant Land is not mentioned. With housing there will be a lot of concentrated water all at once where does it drain to. How is it restrained from each property to equal the water flow from what used to be permeable water discharging to the river system.

16-2-21

(2)

Objection for 70 Yarger

Flood prone plan.
The plan shows some blocks which are flood prone. Flood prone can not be filled with any bought in filling as it raises the flood waters which affects other people down stream. Where is the storm water from these low blocks of land going to. The Wellington Bridge has a very narrow opening not allowing much water to flow through in a flood, that is why it is important to keep all of our Flood Plane. If it is filled it makes the water higher and I only need 300mm flood water and it is in my house at [REDACTED]. Water was with in 300mm of height of my front door. Lady across road has her out building flooded. It was October 2020. 3 years before the flood came with in 600 of being in my house. Most of our flood water that we get is out of storm water drains. River fills and backflows through our storm drains. Is new development going to add more water to our drains? In the plans it doesn't say where it is going. May be Wellington Bridge is going to be opened up to let their water get through quickly so we don't get flooded. Developer should help fix this problem that we already have. Developers like doing these things with out upgrading infrastructure to meet there development needs. (eg) Foot path, narrow road, dangerous corners, storm water all this should be addressed by the developer why should the rate payer have to fix these things that new developments cause. [REDACTED]

16-2-21.

Planning department - regard to O Brian Th W'Bool

No 40 O Brian Th has put truck loads of fill in a flood prone area. In the last flood his swimming pool floated. He has reinstalled it - 300 Height. This time a lot of fill was added to this pool area, it is a flood prone area. His garage which has plumbing fitted to it had - 300mm of water above floor of it in our last Flood. Why was it allowed to be constructed on a flood prone area. I suppose that Town planner has left leaving that will be your excuse as to why flood prone areas are getting filled with material bought in from other places.

Flood prone areas are not to have any fill brought in. They can spread out fill from there on black tank. bring fill in's.

What happened in O Brian Th W'Bool why has fill been bought in.

PS. I have properties in Allansford and in our last Flooded Holiday home, my insurance for the houses has doubled. I don't want that to happen to me in [redacted]

Planning Application Number: PP2020-0137

Address of the proposed development: 70 Younger St Warrnambool

What is Proposed:

Twenty (20) lot subdivision and associated earthworks, & removal of native vegetation.

Reasons for the Objection

- The proposed planning application for the 20 allotments at 70 Younger St in our estimation will have a negative effect on the outlook and amenity of our property at 66 Younger St.
- The number of allotments in the proposed planning application is in our view excessive given the available land that is above the Urban Floodway Zone.
- The size of many of the allotments in the proposed planning application is excessively small and not in keeping with the existing surrounding urban development.
- The use of the existing natural wetland as a catchment for stormwater we feel is inappropriate given the proximity to the Merri River.

How will you be affected by the grant of the application.

We believe the type and style of the proposed development will adversely affect the amenity of our property and negatively impact on us and on the immediate area. Our property stands on a raised elevation and commands an outlook over the proposed allotments. This amenity, achieved by our raised outlook over open space will be severely impacted by the amount and orientation of the proposed allotments and the use of the natural wetland as a storm water outflow. We believe the overall effect will cause a significant and unnecessary intrusion into our property.

The amount of proposed allotments is excessive given the amount of land and topography of the landscape. We believe altering the natural topography of the existing land by cut and fill and other proposed alterations to the natural landscape, will increase the flood risk to buildings in and adjacent to the proposed development. The recent flood event within the Merri River catchment in 2020 demonstrated how precarious building on land, which in part is subject to flooding. The added use of the natural wetland as a catchment for storm water will only increase this risk and will eventually become an eyesore.

The traffic management plan has indicated the proposed development will not cause any added traffic congestion. We disagree with this view. There has already been a significant increase in traffic loads since the opening of the Mervue estate. Added to this is the blind bend in Younger St immediately east of our property (identified in the Traffic Management Plan). This blind bend will be further impacted by an increase in the traffic loads, which this development will naturally cause. Increased traffic congestion at this bend will increase the risk of accidents. The Traffic Management plan indicates that additional signage will be sufficient to reduce the risk of accidents but we believe a significant risk remains and signage alone will not be adequate to mitigate this risk.

To: Warrnambool City Council
25 Liebig St Warrnambool, VIC, 3280
03 5559 4800

**RE: Planning Permit No. PP2020-0137
20 Lot Sub Division, 70 Younger Street Warrnambool**

To whom it may concern/planning support,

I'm writing to object the current planning permit application for development of 70 Younger Street. I currently live Younger street, and have for 25 years. I grew up here and then purchased my own home because I loved the area so much. My concerns revolve around the livelihood of wildlife, the safety of our residents on Younger Street, the suitability of SO many blocks for this area, and more earthworks that vibrate my home and desk which causes me much anxiety while trying to work-from-home.

On Younger Street we see a lot of wild life- Ibis, galahs, ducks, snakes, pelicans, black and white cockatoos, and sometimes the odd wallaby or koala. Some are seasonal and they come for the wet grasslands. You can even see flocks of Ibis on the unbuilt blocks of Mervue sometimes. Each year we have ducks that nest and hatch their ducklings in the Cypress trees opposite our home. They spend a couple of months in the golf course, on my and our neighbours lawns before heading back down to the river – through the paddocks set for re development. I don't think wildlife and their routines have been considered during planning for the development.

The increased traffic from both new residents and tradies/ trucks pose a risk to the vulnerable residents of our street – kids, families and seniors. Travelling from their properties to work, exercise, walking to Merrivale Primary School.

The Earthworks are a considerable distraction to those working from home- both normally and due to Covid-19. After the Mervue construction we know the vibrations start early and are constant. Hopefully we can reduce this with a smaller amount of blocks, less work.

I think more thought needs to go into the planning of this development to consider locals, wildlife, floods planes of the area.

Parts of block 3 and most of block 4 are flood lands, and cannot even be built on without a written permission – as per planning permit.

I think less blocks - 10 blocks maximum - would suit the area better for safety and traffic congestion. It could be a possibility to consider leaving some areas as wetlands - such as blocks 3 &4, and parts of blocks 5, 6, 7, 8, 9, 10, 11 & 12.

I'd urge the developers and the council to consider this before moving forward.

[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Town Planning](#)
Subject: Re: FW: Planning permit 70 younger st
Date: Wednesday, 24 February 2021 8:19:31 AM

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Hi Julie,

Would you be able to add to my objection letter the following please?

Can a new traffic management assessment be considered for younger street before reaching a decision on the development. The assessment within the permit for younger st is dated 2012, and would not include the partially built Mervue estate behind the proposed development site.

Thanks,

[REDACTED]

On Thu, 18 Feb 2021 at 2:41 pm, Town Planning <planning@warrnambool.vic.gov.au> wrote:

[REDACTED]

Yes you can add to your objection, put your concerns in writing (by return email is fine) and I will include your additional concerns in with your original objection.

Regards, Julie Perry

[REDACTED]

Sent: Thursday, 18 February 2021 2:01 PM
To: Town Planning <planning@warrnambool.vic.gov.au>
Subject: Re: FW: Planning permit [70 younger st](#)

CAUTION: This email originated from outside of Warrnambool City Council. Do not follow guidance, click links, or open attachments unless you recognise the sender and know the content is safe.

Hi Julie,

Thanks for that I over looked that page sorry.

Attention James Phillips

23-6-21.

Regarding Planning permit application No PP2020-0137.
70 Younger St Warrnambool

My objection to parts of this project are.

1. Stormwater Management plan.

The Rain falls on Vacant land it soaks in to the ground which slows water from entering the flood areas which discharge in to the Merri River which finishes up in the sea.

By catching the rainwater on each developed Block it causes water to cascade all at once to the flood area and in to Rivers. This is proposed to discharge on the river side of the development, causing lots of controlled water from 1 Point. This water from this area is a lot more water to the River at once.

The water if caught on the Vacant Properties allows the water to flow a lot slower to the river.

My concern is in October with the flood we had the water came with in 300mm of my Property. Three year before this Flood we had a flood and it come with in 450mm of my property. The Wellington street Bridge has a very narrow opening causing water to back up in to our properties. We now have water from a new houses on the Golf club estate discharging

2

out of Lham water pte West side of Wellington St
Bride this is causing more bad water to the
flood prone areas to the West

If the flood prone area is filled with the proposed
back filling for new subdivision road way ETC
it is going to cause me to have water in my
house, next time we have a flood.

You people making these decisions would be around
to see me get flooded, and you won't care.

Traffic management for this site.

The traffic management report was done in 2019 it is now
2021. A lot has happened in this time. We have
lots of new houses in new subdivision, more houses
to be built on proposed new subdivision.

~~Road~~ New foot bridge over river has
encouraged a lot of people to ride bikes walk
dogs and exercise in Younger St.

This has caused a lot of foot traffic along with
more cars trucks this is now 2021.

A lot of people walking the rail trail up the
bridge and walk the loop.

We have a very dangerous corner opposite
proposed subdivision this needs to be altered
before some one is killed.

With no footpaths in Younger St people dogs.

9. Bikes walk ride on the road.

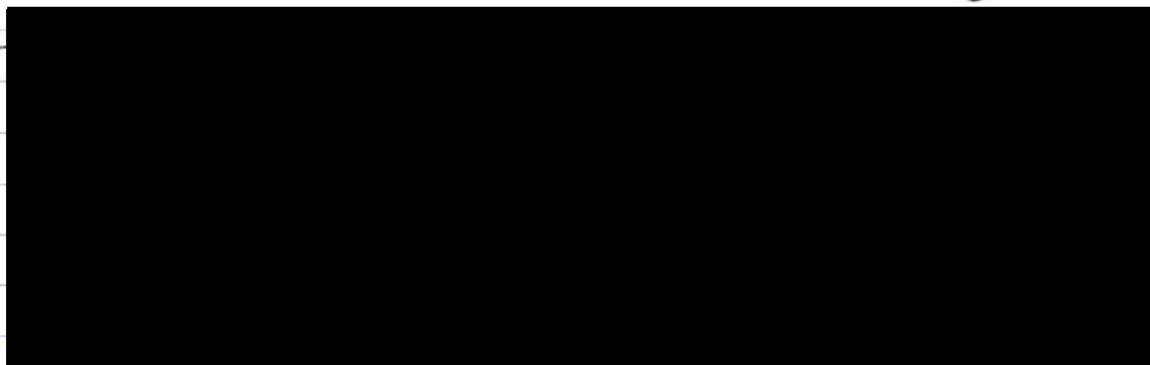
I understand there will be a footpath in front
of proposed subdivision, but it goes nowhere.
So foot traffic will still use the very dangerous
road

3

Road way to house at 70 Yonder St.
The roadway was constructed when the house was built. Why can't it stay the way it is, why does it need to be filled in flood prone area. The house was given a permit to build where it is now, and road way was at that time given the OK because it didn't disturb any of the flood prone area, and that is how it should remain.
The present house on this property has fencing on Crown Land do they have to lease for this land, or are the general public allowed to use it.

Block no 3 where does it have road access.

For James Phillis coordinator City Development



Our ref: 2019-018
Your ref: PP2020-0137

10 May 2021



Mr James Philips
Coordinator City Development
PO Box 198
WARRNAMBOOL VIC 3280

Dear James,

Re: Planning Permit Application No. PP2020-0137, 70 Younger Street, Warrnambool

We continue to act on behalf of Monte Carlo Drive Pty Ltd in regard to the above planning permit application.

The application seeks approval to subdivide land at 70 Younger Street, Warrnambool (the **subject site**) for residential purposes; undertake earthworks associated with the proposed drainage and flood response; and to remove native vegetation associated with the proposed cut and fill regime.

Please find enclosed a response to key items and planning matters raised through submissions of objection and responses from referral authorities received by Council following notice of Planning Permit Application No. P2020-0137. This response should also be read in conjunction with the following updated appendices:

- Biodiversity Assessment (Ecology and Heritage Partners)
- Stormwater Management Plan (SITEC)
- Cut and Fill Plan (SITEC)

A number of concerns have been raised through submissions by community members and referral authorities. This response only seeks to address matters of planning merit. These matters have been thoughtfully considered as part of this response.

Responses to these items are outlined in the following section of this letter (overleaf).

Myers Planning Group Pty Ltd
ABN 53 253 414 622
182B Lava Street,
Warrnambool VIC 3280
Australia
Telephone 61 3 5562 9443
admin@myersplanninggroup.com.au
www.myersplanninggroup.com.au



1. Referral Responses

Referral responses were received from service providers and other agencies.

Of relevance to this letter, responses were received from:

- A. the Glenelg Hopkins Catchment Management Authority (GHCMA) regarding flood impacts; and
- B. from the Department of Environment, Land, Water and Planning (DELWP) regarding impacts on a patch of Estuarine Wetland and the Merri River, the presence of coastal acid sulfate soils on the subject site as per mapping derived from the 'Corangamite Catchment Management Authority Knowledge Base'.

In relation to 'Item A', the Cut and Fill Plan (see **updated Appendix E**) and Stormwater Management Plan (see updated **Appendix H**) have been updated in response to the GHCMA's concerns.

The GHCMA's referral response has since been updated to reflect that it does not object to the grant of a planning permit, subject to the stormwater and cut and fill regime being implemented generally in accordance with the updated Appendices.

In relation to Item B:

- the Cut and Fill Plan and Stormwater Management Plan have been updated to remove any impact or removal of the native vegetation associated with the patch of Estuarine Wetlands. The Biodiversity Assessment (**Appendix D**) has been updated to reflect changes to the cut and fill and stormwater drainage regime.
- It is our understanding that the mapping referred to by DELWP is not consistent with the most updated mapping data pertaining to the location of potential and actual coastal acid sulfate soils. The most updated mapping can be viewed at http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/soil_acid_sulfate_soils and accessed via www.data.vic.gov.au.

The subject site is not identified as being affected by potential or actual coastal acid sulfate soils based on the most updated coastal acid sulfate soils mapping. Accordingly, no further assessment of the impact of coastal acid sulfate soils is considered necessary.

2. Environmental impacts

The majority of submissions received raised concern regarding the proposals impact on the existing floodplain and native fauna and flora values of the subject site.



In addition to the content outlined in the original submitted Town Planning Report, the design of the site has been informed by the updated assessments and designs, with the following key design features:

- The location of development infrastructures and cut and fill has been located away from a patch of Estuarine Wetlands and any areas containing significant fauna values.
- The method of stormwater disposal also ensures no additional concentration of nutrients into any significant native habitat areas (i.e. the adjoining Merri River Reserve) by locating the legal point of discharge within the property boundary and maintaining the site's existing floodplain function for water storage.

See the appendices enclosed with this letter for further details, including **Appendix D** for a copy of the updated Biodiversity Assessment. The assessment finds that:

- the proposed subdivision and associated works will not impact on any nationally or state significant fauna or flora species;
- the design and strategy of stormwater infrastructure and cut and fill will not have any impact on any significant patches of native vegetation within or adjoining the subject site.

3. Neighbourhood character and amenity impacts

A number of submissions received raised concern regarding the proposals impact on the character of the area.

We re-iterate from the original Town Planning report, that the number and size of lots is within keeping of the character of the area. The lots sizes and configurations proposed are already evident within the lot sizes present within Younger Street and neighbouring areas.

The intended scale and form of development within the subject site, enabled through the proposed subdivision, is in keeping with the desired residential character of the Younger Street precinct.

The proposal has gone to great lengths to ensure future residential development will contribute positively to the existing and proposed neighbourhood character of the area by requiring design guidelines be registered on title for each lot. These guidelines are also consistent with the purpose and requirements of Schedule 14 to the Design and Development Overlay.

In addition, native landscaping is proposed within the street and on private land to help filter and soften the appearance of any built from external public views.

A number of standard conditions are invited on any permit to be granted to ensure that the development is consistent with what is shown on the proposed plan of subdivision, landscape plan and design guidelines. These include:

- Requiring the Oceanex River Estate Design Guidelines be registered on title.
- Requiring a vegetation envelope on land adjoining the Merri River reserve.
- Landscaping conditions, requiring suitable native and indigenous landscaping species be provided to blend the development within a suitable vegetated landscape setting.



4. Traffic impacts

A number of submissions received raised items related to the volume of vehicles and traffic safety on Younger Street. In response to these items it is noted:

- a Transport Impact Assessment Report accompanies the application and has completed a detailed assessment of existing and proposed traffic conditions and has assessed the proposed subdivision against the relevant provisions of the planning scheme as well as other relevant traffic and transport standards.
- in completing these assessments, the author has researched traffic safety data and traffic generation data sourced from a range of localities (as reported). The data relied upon comprises the best available methods and information to assess land uses and traffic generation. It is also noted that traffic generation data has not been solely relied upon to assess the proposals impact on local traffic conditions.
- the assessment finds that the proposed development is consistent with the objectives of the Planning Scheme as it is expected to provide direct, safe and convenient movement for all road users.

We trust this information is satisfactory to allow Council to complete its final assessment and make a decision. However, should you have any questions or require further information, please do not hesitate to contact Daniel Pech of Myers Planning Group on 0436 016 612 or dan@myersplanninggroup.com.au.

Yours sincerely

Daniel Pech
Associate

Myers Planning Group

[enc.]



Planning Assessment Report

Application Details:

Application is for:	Twenty (20) lot subdivision and associated earthworks.	
Applicant's/Owner's Name:	Myers Planning Group	
Received date	Received: 31 July 2020 Fees paid: 11 August 2020	Further Info Rec: 6 November 2020
Notice Period:	2 February 2020 for a period of 2 weeks	Statutory declaration received 25 February 2021
Application Number:	PP2020-0137	
Land/Address:	70 Younger St WARRNAMBOOL, VIC 3280	
Zoning:	General Residential Zone (GRZ1) Urban Floodway Zone (UFZ)	
Overlays:	Land Subject to Inundation (LSIO) Design and Development – Schedule 13 (DDO13) Significant Landscape – Schedule 1 (SLO1)	
Under what clause(s) is a permit required?	Clause 32.08-3 (General Residential Zone) Clause 37.03-3 (Urban Floodway Zone) Clause 42.03-2 (Design and Development Overlay) Clause 43.02-3 (Significant Landscape Overlay) Clause 44.04-3 (Land Subject to Inundation)	
Restrictive covenants on the title?	No	
Current use and development:	Single detached dwelling and outbuildings	

Proposal

The proposal is for a twenty (20) lot subdivision and associated earthworks.

The proposed lots range in size; from 449m² (lot 20) to 4438m² (lot 4) in area. Twelve (12) of the lots have frontage to Younger Street, three (3) to O'Brien Street while five (5) will 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 is to be demolished on proposed lot 3.

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

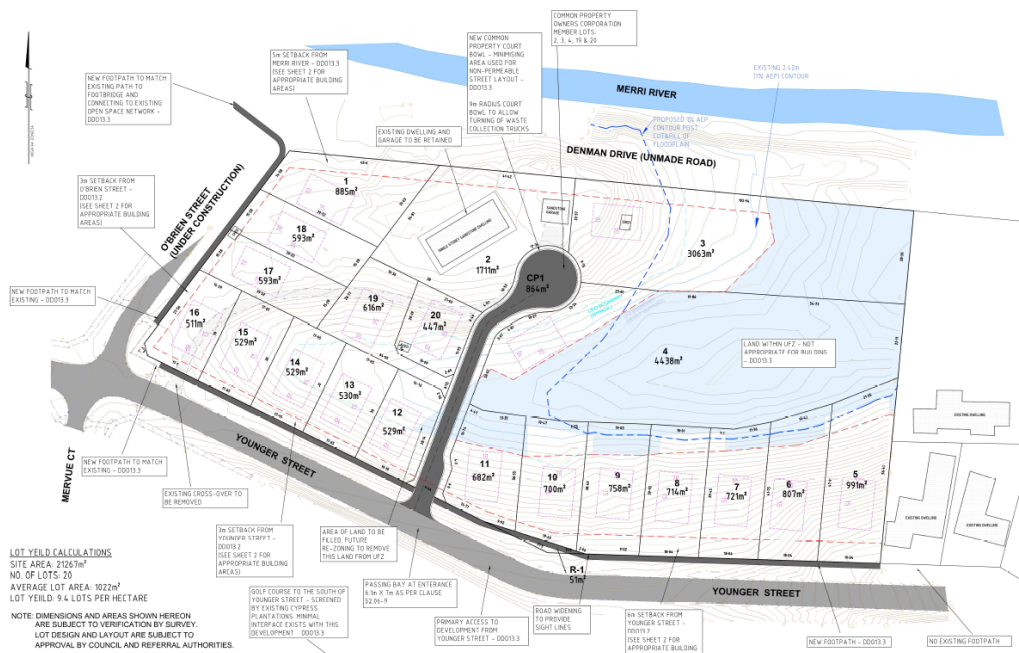
As part of the development, 1.5m wide footpaths are proposed along the frontage of the site to both O'Brien Street and Younger Street. Street trees are also proposed along the frontage

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 no longer proposes removal of native vegetation (located in a wetland north east of the application site).



Above: Plan submitted for endorsement

Subject site & locality

The site is irregular in shape, with a total area of 21,000m² and is currently occupied by a single-storey dwelling, associated outbuildings, and fencing. A gravel drive connects the site to Younger Street. The site also contains some planted vegetation, with most vegetation previously cleared. Undeveloped areas of the site are fenced as paddocks for horses.

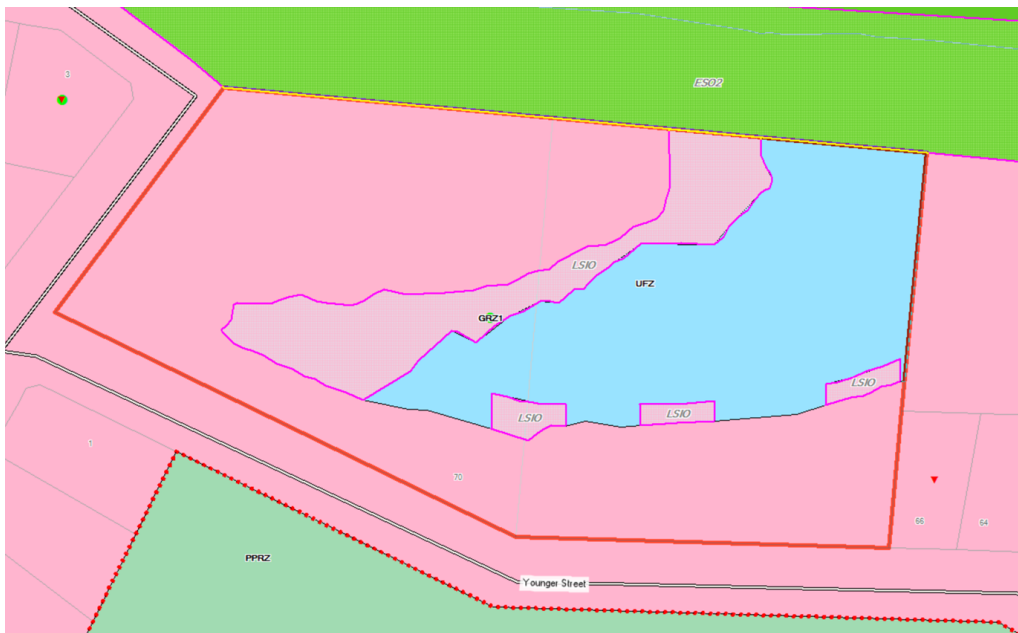
As shown below the subject site interfaces with the Merri River corridor on its northern face, with residential development to the east and west, and Warrnambool Golf Club to the south. The central areas of the site fall sharply with low lying areas subject to flooding from the Merri River continuing to the north east (refer to relevant flood controls in the Planning Scheme).



Above: Subject site (Image source: Nearmap, 2021)

The application site is zoned General Residential 1 (GR1Z) with lower parts located within the Urban Floodway Zone (UFZ). The site is bordered by Public Conservation and Resource Zone (PCRZ) to the north acknowledging the Merri River and crown land reservation. To the south land is zoned Public Park and Recreation Zone (PPRZ) acknowledging the golf club also being on crown land.

The whole of the site is within the Environmental Significant Overlay (ESO2) acknowledging the natural, cultural and visual values of the Hopkins and Merri environs. The Design and Development Overlay (DDO13) also applies to the site, introduced under Planning Scheme Amendment C40 in 2008. Small areas of the site are also covered by the Land Subject to Inundation Overlay (LSIO) recognising that they could be subject to flooding in a 1 in 100 year flood event.



Above: Extract from the Planning Scheme maps

The plan above shows the lower parts of the site (as existing) being zoned UFZ which prohibits residential development on account of the risk of mainstream flooding. Fringe areas are covered by the LSIO potentially allowing development to occur subject to the consent of the Glenelg Hopkins Catchment Management Authority (GHCMA).

Note that building envelopes are shown within the area identified as LSIO. The LSIO does not prohibit residential development, but the mapping of the overlay will need to be updated in the future as a consequence of the earthworks.

Permit/Site History

Application history

The application was lodged 31 July 2020 and considered complete upon payment of the application fee on 11 August 2020.

Further information was requested of the applicant on 8 September 2020.

A satisfactory response was received on 4 December 2020.

Rezoning and Subdivision History:

There is no planning permit history for this particular site.

The application site together with other land to the west was subject to a Planning Scheme Amendment in 2007 (C40). The Amendment rezoned an area of land from 'Rural Zone' to 'Residential 1 Zone' "to provide for additional residential land". The amendment also introduced DDO13 to guide future development and the UFZ and LSIO in accordance with flood data available at the time.

The amendment was exhibited for a month from 23 February 2006 and submissions were received prompting an independent Planning Panel to review the proposal. The Panel referred to the subject site as 'Site B'. The Panel supported the proposal and Council

adopted the Panel's recommendations on 19 November 2007. The changes to the Planning Scheme were introduced (gazetted) on 24 April 2008.

The Mervue Estate subdivision to the west was approved by Council on 12 March 2014 under Planning Permit PP2012-0198. Objections were received, however no review of Council's decision was made to VCAT. The permit allowed for a multi-lot residential subdivision and associated infrastructure e.g roads. Conditions were attached to the permit in order to address matters such as stormwater, landscaping and fence design.

Across the Mervue Estate lots range in area from 760m² to 8.55 hectares with frontages of between 5m and 90m in width. However, the average lot frontage to lots on the south side of Younger Street is 35m while the average lot frontage to lots on the north side of Younger Street is 27m. Building envelopes generally only apply to front setbacks.

Covenant and Section 173 Agreements:

Encumbrances on title do not apply to this site.

Cultural Heritage Sensitivity Area

The site is located within an area of cultural heritage sensitivity and the proposal is classified as a 'high impact activity'. An approved Cultural Heritage Management Plan (CHMP) is provided with the application reference #16911.

The CHMP does not identify any Aboriginal cultural heritage places within the activity area, and the complex assessment did not locate any cultural material. The only condition the CHMP is subject to is maintaining a hard copy of the CHMP on site during the construction period.

Bushfire Prone Area

The subject site is located within a designated Bushfire Prone Area. The application includes a Bushfire Management Plan (BMP) which identifies the bushfire risk to the site can be mitigated to an acceptable level and all dwellings will be able to achieved BAL-12.5.

Public Notification

The application was advertised pursuant to Sections 52(1)(a) and (d) of the *Planning and Environment Act 1987* by way of letters to adjoining owners and occupiers (approximately 110 letters in total) and a sign on site.

Seven (7) objections have been received. The key issues raised in the objections and the planner's response is as follows:

- i. *Traffic management plan is dated 2012/2019 and does not include reference to the Mervue estate*

Objection not supported

The Transport Assessment prepared by ESR dated 17 July 2020 acknowledges at Section 2.1 "a recently established (circa 2018) residential subdivision to the west". The assessment at Section 2.2 also acknowledges the "new section of Younger Street [with a] carriageway of approximately 7.5-8m width with no line markings set within a 20m road reserve" and O'Brien Street with a "carriageway of approximately 6m width within a 16m road reserve". Section 4.2 refers to the "recently established residential subdivision to the west".

The traffic assessment as submitted is considered up-to-date for the purpose of assessing this application. The report contemplates the Mervue subdivision as well as the traffic likely to be generated by this proposal.

ii. Impact of traffic (speed and volume) on the safety of residents in the area, including a lack of footpath connections

Objection supported in part

The objection is partially supported on account of there being an increase in traffic in the area as a result of the Mervue Estate and additional traffic created by this application. However, the submitted traffic assessment makes recommendations that if supported would address road and pedestrian safety to an acceptable standard.

The traffic assessment acknowledges that the Planning Scheme and Infrastructure Design Manual (IDM) define indicative maximum volumes of up to 3000 vpd for a 7-7.5m carriageway access road and 6000vpd for a 11.6m carriageway Collector Road (Younger Street is in the order of 7.5-8m wide and O'Brien is 6m wide).

The traffic assessment concludes that the subdivision would result in an increase of approximately 170 vehicle movements per day (vpd). This would be in addition to the expected 440 vpd from the Mervue Estate (fully developed). The total traffic movements are therefore able to be accommodated as part of the existing design of Younger Street.

It is worth noting that the Planning Panel for Amendment C40 (rezoning of the application site & Mervue Estate in 2007) considered evidence that Younger Street was designed with the potential to carry 2000 vpd. The panel was satisfied that the existing local road network was adequate to accommodate the proposed rezoning but recommended traffic reports be submitted with future development applications to consider traffic and pedestrian safety.

The traffic assessment acknowledged a proposed 1.5m footpath along the Younger Street and O'Brien Street frontages of the site which would providing connectivity to the Mervue Estate and the Merri river footbridge. Construction of a footpath along the remainder of Younger Street toward the intersection with McGennan Street would be a matter for Council's City Infrastructure Unit as part of planning for their strategic path network.

Councils Infrastructure Unit has reviewed the submitted traffic assessment and have recommended conditions of any permit issued consistent with the recommendations of the traffic assessment including the provision of signage facing westbound traffic.

iii. Impact on wildlife and vegetation (including native vegetation)

Objection not supported

The applicant has provided a Biodiversity Assessment (May 2021) which observed that more than 95% of the vegetation on the site was exotic grass species. A path of remnant native vegetation (representative of the Estuarine Wetland and Swamp/Aquatic Herbland Mosaic EVC's) was recorded on the site- consistent with previous DELWP mapping. Vegetation likely to be affected includes Wallaby Grass and Saltbush.

Limited fauna was observed on site given the relative lack of supporting vegetation. It is noted that the wetland could support beaded glasswort which is an important food source of species such as the Critically Endangered Orange Bellied Parrot

The Assessment (at section 6.1 page 11) states that the 'ecological information provided [in the report] has informed the development plan, the stormwater management plan and

the cut-fill plan prepared by SITEC which have been prepared to ensure impacts to native vegetation are avoided'.

The planted vegetation around the existing dwelling may be modified by the proposal, but the wetland within the north east corner of the site will not be affected. Conditions of any permit consistent with the 'best practice measures' included at section 6.2 of the Assessment will ensure works associated with the subdivision will protect the wetland. It should be noted however that the wetland is currently and proposed to be within private property.

iv. Appropriateness of removing vegetation on the river boundary

Objection not supported

The original application documents alluded to the planned removal of vegetation on Crown Land outside the application site. DELWP and Council raised this with the applicant and documentation was amended to delete reference to this.

v. Impact on health of neighbouring residents, including noise, dust & vibrations during construction.

Objection not supported

Conditions of any permit can provide for a Construction Management Plan (CMP) which would ensure that activities forming part of the construction of the subdivision are appropriately managed in accordance with relevant standards and guidelines.

A CMP is a common condition on a subdivision permit and can address the risks around Health & Safety Management, Environmental Management, Construction Management and Traffic Management.

vi. Character of the area including proposed density and lot sizes as small as 306m²

Objection not supported

The smallest lot proposed would have an area of 447m² (Lot 20) – not 306m² as suggested.

With the exception of proposed Lots 19 & 20 which are internal to the site and have an area of 616m² and 447m² respectively, other lots having frontage to Younger Street and O'Brien Street would have areas and frontage consistent with the neighbouring Mervue Estate subdivision - approved under the same planning controls.

Refer to the assessment of the subdivision against the relevant provisions of the Warrnambool Planning Scheme later in this report.

vii. Design of common property e.g lacking a footpath

Objection not supported

The submitted Traffic Assessment has reviewed the proposed design of the common property at 4m wide carriageway with two –way passing at the connection with Younger Street. The 'accessway' has been purposely designed to be a low-traffic volume and low speed shared road-suited to shared use by vehicles/ cyclists and pedestrians (section 5 page 12).

viii. Accuracy of Stormwater plan

Objection supported in part

The Stormwater Management Plan (SMP) submitted with the application (SITEC revision D November 2020) sort to use a 1.6m high earth berm within the low lying areas of the site to provide some stormwater retention. The berm however was not acknowledged in the Utilis Flood Impact Assessment (February 2020) and was considered by the GHCMA to have an impact on riverine flooding e.g flood water storage.

Following input from the GHCMA and Council the SMP was amended (revision E 29 March 2021) to delete the berm. The flood storage of the site will no longer be affected and it is accepted that a further detailed SMP will be required as a condition of any permit.

Note on page 5 that the SMP refers to use of the existing wetland for storage and treatment. A condition of any permit will require clarification of the term 'wetland' to ensure the SMP does not seek to rely on the area identified in the Flora and Fauna report.

- ix. *Accuracy of flood plan e.g accounting for the importing of fill and downstream properties*

Objection not supported

The applicant (reaffirmed by the landowner at the site visit) has stated that no fill is proposed to be imported to the site to facilitate the subdivision.

A cut & fill plan prepared by SITEC (revision D 29 March 2021) has been prepared in consultation with the GHCMA.

According to the 'cut and fill areas calculated' (for each 100mm increment) there will be a total area of 4344.4m² subject to 'cut' versus a total area of 4331.5m² subject to 'fill'. The cut and fill plan proposes marginally more area of cut than fill (12.9m²).

The GHCMA has confirmed to Council that they do not object to the works within the floodplain subject to a condition of any permit requiring a post works survey confirming compliance with the cut and fill plan (revision D).

- x. *Impact on rural amenity e.g views and presence of mature vegetation and animals*

Objection not supported

Council accepts that at present the application site retains a rural appearance. However, since the gazettal of C40 and the rezoning of the land to General Residential 1 Zone (GR1Z) the expectation of the Planning Scheme is that this land (as with other land forming part of amendment C40) will transition to residential and other complementary uses.

The Planning Panel considering C40 were mindful of the objectives of the proposed Design and Development Overlay (DDO13) in that development should not dominate the landscape- to be achieved by providing space between buildings, non-solid fencing, limiting building height and using recessive colours and materials. While this application is only for subdivision, the arrangement of lots and building envelopes assists Council achieve these objectives when considering future applications for dwellings on the land.

Proposed Lots 3 and 4 on the plan of subdivision while larger on account of the low lying area subject to flooding, continue to be appropriate for some form of animal keeping (subject to meeting the requirements of the zone).

The applicant has also proposed a landscaping plan to be approved as part of the subdivision which shows a vegetation buffer along the northern boundary of the site interfacing with the Merri River. Street tree planting is also proposed. Future applications

for dwellings will also need to be accompanied by a landscaping plan ensuring that vegetation is able to become part of the landscape- which includes the backdrop of the dunes to the south.

All objections were forwarded to the applicant who in turn responded on 10 May 2021 with supplementary information e.g updated reports for cut and fill and biodiversity. The layout of the proposed subdivision was not changed in response to objections.

Consultation

Consultation with the applicant has been carried through the assessment out to clarify various matters.

The application has been subject to public notice in accordance with the *Planning and Environment Act 1987*. The applicant has responded to objections. Councillors, Council officers, the applicant and objectors met on site on 7 July 2021.

Referrals

Section 55 Referrals:

Authority	Referral
Glenelg Hopkins CMA	The application was referred to the Glenelg Hopkins CMA in accordance with Section 55 of the Act (to the person or body specified as the referral authority in Clause 66.03). The GHCMAs have recommended the grant of a permit subject to conditions.
The relevant water, drainage, or sewerage authority	The application was referred to the Wannon Water in accordance with Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03. Wannon Water has recommended the grant of a permit subject to conditions.
The relevant electricity supply or distribution authority	The application was referred to Powercor in accordance with Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03. Powercor has recommended the grant of a permit subject to conditions.
The relevant gas supply authority	The application was referred to Downer Utilities in accordance with Section 55 of the Act to the person or body specified as the referral authority in Clause 66.03. Downer has recommended the grant of a permit subject to conditions.
CFA	The CFA does not object to a permit being issued subject to conditions

Section 52 Referrals:

Authority	Referral
DELWP	DELWP were not a statutory referral authority but consulted on the proposal. DELWP acknowledged need to consider wetland in north

	east of the site and recommended assessment of the Coastal Acid Sulfate Soils. No objection was raised.
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Internal Referrals:

Internal Team	Referral
Infrastructure Unit	Council's infrastructure unit has considered the proposal and recommended conditions
Natural Environment	Generally supportive subject to appropriate protection of the wetland and conditions re Environmental Management.
City Strategy	Warrnambool Open Space Strategy (2014), Merri River Parklands Framework (2020), and the Warrnambool Planning Scheme. Support footpath connections and cash contribution toward Open Space as per Clause 53.01.

Assessment

General Residential Zone

Part of the subject site is within the General Residential Zone (GR1Z), Schedule 1.

The purpose of this zone is:

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

Pursuant to Clause 32.08-3, a planning permit is required for the subdivision of land under this zone.

An application that would create a vacant lot less than 400m² for a dwelling or residential building must ensure the lot contains at least 25% as garden area. It is noted the vacant lots proposed are each greater than 400m² in area.

An application to create 20 residential lots must be assessed against the following Clause 56 standards:

- All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the decision guidelines in the following table must be considered:

Decision Guideline	Response
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is considered to be generally consistent with the strategic directive for investment and growth of major regional cities at the Planning

	Policy Framework level. The proposal is also considered to support the strategic direction for housing diversity and affordability.
The purpose of this zone.	The proposed subdivision is considered to accord with the purpose of the zone to encourage a diversity of housing types and housing growth in locations offering good access to services and transport.
The pattern of subdivision and its effect on the spacing of buildings.	The proposed subdivision would be consistent with the existing pattern of subdivision in the area. The proposal would retain the existing dwelling and garage at the rear of the site and would create lots similar to a number of subdivisions in the surrounding area. The new lots would accommodate detached dwellings with a similar pattern of spacing to those in the immediate area.
For subdivision of land for residential development, the objectives and standards of Clause 56.	A full assessment against the provisions of Clause 56 has been undertaken.

Urban Floodway Zone

Part of the site is located in the Urban Floodway Zone (UFZ).

The purpose of the UFZ is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify waterways, major floodpaths, drainage depressions and high hazard areas within urban areas which have the greatest risk and frequency of being affected by flooding.*
- *To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.*
- *To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*

Pursuant to Clause 37.03-3, a planning permit is required for the subdivision of land under this zone. The proposal does not create any new lots which are entirely within the Urban Floodway Zone.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the decision guidelines in the following table must be considered:

Decision Guideline	Response
The Municipal Planning Strategy and the Planning Policy Framework.	The proposal is considered to be generally consistent with the environmental strategic objectives of the Framework to protect ecological systems and achieve no net loss of biodiversity. The proposal seeks to minimise vulnerability to the threat of flood and avoids development of flood prone land.
The local floodplain development plan or flood risk report.	The proposal provides a Flood Impact Assessment which demonstrates that it does not create an increase in flood impact across or beyond the site.
Any comments of the relevant floodplain management authority.	The GHCMAs recommend the grant of a permit subject to a condition requiring a post works survey. This is included in the recommendation.
Any other matters specified in the schedule to this zone.	None specified

Significant Landscape Overlay

The subject site is covered by Significant Landscape Overlay – Schedule 1 (SLO1).

The landscape character objectives of the overlay are:

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

No planning permit is required for subdivision under Clause 42.03. A planning permit is required for removal of vegetation under Clause 42.03. Non native vegetation is proposed to be removed through the course of the associated earthworks.

Schedule 1 to the SLO identifies the entire site as Coastal Hinterland Landscape Area

Before deciding on an application, in addition to the decision guidelines in Clause 65, the decision guidelines in the following table must be considered:

Decision Guideline	Response
The extent of intrusion of the development upon views towards the coast, particularly from existing residential areas, major roads and other public locations.	The site has been identified for urban development and is not highly visible from surrounding areas. The proposal is consistent with the development generally expected in this location and will not unreasonably impact on views towards the coast.
The desirability of site responsive structures in locations of high visual prominence.	No structures are proposed to be located in areas of high visual prominence.
The desirability of using exterior finishes/colours and landscape screens to reduce the impact of a development.	"Oceanex River Estate" Design guidelines are proposed which include a palette of muted colour tones for external finishes for the future dwellings.
The desirability of relocating the proposal to a less prominent location on the site to reduce the impact on views towards the coast.	The proposal is considered to be appropriately located on the site to address the floodprone characteristics of part of the site while ensuring future residential development will not impact on views towards the coast.
The need to retain and replant indigenous coastal species.	A landscape plan will be secured by way of a permit condition.
The desirability of maintaining existing hedgerows as part of the coastal landscape and to screen existing and proposed development.	The proposal would not remove any existing hedge rows or vegetation that screened views from other properties.

Design and Development Overlay

Part of the site is impacted by the Design and Development Overlay – Schedule 13 (DDO13).

The design objectives of the overlay are:

Landscape Setting

- *To minimize the visual impact of the development from key viewing locations including the Merri River and existing urban areas of Warrnambool.*
- *To reestablish vegetation dominated views of the area.*
- *To ensure that new development includes features that are sympathetic to the appearance of the coastal and river environs.*
- *To integrate the landscape setting of the Merri River, wetlands and other rural landscapes.*
- *To limit intrusion on the skyline and ridgeline.*

Siting

- *To integrate buildings into the river corridor and rural dune landscapes.*
- *To ensure that buildings are appropriately setback from sensitive environmental boundaries.*

- *To provide a consistent vegetation-dominated streetscape.*
- *To develop spacious building setting with space for planting.*

Height and Building Form

- *To ensure buildings and structures sit within the coastal dune landscape and vegetation setting.*
- *To create a low scale built form by encouraging low pitched roofs and avoiding box-like forms.*

Materials and design detail

- *To ensure buildings demonstrate a high standard of contemporary design and complement the coastal setting.*

Streetscape

- *To maintain the informal semi-rural feel of streetscapes.*
- *To ensure fencing is not visually prominent.*

Views

- *To provide for the reasonable sharing of views to the coastal dunes, river and the surrounding landscape.*

Pursuant to Clause 43.02-3 (Subdivision) a permit is required to subdivide land. The following permit requirements apply to a subdivision application:

Subdivision Permit Requirement	Response
Appropriate Building & Access Areas are to be shown to the satisfaction of the responsible authority on the subdivision plan and are to be located in recognition of the constraints affecting the land.	Appropriate building platforms are identified. Access is restricted to appropriate locations only.
Appropriate Building Areas are not to be located within 5 metres of any boundary adjacent to the Merri River Public Reserve.	Complies
Appropriate Building and Access Areas may be limited to the area of a proposed dwelling, outbuildings and vehicle access ways, or may affect a larger area providing flexibility for the location of a dwelling in the future, dependent upon the constraints affecting the site.	Building platform areas measuring 10x15m are identified for each lot. An 'appropriate building area plan' is proposed to be annexed to a s173 agreement and be attached to private title. A recommendation is that the building envelopes ensure future development is away from side boundaries to provide additional space for landscaping.
An overall subdivision and development plan is required to be submitted and approved by the responsible authority prior to subdivision of the land into more than two lots.	A concept plan identifying the subdivision concept, appropriate building locations, access points and fence details has been provided. The applicant has prepared built

	form design guidelines in support of the application which are to be considered via a s173 agreement on title.
<p>Subdivision is considered to meet the design objectives if:</p> <ul style="list-style-type: none"> • Younger Street is utilized as the main access street for development. • Permeable or connective street layout is used and cul-de-sac streets are avoided. • Streets are designed to respect the existing topography of the site. • Direct pedestrian access and access for people with limited mobility is provided. • An adequate amount of useable open space is provided that connects to the existing and future networks of open space. • Development is required to front onto the River corridor, floodway open space network and existing golf course. • Pedestrian and bicycle connection is provided and bridge crossing over the Merri River. • All services are provided underground. • Streetscapes are designed to contribute through the use of plant material indigenous to the coastal environment to provide a coastal vegetation dominated landscape. • The interface with the Merri River is planted with coastal indigenous species. • Lots are orientated to allow development that maximizes solar access. • An interface is provided with the golf course that minimizes negative impacts on residential areas. This could include a high black mesh fence screened with vegetation 	<ul style="list-style-type: none"> • Younger St will be the main access street for the majority of the lots. • While a cul-de-sac street is proposed, the design responds to the constraints and topography of the site and is considered appropriate. • Footpath connectivity is proposed to new lots and the cul-de-sac is a shared accessway for all users and abilities. • Open Space is not provided but a cash contribution is able to be collected under Clause 53.01. • Building envelopes provide flexibility in orientation so that future development has appropriate frontage. • A detailed landscape plan will be secured by permit condition. • Lots would appropriately interface with the street, Merri River and the adjacent golf course. Existing vegetation acts as a physical screen between the golf course and the site. Appropriate solar access will be provided to all lots.

The **Design Guidelines for Younger Street 2005** are a reference document under the DDO13 and have been considered in the assessment of this application.

The Guidelines have informed the wording and controls contained in the DDO having particular regard to:

- Landscape setting
- Siting
- Height and building form

- Materials and design detail
- Streetscape
- Views
- ESD Design and
- Landscaping

The Design Guidelines provide a 'Preferred Future Character Statement' (at section 5) relating to subdivision which reads:

Design and layout of the subdivision and the public domain (roads and other reserves) will contribute to this preferred character by:

- *Siting roads to minimise excavation and disturbance to the old dune system.*
- *Providing a pedestrian access point over the river to Block Street.*
- *Providing a public pedestrian path along Merri River and the wetland edge.*
- *Incorporating ESD principles in lot/building orientation and design.*
- *Undergrounding of power lines.*

The Guidelines recognise that the part of the area has been subject to modification with the realignment of the Merri River but place emphasis on water sensitive urban design, ESD principles and landscaping. The proposal is considered to adequately address these matters.

Land Subject to Inundation Overlay

Part of the site is impacted by the Land Subject to Inundation Overlay (LSIO).

The purpose of this Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

Pursuant to Clause 44.04-3 (Subdivision) a permit is required to subdivide land.

Before deciding on an application, in addition to the decision guidelines in Clause 65, the decision guidelines in the following table must be considered:

Decision Guideline	Response
The Municipal Planning Strategy and the Planning Policy Framework	The proposal is considered consistent with the relevant strategic objectives from the Framework.
Any local floodplain development plan.	N/A
Any comments from the relevant floodplain management authority.	The Glenelg Hopkins CMA advise they do not object to the issue of a permit subject to a condition requiring a post works survey.
The existing use and development of the land.	The existing lot is large by comparison to others in the area and predominantly used for residential purposes. The proposal would increase residential densities within those areas not affected by the LSIO or UFZ.
Whether the proposed use or development could be located on flood-free land or land with a lesser flood hazard outside this overlay.	Building platforms have been nominated for each site that site outside the LSIO. A concept plan has been provided which would prohibit structures within the LSIO area.
The susceptibility of the development to flooding and flood damage.	The flooding assessment prepared by Utilis identifies the flood risk at the site can be suitably managed and flood impacts beyond the subject site can be avoided through a cut and fill regime.
The potential flood risk to life, health and safety associated with the development. Flood risk factors to consider include: - The frequency, duration, extent, depth and velocity of flooding of the site and accessway. - The flood warning time available - The danger to the occupants of the development, other floodplain residents and emergency personnel if the site or accessway is flooded	
The effect of the development on redirecting or obstructing floodwater, stormwater or drainage water and the effect of the development on reducing flood storage and increasing flood levels and flow velocities.	
The effect of the development on river health values including wetlands, natural habitat, stream stability, erosion, environmental flows, water quality and sites of scientific significance.	A stormwater management plan will be secured by way of permit condition that ensures the proposal will not impact on the adjacent river and wetland environments.
Any other matters specified in a schedule to	None specified.

this overlay.	
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The Planning Policy Framework (PPF)

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

➤ **Settlement**

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

➤ **Environmental and Landscape Values**

- Clause 12.01-1S (Protection of biodiversity)
- Clause 12.05-1S (Environmentally sensitive areas)

➤ **Environmental Risks and Amenity**

- Clause 13.02 (Bushfire)
- Clause 13.03-1S (Floodplain Management)

➤ **Built Environment and Heritage**

- Clause 15.01-1S (Urban design)
- Clause 15.01-3S (Subdivision design)
- Clause 15.01-4S (Healthy neighbourhoods)
- Clause 15.01-5S (Neighbourhood character)

➤ **Housing**

- Clause 16.01-1S (Integrated housing)
- Clause 16.01-4S (Housing affordability)

Assessment

The proposal has been considered against the Planning Policy Framework.

The area was identified in the Land Use Study of 2004 and considered appropriate at that time for future development on account of its location within the urban area, close proximity to Warrnambool cbd and availability of existing infrastructure.

There have been a number of Planning Scheme Amendments since the rezoning of the land and introduction of site specific controls under C40 in 2008, however there remains strategic

support for this area to be used and developed for residential purposes. The Planning Panel considering submissions for C40 commented that the application site and immediate area “*is not part of a wider rural area and does not appear to have a sustainable future for rural use given the urban activities that surround it*”. The Panel ultimately decided that the zoning of the land to residential had ‘strong strategic justification’ (section 6.5 page 17 of the Panel Report).

The location of the subdivision and provision of a footpath connects with off-road trails (Port Fairy to Warrnambool Rail Trail) and open space (Merrivale Reserve) within recommended distances in the Warrnambool Planning Scheme.

Utility authorities have supported the issue of a permit for the proposed subdivision and importantly, the Glenelg Catchment Management Authority (GHCMA) is satisfied that earthworks would not impact on floodplain characteristics and safety of future residents.

The subdivision is also considered appropriate having regard to the established settlement pattern and the character of the area given the similarities with the Mervue Estate subdivision approved by Council against the same controls. The application has considered WSUD and ESD principles to ensure minimal impact on landscape and biodiversity values in the area. The application also appropriately responds to Bushfire and Stormwater standards at a State level.

On balance the proposal finds support against the many objectives and strategies listed within the above clauses of the PPF.

Municipal Strategic Statement:

The clauses within the MSS which are most relevant to the application include the following:

- Clause 21.01 (Municipal Profile, Council Vision and Strategic Directions)
- Clause 21.02 (Settlement)
- Clause 21.04 (Environmental Risks)
- Clause 21.06 (Built Environment and Heritage)

21.06-1 Urban environment

The appearance of residential, commercial and industrial areas is considered important in maintaining a strong level of civic pride.

The siting and design of buildings can have a critical impact on visual appearance within urban streetscapes. Council is also committed to ensuring that ecologically sustainable development (ESD) principles influence the design, siting and servicing of all buildings.

A number of Design and Development Overlays have been implemented to recognise areas that require sensitive design solutions in areas such as Younger Street (west), Logans Beach, areas of South Warrnambool and the Coastal/Hopkins River Environment Growth Area.

- Clause 21.07 (Housing)

Assessment

Continuing to support the PPF, the MSS for Warrnambool City provides for a number of objectives and strategies (within the abovementioned clauses) to achieve good outcomes for localised issues within Warrnambool.

The layout and orientation also provides for a diversity of lot sizes with the addition of building envelopes ensuring building separation and ability for landscaping to be incorporated into the future built form. Further, consideration has been given to view sharing which is a 'key issue' at Clause 21.06-1. The topography of the land, layout and orientation of the lots will provide for view sharing, in particular to existing neighbouring residents on neighbouring elevated lots.

The DDO triggers will provide Council with the opportunity to consider future development and its appropriateness within the landscape setting. An agreement under Section 173 of the *Planning and Environment Act 1987* will also be registered on title providing added controls to those in the Planning Scheme in order to achieve a beneficial outcome in regard to built form and drainage,

On balance the proposed subdivision is considered to meet the relevant local planning policy framework.

Local Policies:

There are no relevant local policies to the planning application

Particular Provisions:

Native Vegetation

According to Clause 52.17-1, a permit is required to remove, destroy or lop native vegetation, including dead native vegetation.

The updated SITEC Stormwater management Plan (revision D) and updated Biodiversity Assessment (May 2021) do not necessitate the removal of any native vegetation within the wetland. The final detail to be provided with a SMP will need to demonstrate that the water quality reaching the wetland is of an appropriate quality to ensure the protection of the native vegetation and wetland habitat.

Public Open Space

Under Clause 53.01, a person who proposes to subdivide land must make a contribution to the Council for public open space in an amount specified in the Schedule to this Clause. If no amount is specified, a contribution for public open space may still be required under section 18 of the *Subdivision Act 1988*. Although no amount for provision is specified in the Schedule to this Clause, this proposal is not exempt from public open space provision.

No onsite open space contribution is proposed. A condition of approval will require a 5% contribution be made toward public open space provision.

Subdivision Clause 56

Residential Subdivision seeks to create liveable and sustainable neighbourhoods and urban places with character and identity, and to achieve residential subdivision outcomes that appropriate respond to the site and its context.

An assessment of the proposal against the provisions of Clause 56 is provided in the Appendix.

General Provisions:

Clause 65.02 – Approval of an Application to Subdivide Land

Decision Guideline	Response
The suitability of the land for subdivision.	This application proposes to subdivide land to create 20 lots including one lot with an existing dwelling and outbuilding and 19 vacant lots. The proposed subdivision is considered to be suitable for the site and is similar to an existing pattern of subdivision in this locality.
The existing use and possible future development of the land and nearby land.	The existing use at the site is residential and the proposed vacant lots would also be for residential use. This use is consistent with the residential surrounds. The applicant has demonstrated that building envelopes of an appropriate size can be accommodated on site without any significant concerns for the amenity of surrounding properties.
The availability of subdivided land in the locality, and the need for the creation of further lots.	The subject site is within an existing residential area. The urban growth and consolidation process has resulted in smaller lot sizes in the area. The proposed subdivision would continue this process. There is considered to be a demonstrable need for additional residential lots in the area.
The effect of development on the use or development of other land which has a common means of drainage.	The proposal includes a water sensitive urban design treatment with a berm which ensures that stormwater overflows do not enter or impact on the eastern adjoining property or estuarine wetland, with the legal point of discharge within the existing property boundary. A condition of approval is recommended to require a stormwater management solution more appropriate than the current proposal that would locate a berm in an estuarine wetland adjacent to the Merri River.
The subdivision pattern having regard to the physical	This subdivision pattern responds to the topography and physical constraints of the site.

characteristics of the land including existing vegetation.	
The density of the proposed development.	The proposed lot sizes vary in size and the density resulting from the mix of lots is appropriate for the area.
The area and dimensions of each lot in the subdivision	As above, the proposal would create lots which range in size from 449m ² to 4438m ² This is considered to be appropriate for the area.
The layout of roads having regard to their function and relationship to existing roads.	Younger St would remain the primary point of access for the majority of the lots, with the exception of the five lots which would be accessed by a Common Property cul-de-sac style road within the site.
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.	The proposed subdivision would provide access to each of the lots via Younger Street, O'Brien Street, or the proposed Common Property internal road.
The provision and location of reserves for public open space and other community facilities.	The proposal does not include provision of public open space or other community facilities. A contribution to open space will be required in accordance with Clause 53.01.
The staging of the subdivision.	The proposed subdivision is not staged.
The design and siting of buildings having regard to safety and the risk of spread of fire.	The applicant has demonstrated that appropriate building rectangles can be accommodated on each site, separated from the existing dwelling and outbuilding. The proximity of any future dwelling on the lots would reflect the surrounding pattern of development and would not increase the risk of the spread of fire.
The provision of off-street parking.	The proposed subdivision makes suitable allowance for off-street parking in association with each lot.
The provision and location of common property.	The provision of a common property road is considered appropriate for the subdivision in order to provide internal access to the subdivision.
The functions of any body corporate.	A body corporate will be required to manage the proposed internal private road and any other management matters e.g drainage
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.	The proposal has demonstrated the lots can be appropriately serviced.
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries	All lots would be provided with access to the reticulated sewerage network.

of each lot.	
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.	The proposed subdivision would not result in the removal of native vegetation either directly or in-directly as a result of the proposed/ final stormwater management plan.

Recommendation

That notice was given 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 the application for 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 and 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 Plan

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
 - i. Description of Works
 - ii. Site Security / Signage
 - iii. 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:
 - i. Operating Hours, Noise and Vibration Controls;
 - ii. Air and Dust Management;
 - iii. Stormwater and Sediment Control; and
 - iv. Waste and Materials Reuse Management.
 - v. Amenity Considerations
 - vi. Protection Zones (Flora, Fauna, Weeds, Pests and Cultural Heritage)
- c) Construction Management Plan
 - i. Company Structure / Site Contacts
 - ii. Company Policies (if applicable)
 - iii. Responsible Authority Approvals
 - iv. Insurances
 - v. Asset Condition Report
 - vi. Quality Management
 - vii. Construction Program

- d) Traffic Management Plan.
 - i. Traffic Guidance Schemes
 - ii. Site Compound Map
 - iii. WCC Road Reserve Works Permit
 - iv. 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.

Site Management

- 23.** Prior to Certification of a Plan of Subdivision or commencement of construction, an 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.

Vehicle Access

- 24.** 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.

Telecommunications

- 25.** 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:

- a. 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
- b. 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.

27. Glenelg Hopkins Catchment management Authority

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).

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:

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of
	Power Line		Section 88 - Electricity Industry Act 2000	Powercor Australia Ltd

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.

Appendix A

CLAUSE 56.01 SUBDIVISION SITE AND CONTEXT DESCRIPTION AND DESIGN RESPONSE		
Title and Objective	Complies with Standard?	Comments
Subdivision site and context description	Complies	The application provides a description of the site and proposal as well as the context.
Subdivision design response	Complies	The application provides a response to the site and context and include plans that depict the layout of the subdivision in context.
CLAUSE 56.02 POLICY IMPLEMENTATION		
Title and Objective	Complies with Standard?	Comments
C1 Strategic Implementation An application must be accompanied by a written statement that describes how the subdivision is consistent with and implements any relevant growth area, activity centre, housing, access and mobility, community facilities, open space and recreation, landscape (including any native vegetation precinct plan) and urban design objective, policy, strategy or plan for the area set out in this scheme.	Complies	The application includes a planning report which describes its consistency with the policy and objectives set out in the Warrnambool Planning Scheme.
CLAUSE 56.03 LIVEABLE AND SUSTAINABLE COMMUNITIES		
Title and Objective	Complies with Standard?	Comments
C5 Built Environment The built environment should: <ul style="list-style-type: none"> Implement any relevant urban design strategy, plan or policy for the area set out in this scheme. Provide living and working 	Variation required	The application includes a set of Design Guidelines based on the design objectives of the DDO13. These guidelines provide guidance on siting, building height, facades, garages/carports, and materials and colours at the site. However, these

<p>environments that are functional, safe and attractive.</p> <ul style="list-style-type: none"> • Provide an integrated layout, built form and urban landscape. • Contribute to a sense of place and cultural identity. <p>An application should describe the identity and character to be achieved and the elements that contribute to that identity and character.</p>		<p>guidelines only reflect a limited number of the objectives from the DDO13 and incorporate Design Guidelines for Younger Street (2005). Although the application includes a planning report which provides a response to each of the objectives, the proposed Ocean Ex River Estate Guidelines could better incorporate all design objectives of the DDO13. Council retains the discretion to consider future applications on their merits against the DDO.</p> <p>The application also does not comply with the objectives for subdivision to avoid cul-de-sac streets and provision of all services underground (although it is acknowledged that the site has existing power lines which are proposed to be retained).</p> <p>The proposal also does not comply with the required setbacks of the DDO. Lots 1-3 and 12-18 include setbacks from roads which measure less than 6 metres. A condition of any permit can require these changes.</p>
CLAUSE 56.04 LOT DESIGN		
Title and Objective	Complies with Standard?	Comments
<p>C7 Lot Diversity and Distribution</p> <p>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme.</p> <p>Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme.</p> <p>A range and mix of lot sizes should be provided including lots suitable for the development of:</p>	<p>Complies</p>	<p>No relevant plan, policy, or strategy applies to this area.</p> <p>No target average net residential density is specified.</p> <p>The proposal would achieve a net residential density of approximately 9.5 dwellings per hectare, with lots ranging from 449m² to 4438m².</p> <p>It is therefore considered that the proposal provides for a suitable mix of potential development for the area.</p> <p>The site is located further than 400</p>

<ul style="list-style-type: none"> • Single dwellings. • Two dwellings or more. • Higher density housing. • Residential buildings and Retirement villages. <p>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.</p> <p>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</p>		<p>metres from the nearest existing bus stop. The site context and constraints associated with the fragmented road network, the Merri River and surrounding open space do not lend themselves to a high level of public transport provision.</p> <p>No lots are less than 300sqm in area.</p>
<p>C8 Lot Area and Building Envelope</p> <p>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</p>	<p>Complies</p>	<p>The proposal nominates an appropriate building area for each proposed lot with the exception of Lot 2, which contains the existing dwelling and garage. Proposed building areas typically measure approximately 10m by 15m (being dimensions accepted in the Planning Scheme).</p> <p>The proposed lot layout and identified building platforms are considered to provide appropriate solar access for the future dwellings, and sited to provide adequate private open spaces, access and parking, and water management.</p> <p>'Significant vegetation' is proposed to be retained and protected on the site. No removal is proposed for the vegetation in the adjacent Merri River Reserve, or in the area affected by the</p>

		Significant Landscape Overlay.
C9 Solar Orientation of Lots To provide good solar orientation of lots and solar access for future dwellings.	Complies	The proposal would provide appropriate solar access for each lot. The proposal is considered to achieve this objective.
C10 Street Orientation Subdivision should increase visibility and surveillance by: <ul style="list-style-type: none"> Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. Providing roads and streets along public open space boundaries. 	Complies	Proposed lots generally provide for passive surveillance and visibility. The proposal is considered to achieve this objective. No lots less than 300sqm are proposed. The proposed lot layout would generally enable houses to overlook the surrounding public open space. The Denman road reserve is located along the Merri River frontage. The proposed lot layout is consistent with the surrounding existing development.
C11 Common Area To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.	Complies	A common property road is proposed which measures 837m ² which is to be owned and managed by an owners corporation made up of the sites adjoining the road. The common property arrangement proposed is logical and is considered appropriate.
Clause 56.05 URBAN LANDSCAPE		
Title and Objective	Complies with Standard?	Comments

<p>C12 Integrated Urban Landscape</p> <p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design. The landscape design should:</p> <ul style="list-style-type: none"> • Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. • Create attractive landscapes that visually emphasise streets and public open spaces. • Respond to the site and context description for the site and surrounding area. • Maintain significant vegetation where possible within an urban context. • Take account of the physical features of the land including landform, soil and climate. • Protect and enhance any significant natural and cultural features. Protect and link areas of significant local habitat where appropriate. • Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. • Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. • Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. • Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising 	<p>Capable of complying</p>	<p>A landscape plan will be secured by permit condition.</p>
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<p>of pets, playgrounds and shaded areas.</p> <ul style="list-style-type: none"> • Provide for walking and cycling networks that link with community facilities. • Provide appropriate pathways, signage, fencing, public lighting and street furniture. • Create low maintenance, durable landscapes that are capable of a long life. • The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs. 		
<p>Clause 13 Public Open Space</p> <p>The provision of public open space should:</p> <ul style="list-style-type: none"> • Implement any relevant objective, policy, strategy or plan (including any growth area precinct structure plan) for open space set out in this scheme. • Provide a network of well-distributed neighbourhood public open space that includes: • Local parks within 400 metres safe walking distance of at least 95 percent of all dwellings. • Where not designed to include active open space, local parks should be generally 1 hectare in area and suitably dimensioned and designed to provide for their intended use and to allow easy adaptation in response to changing community preferences. • Additional small local parks or public squares in activity centres and higher density residential areas. <p>Active open space of a least 8 hectares in area within 1 kilometre of 95 percent of all dwellings that is:</p> <ul style="list-style-type: none"> • Suitably dimensioned and designed to provide for the intended use, 	N/A	No public open space is proposed.

<p>buffer areas around sporting fields and passive open space</p> <ul style="list-style-type: none"> • Sufficient to incorporate two football/cricket ovals • Appropriate for the intended use in terms of quality and orientation • Located on flat land (which can be cost effectively graded) • Located with access to, or making provision for, a recycled or sustainable water supply • Adjoin schools and other community facilities where practical Designed to achieve sharing of space between sports. • Linear parks and trails along waterways, vegetation corridors and road reserves within 1 kilometre of 95 percent of all dwellings. 		
CLAUSE 56.06 ACCESS		
Title and Objective	Complies with Standard?	Comments
<p>C15 Walking & Cycling Network</p> <p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. • Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. • Provide direct cycling routes for 	Partially complies	<p>The proposal will link to the cycling/pedestrian network via the proposed paths at Younger Street and O'Brien Street, as well as the nearby pedestrian bridge crossing over the Merri River.</p> <p>No pathways are proposed for the internal common property road.</p>

<p>regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling.</p> <ul style="list-style-type: none"> • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. • Be accessible to people with disabilities. 		
<p>C17 Neighbourhood Street Network</p> <p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> • Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes. • Provide clear physical distinctions between arterial roads and neighbourhood street types. • Comply with the Roads Corporation's arterial road access management policies. • Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. • Provide safe and efficient access to activity centres for commercial and freight vehicles. • Provide safe and efficient access to all lots for service and emergency vehicles. • Provide safe movement for all vehicles. Incorporate any necessary traffic control measures and traffic management infrastructure. <p>The neighbourhood street network</p>	<p>Partially complies</p>	<p>The proposal appropriately integrates with the existing neighbourhood street network. A single cul-de-sac internal road is proposed that will remain as common property.</p> <p>A traffic impact assessment, prepared by ESR Transport Planning, has been submitted in support of the application. The traffic impacts and implications of the proposal are considered to be satisfactory.</p>

<p>should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant transport strategy, plan or policy for the area set out in this scheme. • Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. • Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. • Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. • Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. • Provide an appropriate level of local traffic dispersal. • Indicate the appropriate street type. Provide a speed environment that is appropriate to the street type. • Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). • Encourage appropriate and safe pedestrian, cyclist and driver behaviour. • Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. • Minimise the provision of culs-de-sac. • Provide for service and emergency vehicles to safely turn at the end of a dead-end street. • Facilitate solar orientation of lots. • Facilitate the provision of the walking 		
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<p>and cycling network, integrated water management systems, utilities and planting of trees.</p> <ul style="list-style-type: none"> • Contribute to the area's character and identity. • Take account of any identified significant features. 		
<p>Standard C19 – Public Transport Network Detail</p> <p>Bus priority measures must be provided along arterial roads forming part of the existing or proposed Principal Public Transport Network in Metropolitan Melbourne and the regional public transport network outside Metropolitan Melbourne to the requirements of the relevant roads authority.</p> <p>Road alignment and geometry along bus routes should provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers.</p> <p>The design of public transport stops should not impede the movement of pedestrians.</p> <p>Bus and tram stops should have:</p> <ul style="list-style-type: none"> • Surveillance from streets and adjacent lots. • Safe street crossing conditions for pedestrians and cyclists. <p>Safe pedestrian crossings on arterial roads and at schools including the provision of traffic controls as required by the roads authority.</p> <ul style="list-style-type: none"> • Continuous hard pavement from the footpath to the kerb. • Sufficient lighting and paved, sheltered waiting areas for forecast user volume at neighbourhood centres, schools and other locations with expected high patronage. • Appropriate signage. • Public transport stops and associated waiting areas should be accessible to people with disabilities and include 	N/A	<p>The proposal is not directly connected to the public transport network.</p>

tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with physical disabilities.		
<p>C20 – Neighbourhood Street Network Detail</p> <p>The design of streets and roads should:</p> <ul style="list-style-type: none"> • Meet the requirements of Table C1. • Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. • Provide a safe environment for all street users applying speed control measures where appropriate. • Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. • Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. • Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> – Enable the carriage of vehicles. – Avoid damage by construction vehicles and 	N/A	<p>The proposed common property road meets the requirements of this standard. It is noted the internal road serves only 5 dwellings and as such no footpath is required.</p> <p>Council has a four (4) bin collection although frequency of collection means that only two (2) bins per property are collected each time. There is considered sufficient space within the Younger Street reserve to accommodate the bins of residents of the common property.</p>

<p>equipment.</p> <ul style="list-style-type: none"> • Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> – Safe passage of pedestrians, cyclists and vehicles. – Discharge of urban run-off. – Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. • Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. • Ensure carriageways of neighbourhood streets are designed for a minimum 20-year life span. • Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> – Perform the required integrated water management functions. – Delineate the edge of the carriageway for all street users. – Provide efficient and comfortable access to abutting lots at appropriate locations. – Contribute to streetscape design. • Provide for the safe and efficient collection of waste and recycling materials from lots. • Be accessible to people with disabilities. • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. Where the widths of connector streets do not comply with the requirements of Table C1, the requirements of the relevant public transport authority must be met. <p>A street detail plan should be prepared that shows, as appropriate:</p> <ul style="list-style-type: none"> • The street hierarchy and typical 		
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<p>cross-sections for all street types.</p> <ul style="list-style-type: none"> • Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. • Water sensitive urban design features. • Location and species of proposed street trees and other vegetation. • Location of existing vegetation to be retained and proposed treatment to ensure its health. • Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes. 		
<p>C21 Lot Access</p> <p>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</p> <p>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	Complies	The proposed access arrangements to are satisfactory. The proposed internal road is consistent with the requirements of an Access Place.
CLAUSE 56.07 INTEGRATED WATER MANAGEMENT		
Title and Objective	Complies with Standard?	Comments
<p>C22 Drinking Water Supply</p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p>	Complies	All lots will have access to the reticulated water supply network.

C23 Reused and Recycled Water To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	Does not comply	No use of recycled water is proposed.
C24 Waste Water Management To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.	Complies	The proposal has demonstrated that all lots will have access to the reticulated wastewater network.
C25 Urban Run-off Management To minimise damage to properties and inconvenience to residents from urban run-off. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.	Capable of complying	A stormwater concept has been provided that shows stormwater overflows do not enter or impact on the eastern adjoining property or estuarine wetland, with the legal point of discharge within the existing property boundary. Council's infrastructure services have been consulted in the assessment of the application and a condition of any permit is recommended to resolve an appropriate stormwater solution in line with Council requirements.
CLAUSE 56.08 SITE MANAGEMENT		
Title and Objective	Complies with Standard?	Comments
C26 Site Management To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.	Capable of complying	A site management plan is recommended to be secured by permit condition.

CLAUSE 56.09 UTILITIES		
Title and Objective	Complies with Standard?	Comments
C27 Shared Trenching To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves	Complies	Shared trenching is likely to be appropriate in this instance. There are no street trees that would conflict with shared trenching at the site.
C28 Electricity, telecommunications and gas objectives To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.	Complies	The proposal demonstrates the lots will be appropriately serviced.
C29 Fire Hydrant Fire hydrants should be provided: <ul style="list-style-type: none"> • A maximum distance of 120 metres from the rear of each lot. • No more than 200 metres apart. Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority	Complies	Fire hydrants are proposed in accordance with the requirements.

C30 Public Lighting <ul style="list-style-type: none">• Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.• Public lighting should be designed in accordance with the relevant Australian Standards.• Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.	Capable of complying	The proposal states public lighting will be provided but this detail is not specified on the proposed plans. Details of public lighting can be secured by permit condition.
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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.

MOVED: CR BEN BLAIN

SECONDED: CR ANGIE PASPALIARIS

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.**

CARRIED - 7:0

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.

Rezone 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.

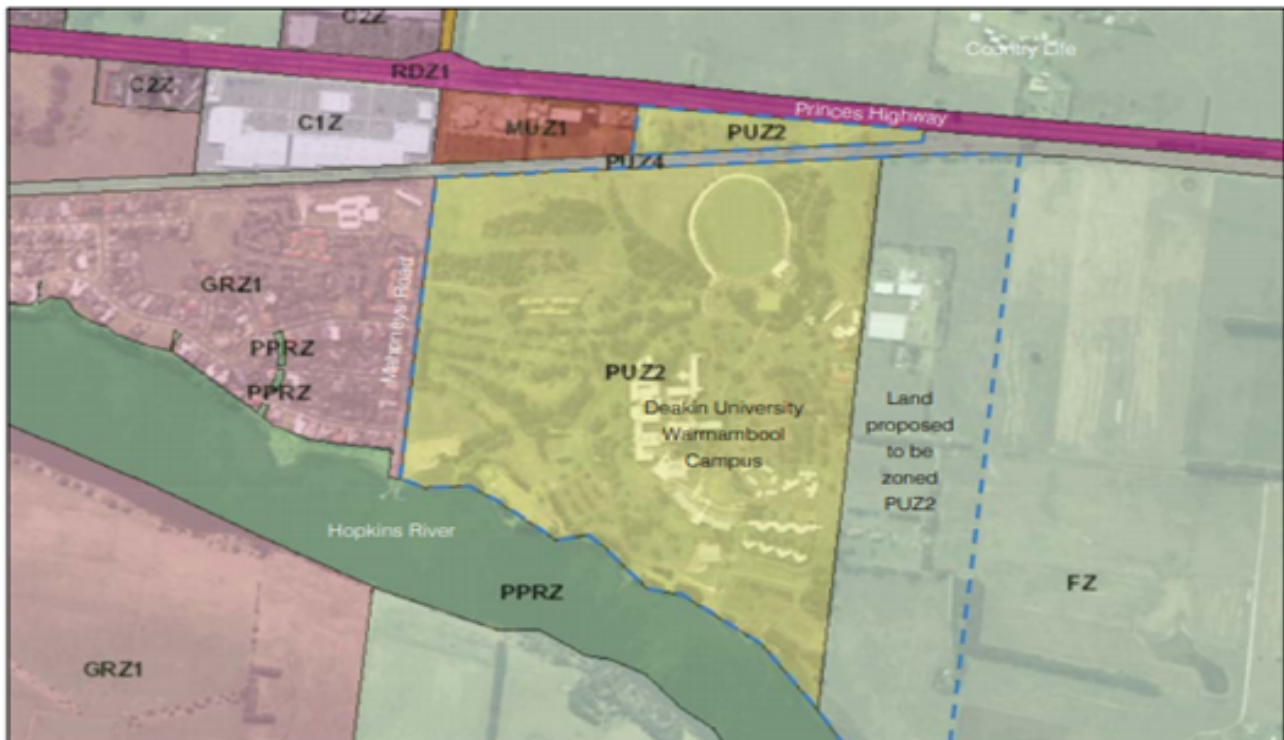


Figure 2 – Existing zoning (source Myers Planning Group)

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).

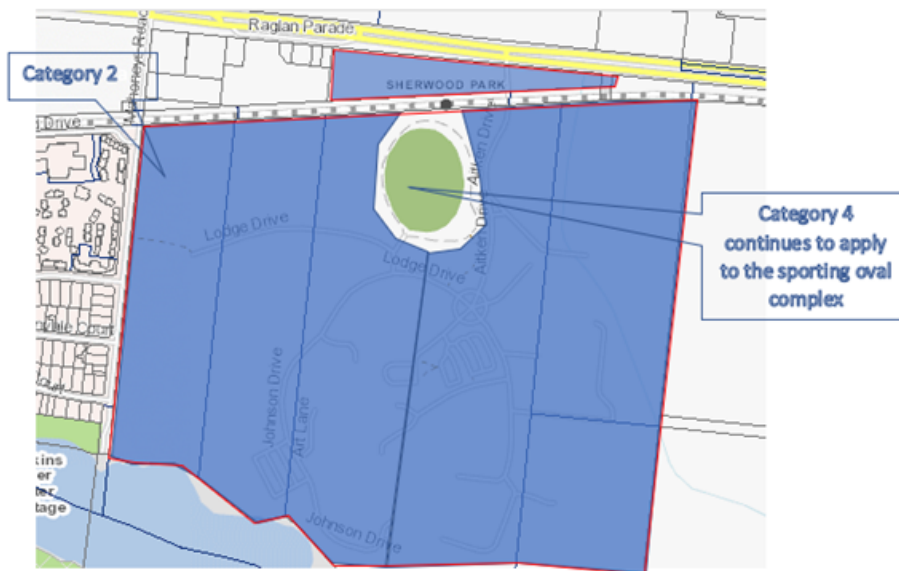
As Deakin University is a major education and community asset, the benefit to the community of higher education is maximised by effective signage to promote the university which can be facilitated by the change to the advertising signage controls.

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.

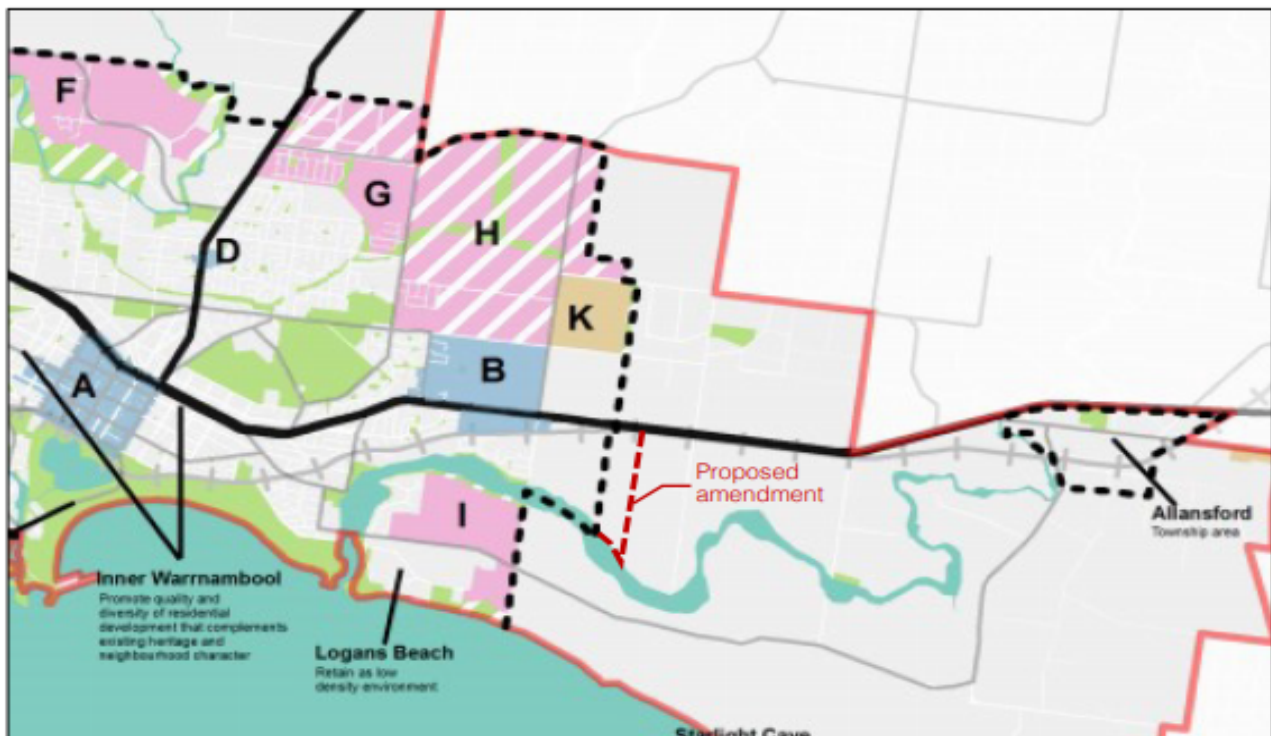


Figure 3 – urban settlement boundary (source Myers Planning Group)

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]



PLANNING REPORT

PLANNING SCHEME AMENDMENT

10635 Princes Highway, Warrnambool

Warrnambool Planning Scheme

Prepared on behalf of Deakin University

May 2020

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Appendix

- A Certificates of Title
- B Explanatory Report
- C Instruction Sheet
- D Schedule to the Public Use Zone (Clause 36.01)
- E Schedule to the Specific Controls Overlay (Clause 45.12)
- F Schedule to Documents Incorporated in this Planning Scheme (Clause 72.04)

PLANNING SCHEME AMENDMENT REQUEST, 10635 PRINCES HIGHWAY, WARRNAMBOOL



Myers Planning Group Quality System			
Author	Cameron McNeill	Approved By	Steve Myers
Date issue	14 May 2021	Revision Number	2

Myers Planning Group has taken all professional care to ensure this document is current at the time of writing. Myers Planning Group accepts no liability for any loss or damages incurred as a result of reliance placed upon its content.

1 Introduction

Myers Planning Group has been commissioned by Deakin University (**proponent**) to submit a planning scheme amendment request to facilitate the use and development of land at 10635 Princes Highway, Warrnambool (**subject site**) for educational purposes.

The purpose of this report is to provide detail on the amendment request which proposes:

- to rezone land from Farming Zone to Public Use Zone (consistent with the balance of Deakin University's Warrnambool campus);
- to amend a schedule to the Public Use Zone (to update signage provisions); and
- to remove the Specific Controls Overlay (redundant control); and
- to amend Clause 21.01 to include the entire campus within Warrnambool's urban settlement boundary (Figure 1 – Warrnambool Strategic Framework Plan).

The report provides an outline of the existing conditions of the subject site and surrounds, followed by an assessment of the proposal against relevant planning controls and policy of the Warrnambool Planning Scheme.

As detailed within this report, the subject site forms a logical extension to an existing education site which caters for uses and development which supports the region's only university.

In support of this application, the following information is provided:

- Certificates of Title
- Draft Explanatory Report
- Draft Instruction Sheet
- Draft Schedule to the Public Use Zone.

2 The site

2.1. Strategic context

The subject site is located on the southern side of the Princes Highway and is located approximately 5 kilometres east of the Warrnambool Central Business District. The site is situated on the fringe of the Warrnambool Urban Settlement Boundary and is identified in an area which is a preferred 'Warrnambool Gateway' location within the Warrnambool Eastern Activity Centre Structure Plan.



Figure 1: Strategic context

2.2. Site description

Site address	10635 Princes Highway, Warrnambool
Title detail	Lot 1 and Lot 2 on Lodged Plan 133034
Location	<p>The site is located at Deakin University's Warrnambool campus, which is located on the eastern edge of Warrnambool's Urban Settlement Boundary. The subject site is surrounded by the campus grounds to the west and adjoins farm properties to the east and the Hopkins River to the south.</p>
Site History	<p>Deakin Warrnambool campus has long been used for educational purposes. The site subject to this rezoning request has been used and developed for residential buildings associated with the Deakin University ('education centre') campus and co-located South West TAFE training facility since prior to 2007.</p> <p>Amendment C85 introduced site specific signage controls (Deakin University Warrnambool Campus Signage, September 2012) which facilitated advertising signage associated with the university which would otherwise be prohibited under the applicable Category 4 advertising controls.</p> <p>In August 2020, Planning Permit PP2020-0114 was issued for buildings and works associated with an education centre (hydrogen test pit).</p>

Site conditions	<p>The subject site (10635 Princes Highway, Warrnambool) makes up part of a larger 'planning unit' comprised of approximately 62 hectares spread across six parcels. This 'planning unit' includes all land within Deakin University's Warrnambool Campus, including the co-located South West TAFE training facility, childcare facility and Hycel facility.</p> <p>The subject site comprises an irregular rectangular parcel totalling 28.5 hectares in size. Lot 1 is 13.11 hectares in size and Lot 2 is 15.39 hectares in size.</p> <p>The subject site slopes gradually from the northern boundary downwards in a southerly direction toward the Hopkins River, which adjoins the site's southern boundary.</p> <p>The subject site contains:</p> <ul style="list-style-type: none">- landscaping within the mid-block and surrounding internal roads and residential buildings, in dispersed with cleared areas of improved pasture.- residential buildings and appurtenances, including vehicle accessways and car parking areas.- drainage outfall to a stormwater drainage area. <p>The remaining balance of the subject site (approximately 10 hectares) comprises vacant land.</p>
Site infrastructure	<p>The Deakin University campus site is permitted to receive conventional and heavy vehicle traffic via the Princes Highway accessway.</p> <p>The campus site contains access to rail, road, power, gas, water, sewer and telecommunications infrastructure services.</p> <p>A carriageway easement of is shown on the lodged plan in favour of land known as Lodged Plan 091223, which adjoins the site to the west and is owned in common by Deakin University.</p>
Site operations	<p>The subject site currently contains a building industry and horticulture industry facility for South West TAFE, recreation facilities, Maremma dog training facilities (operated by Warrnambool City Council), residential buildings, Council-run childcare centre, cafeteria and areas set aside for academic administration, teaching and research.</p>

PLANNING SCHEME AMENDMENT REQUEST, 10635 PRINCES HIGHWAY, WARRNAMBOOL



Figure 2: Subject site

Built features

The subject site has been used and developed for residential buildings associated with the Deakin University ('education centre') campus and co-located South West TAFE training facility since prior to 2007.



Figure 3: Built features

Access

The Deakin University campus site is permitted to receive conventional and heavy vehicle traffic via the Princes Highway accessway as shown in the Figure below.

The campus site contains access to rail, road, power, gas, water, sewer and telecommunications infrastructure services.

A carriageway easement is located between Lot 1 and Lot 2 in favour of land at Lodged Plan 091223, which adjoins the site to the west and is in common ownership by Deakin University.



Figure 4: Access

Surrounding land uses and interfaces

North	Farming zone	Land to the north is Vic Track Rail reserve (PUZ4) and the Princes Highway (RDZ1). Beyond this land to the north is Farming Zoned land used for agriculture, with the exception of 'Country Life' which is used as group accommodation.
East	Farming Zone	Land to the east contains improved pastures used for fodder production and grazing.
West	Public Use Zone - 2 (Education)	Land adjoining the site to the west comprises part of the Deakin University Warrnambool Campus. This parcel contains buildings and infrastructure for student services, teaching, research, library and residential facilities. Further west is residential development extending from Mahoneys Road.
South	Public Park and Recreation Zone.	Land adjoining the site to the south contains the Hopkins River riparian corridor.

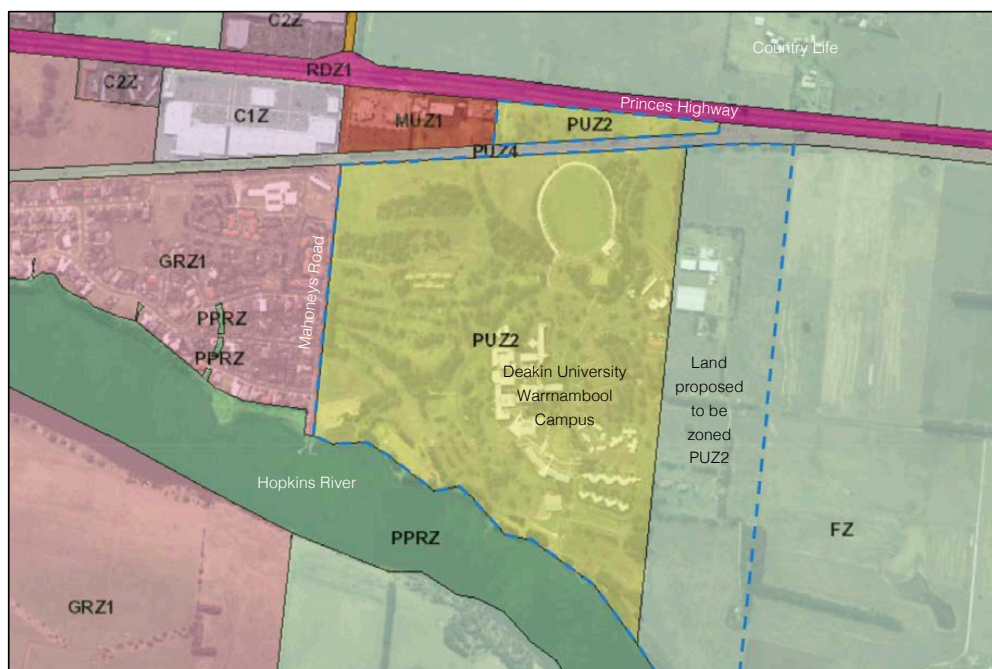


Figure 5: Surrounding zoning

3 Proposal

3.1. Proposal overview

All subject land of this proposed planning scheme amendment is owned by Deakin University.

Rezone the Farming Zone to become Public Use Zone

The proposed planning scheme amendment seeks to facilitate the future educational use and development of land at 10635 Princes Highway, Warrnambool. In particular, the proposed amendment seeks to rezone land from Farming Zone to Public Use Zone – Education (PUZ2).

The amendment is required to recognise and facilitate the use and development of the land for educational purposes and uses associated with Deakin University. Currently, many uses and buildings and works often require a planning permit under Farming Zone permit triggers. The Farming Zone is a misalignment with the functions of the University and their future operations. The amendment provides for a zoning which is more compatible with the educational uses required by Deakin University in the future.

Amend Schedule to Public Use Zone

It is also proposed to amend the Schedule to the Public Use Zone to specify the addressed land of Deakin University to allow for Category 2 Signage. Category 2 controls are designed for office and industrial area and have less restrictive requirements on the size and type of signage that is allowed (subject to planning permit).

Removal of Specific Controls Overlay

It is proposed to remove the Specific Controls Overlay (Map reference SCO2) which allowed for an Incorporated Document to be implemented – Deakin University Warrnambool Campus Signage, September 2012.

The Specific Controls Overlay (SCO) for the subject land has served its purpose and facilitated the construction of the Deakin University 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 allow for Category 2 Signage supersedes the to amend Clause 21.01 to include the entire campus within Warrnambool's urban settlement boundary (Figure 1 – Warrnambool Strategic Framework Plan).

Settlement Boundary

It is proposed to amend Clause 21.01 to include the entire campus within Warrnambool's urban settlement boundary (Figure 1 – Warrnambool Strategic Framework Plan).

The Warrnambool Industrial Land Use Review 2010, which identified Deakin University, the Eastern Activity Centre and train station as forming an 'activity hub', recommended an 'interim urban growth boundary' to include Deakin University. Prior to this review, the urban growth boundary followed Horne Road /Mahoney's Road, and excluded the Deakin University campus.

Amendment C72, gazetted in 2012, implemented the 'interim settlement boundary' into the Warrnambool Planning Scheme (as recommended by Warrnambool Industrial Land Use Review), subject to further strategic work to confirm a permanent long term growth boundary. The interim settlement boundary appears to have followed the current Deakin University zoned area.

The City-Wide Housing Strategy 2013 recommended the interim settlement boundary be adopted as the permanent long-term growth boundary for the City. The recommendations of the strategy were implemented into the Warrnambool Planning Scheme via Amendment C93, which was gazetted in 2016.

Having regard to the above, a consequential repositioning of the settlement boundary to align with the eastern Deakin University boundary forms part of this rezoning request. This advice is consistent with preliminary advice Warrnambool City Council has sought from the Department of Environment, Land, Water and Planning (DELWP).

4 Planning Provisions

This section sets out the existing and proposed zoning provisions relating to the site. It also provides a response to the relevant Planning Policy Framework and Municipal Planning Strategy (Local Planning Policy Framework) to demonstrate how the proposed rezoning (to PUZ2), amendment to the schedule (PUZ) and the removal of the overlay (SCO2) is in accordance with the Warrnambool Planning Scheme.

4.1. Planning Policy Framework

From a State planning perspective, the amendment request is supported by the following policies.

Clause 11 Settlement

Clause 11 provides specific objectives and strategies relating to 'Settlement' and recognises that '...planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.' Planning is to recognise the need for and as far as practicable contributes towards '...adaptation in response to changing technology, economic viability, land use and transport integration'.

Clause 11.01-1S 'Settlement' seeks to promote sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Key relevant strategies include:

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Focus investment and growth in places of state significance in Metropolitan Melbourne and the major regional cities of Ballarat, Bendigo, Geelong, Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Provide for growth in population and development of facilities and services across a regional or sub-regional network.
- Plan for development and investment opportunities along existing and planned transport infrastructure.
- Ensure land that may be required for future urban expansion is not compromised.

Clause 11.01-1R 'Settlement - Great South Coast' includes the Great South Coast Regional Growth Plan as part of the clause and seeks to 'attract more people to the region'. Warrnambool is identified as a regional town where growth and development is anticipated. Included as a strategy at this clause is the need to for planning to:

- Plan for a network of settlements based around Warrnambool, Hamilton, Portland and district towns drawing on proximity to services, affordable living and a variety of lifestyle opportunities.
- Support the role of Warrnambool as the key population and employment centre for the region with key links to Geelong and Melbourne.
- Support higher economic and population growth along the east-west primary growth corridor by capitalising and building on existing connections, strengths and infrastructure. [emphasis added]

Clause 11.02 'Managing growth' and **Clause 11.02-1S** 'Supply of urban land' aims (amongst a range of matters) to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. [emphasis added]

Clause 13 Environmental Risks and Amenity

Clause 13.01-1S 'Natural hazards and climate change' seeks to 'minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.' Relevant strategies include:

- Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.
- Consider the risks associated with climate change in planning and management decision making processes.
- Identify at risk areas using the best available data and climate change science.
- Integrate strategic land use planning with emergency management decision making.
- Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.

Clause 13.02-1S 'Bushfire planning' seeks to 'strengthen the resilience of settlements and communities to bushfire through risk-based planning that priorities the protection of human life'. Relevant strategies include:

- Directing population growth and development to low risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Considering the best available information about bushfire hazard including the map of designated bushfire prone areas prepared under the Building Act 1993 or regulations made under that Act.
- Ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures.

Clause 13.07-1S 'Land use compatibility' seeks to safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects. Included as a strategy at this clause is to:

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.

Clause 14 Natural Resource Management

Clause 14.01-1S 'Protection of agricultural land' seeks to preserve the state's agricultural base by preserving productive farmland. Included as a strategy is the need to avoid removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

Clause 17 Economic Development

Clause 17 provides specific objectives which provide for a strong and innovative economy, where all sectors are critical to economic prosperity. Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decisions and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.

Clause 17.01-1S 'Diversified economy' seeks to strengthen and diversify the economy. Included as a strategy is to support rural economies to grow and diversify. **Clause 17.01-1R** 'Diversified economy - Great South Coast' includes strategy to support rural production and associated economic development opportunities including rural industry, rural sales, accommodation and tourism

Clause 17.01-2S 'Innovation and research' aims to create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education. Relevant strategies include:

- Support the development of enterprise precincts that build the critical mass of employment in an area, leverage the area's public and private sector economic competitive strengths and assets, and cater to a diversity of employment types and scales.
- Encourage the provision of infrastructure that helps people to be innovative and creative, learn new skills and start new businesses in locations identified to accommodate employment and economic growth. [emphasis added]

Clause 18 Transport

Clause 18.01-1S 'Land use and transport planning' seeks to create a safe and sustainable transport system by integrating land use and transport.

Clause 19 Infrastructure

Clause 19.02-2S 'Education facilities' seeks to assist the integration of education and early childhood facilities with local and regional communities. Strategies include:

- Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.
- Locate tertiary education facilities within or adjacent to activity centres.

Clause 19.02-2R 'Education precincts - Great South Coast' aims to support the renewal, maintenance and improvement of educational facilities and to facilitate the development and expansion of education precincts at Warrnambool. [emphasis added]

4.2. Municipal Planning Strategy (Local Planning Policy Framework)

The Municipal Planning Strategy (MPS) sets out a local strategic planning context for a municipality. It comprises the Municipal Strategic Statement (MSS) and specific local planning policies.

Clause 21.01 'Municipal Profile, Council Vision and Strategic Directions' identifies Warrnambool's position demographically and geographically in the region and how the City provides support to the region in the fields of commerce, governance, social services, health, education, the arts and recreation.

Key relevant issues and strategic directions within this clause are as follows:

Community Infrastructure - Warrnambool has an extensive range of education, community and health services that enhance the lifestyle of local residents and serve an important regional role. The provision of efficient and effective community services and appropriate and flexible spaces for community activities, will be critical in maintaining liveability and a sense of community as well as supporting optimal community health and wellbeing. [emphasis added]

Economic development – Employment strengths are in the health and community services, education, food processing, government, retail trade and tourism. The development of value-adding opportunities will play a major role in the City's future economic development. [emphasis added]

Clause 21.04-5 'Bushfire' identifies that there are a number of areas within Warrnambool which have a grassland interface. These landscapes may be prone to grassfires and pose a risk to the City and associated townships. Objectives of this clause include:

- To ensure that land use and development is directed to locations and carried out in ways that minimise its vulnerability to the threat of fire.
- Prioritising the protection of human life over other policy considerations when planning to create or expand a settlement at risk from bushfire.

Clause 21.08 'Economic Development' provides local content to support Clause 17 of the PPF. Warrnambool is the Great South Coast Region's main service centre for retail, business services, health and education... Employment within the retail trade and education and training sectors is also significant. **Clause 21.08-1.1** 'Out of centre development' seeks to maximise the City's regional role as the pre-eminent retailing, administrative, health and professional services, education, hospitality and tourism focus in southwest Victoria. [emphasis added]

Clause 21.10 'Infrastructure' provides content specific to Warrnambool to support Clause 19 of the PPF. Clause 21.10-1 'Community infrastructure' includes a section specific to education facilities within Warrnambool. An extract is provided below which is relevant to the proposal:

The Deakin University campus and associated student accommodation is located on the eastern outskirts of the city. The South West Institute of TAFE has two campuses located in Warrnambool, where its training facility specialising in training programs for building trades and specialist industry training, is located on the eastern outskirts of the city adjoining the Deakin University campus.

The presence of these institutions provides the city with opportunities for a strong employment base and the encouragement of industrial and education related research facilities. It is important that the ongoing viability of these institutions is supported due to the social and economic benefits they provide to the city.

Warrnambool's education facilities are identified on the *Strategic Framework Plan* below. Specifically, Deakin University is marked as 'D' on the fringe of the Urban Settlement Boundary (see figure overleaf).

Objective

To develop Warrnambool as the key education service centre of southwest Victoria.

Strategies

Support the expansion of the Deakin University and South West Institute of TAFE services to maintain Warrnambool's role as a major service provider in southwest Victoria.

Facilitate the improvement of the linkages of the Deakin campus with the city and maximise opportunities for university related business opportunities.

Implementation

The strategies in relation to education facilities will be implemented through the planning scheme by:

Application of zones and overlays

- Applying the Public Use Zone (PUZ2) to support public education facilities.
- Applying the most appropriate zone to support private education facilities.

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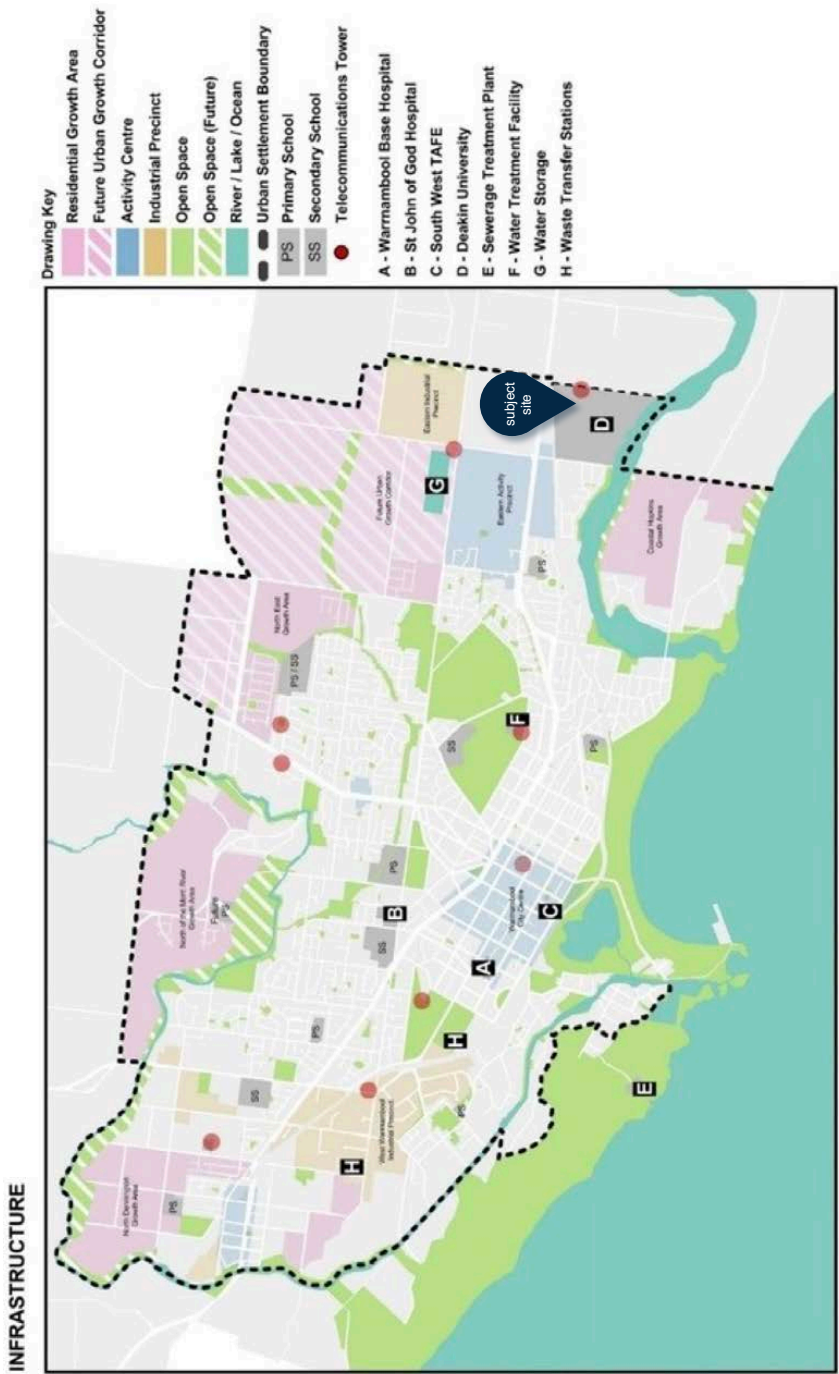


Figure 6: Warrnambool Strategic Framework Plan

4.3. Zoning

The subject site to be rezoned is currently within the Farming Zone. The key purposes of the Farming Zone include:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The subject site within the Farming Zone has already accommodated a range of uses and development which are non-related to farming, but rather are associated with the educational functions of Deakin University and their ancillary uses.

Under the Farming Zone (Table of uses Clause 35.07-1) the use of land for an education centre is prohibited and as such Deakin University relies on existing use rights and other planning considerations to allow for uses ancillary to their tertiary institution.

The current zoning is inappropriate with the way the land is being used by the significant landholder insomuch that the purpose to the Farming Zone and its provisions do not adequately allow for the continued operation or expansion of the university.

The proposed rezoning of the subject site from Farming Zone to Public Use Zone – Education (PUZ2) will not have an adverse impact on the state's agricultural production and processing sectors.

4.4. Bushfire risk

The land is within a designed Bushfire Prone Area but is not included within the Bushfire Management Overlay. An assessment of risk (landscape and site) is discussed below.

Landscape bushfire risk

The subject site is considered to be within Landscape 'Type 1' (BMO Technical Guide - DELWP 2017) on the basis that:

- There is little vegetation beyond 150 metres of the site (except grasslands and low threat vegetation).
- Extreme bushfire behaviour is not possible.
- The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property.
- Immediate access is available to places that provide shelter from bushfire (Warrnambool City).
- Access to Low fuel/BAL LOW areas is available in accordance with the definition contained in Australian Standard AS3959 Building in a Bushfire Prone Area.
- The subject land is located in close proximity to roads.

Site Assessment

- The land is located within a Bushfire Prone Area.
- There is no Bushfire Management Overlay present on the site or surrounding grassland.
- Within 150 metres of the subject land, the predominant vegetation type is grassland (see Figure 7).
- The topography of the land surrounding the subject site is relatively flat.
- To the north of the site is the Raglan Parade / Princes Highway road reserve which is considered to include low threat vegetation. Parcels of land further north are large farming blocks which contain grassland but are generally low threat due to the fire break the road would provide.
- To the east is large areas of grassland within 150 metres of the site. This land is known to be grazed but there is no guarantee that the grass can be maintained to 100mm. The area has been mapped accordingly.
- To the south is the Hopkins River, which poses no threat in terms of bushfire as it is a waterbody.
- To the west is the existing Deakin University campus. Vegetation in between buildings are managed and can be considered to be low threat.

PLANNING SCHEME AMENDMENT REQUEST, 10635 PRINCES HIGHWAY, WARRNAMBOOL



Figure 7: Site hazard assessment

5 Proposed provisions

5.1. Public Use Zone

It is proposed to rezone the subject site to the Public Use Zone (PUZ2) as per *Figure 8* below. The amendment is required to recognise and facilitate the use and development of the land for educational purposes and uses associated with Deakin University.

The Farming Zone is a misalignment with the functions of the university and their future operations. The proposal provides for a zoning which is more compatible with the educational uses required by Deakin University in the future. The Farming Zone portion of the site forms a logical extension to the existing PUZ which caters for the current educational uses which support the region's only university. The importance of supporting the university and its significance to the City and region underpins this proposed provision.

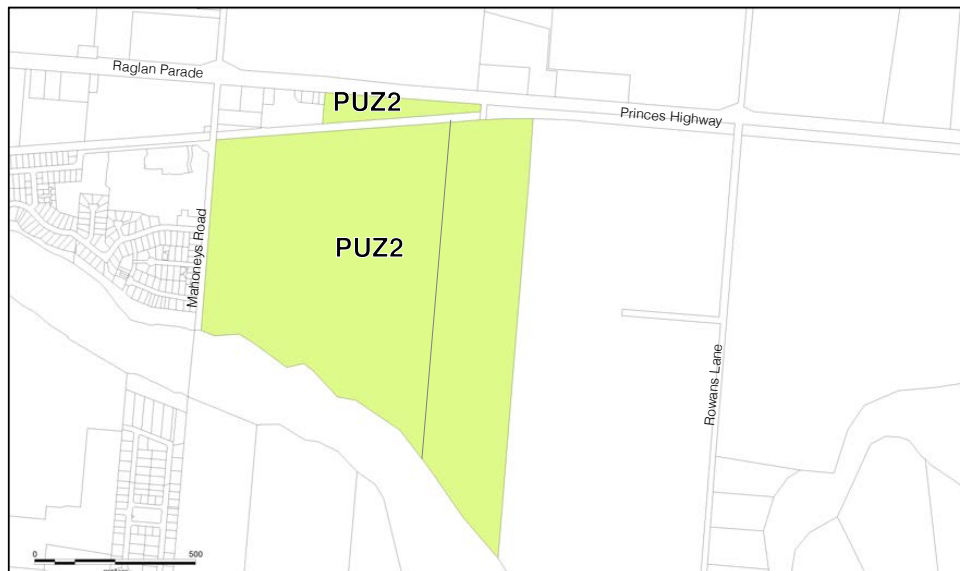


Figure 8: Proposed Public Use Zone – Education (PUZ2)

5.2. Amend Schedule to the Public Use Zone

It is proposed to amend the Schedule to the Public Use Zone to specify the addressed land of Deakin University to allow for Category 2 Signage.

The current Category 4 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 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). Refer to Figure 9 below.

WARRNAMBOOL PLANNING SCHEME		
C-20		
SCHEDULE TO THE PUBLIC USE ZONE		
Public land	Use or development	Conditions
None specified	None specified	None specified
Land		
Advertising Sign Category		
10635 Raglan Parade, Warrnambool (Deakin University)		Category 2

Figure 9: Proposed Schedule to the Public Use Zone

The inclusion of Category 2 Signage requirements within the PUZ is consistent with a number of university campuses across the state, including University of Melbourne / Victorian College of Arts, and RMIT University (Melbourne Planning Scheme).

5.3. Deletion of Specific Controls Overlay

It is proposed to remove the Specific Controls Overlay (Map reference SCO2) which allowed for an Incorporated Document to be implemented – Deakin University Warrnambool Campus Signage, September 2012. Refer to Figure 10 below.

The Specific Controls Overlay (SCO) for the subject land has served its purpose and facilitated the construction of the Deakin University 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 allow for Category 2 Signage supersedes the provisions of the Incorporated Document.

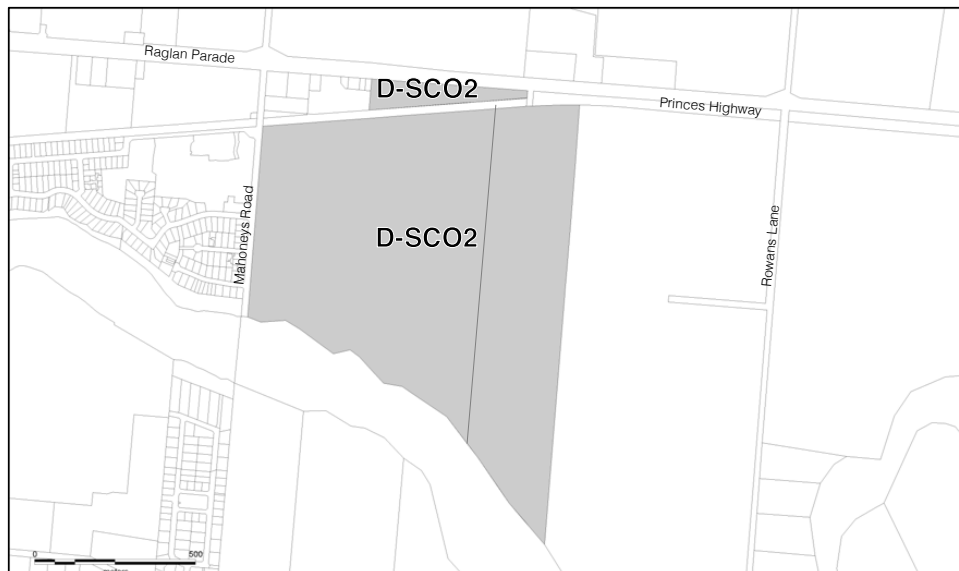


Figure 10: Proposed deletion of Specific Controls Overlay (SCO2)

WARRNAMBOOL PLANNING SCHEME

07/01/2019
C200warr

SCHEDULE TO CLAUSE 45.12 SPECIFIC CONTROLS OVERLAY

1.0

~~C-199~~

Specific controls

PS Map Ref	Name of incorporated document
SCO1	Racehorse Training on Levys Beach, December 2018
SCO2	Deakin University Warrnambool Campus Signage, September 2012
SCO3	West Warrnambool Industrial Precinct May 2015
SCO4	Premier Speedway Signage, June 2016
SCO5	Warrnambool Line Upgrade - Incorporated Document, December 2019
SCO6	69-75 Mortlake Road, Warrnambool, August 2020

Figure 11: Proposed deletion of Specific Controls Overlay (SCO2) within the Schedule to Clause 45.12.

The amendment also proposes to amend the Schedule to Clause 72.04 'Documents Incorporated in this Planning Scheme' to remove reference to 'Deakin University Warrnambool Campus Signage, September 2012' incorporated document.

WARRNAMBOOL PLANNING SCHEME

31/07/2018
VC148

SCHEDULE TO CLAUSE 72.04 DOCUMENTS INCORPORATED IN THIS PLANNING SCHEME

1.0

~~C-199~~

Incorporated documents

Name of document	Introduced by:
Deakin University Warrnambool Campus Signage, September 2012	C88
Logans Beach Urban Design Guidelines, February 2000	C12
North Dennington Development Contributions Plan, November 2014	C90
North Dennington Structure Plan, September 2014	C90
North of the Merri River Development Contributions Plan, September 2011	C69
North of the Merri River Structure Plan, September 2011	C69
Premier Speedway Signage, June 2016	C83
Racehorse Training on Levys Beach, December 2018	C200warr
Warrnambool Infrastructure Incorporated Plan December 2012	C68
Warrnambool Line Upgrade - Incorporated Document, December 2019	GC121
West Warrnambool Industrial Precinct May 2015	C199
69-75 Mortlake Road, Warrnambool, August 2020	C206warr

Figure 12: Proposed deletion of reference to Incorporated Document within the Schedule to Clause 72.04.

5.4. Settlement Boundary

It is proposed to amend Clause 21.01 to include the entire campus within Warrnambool's urban settlement boundary (Figure 1 – Warrnambool Strategic Framework Plan).

The settlement boundary is proposed to be repositioned to align with the eastern Deakin University boundary forms part of this rezoning request as shown in Figure 11 below.

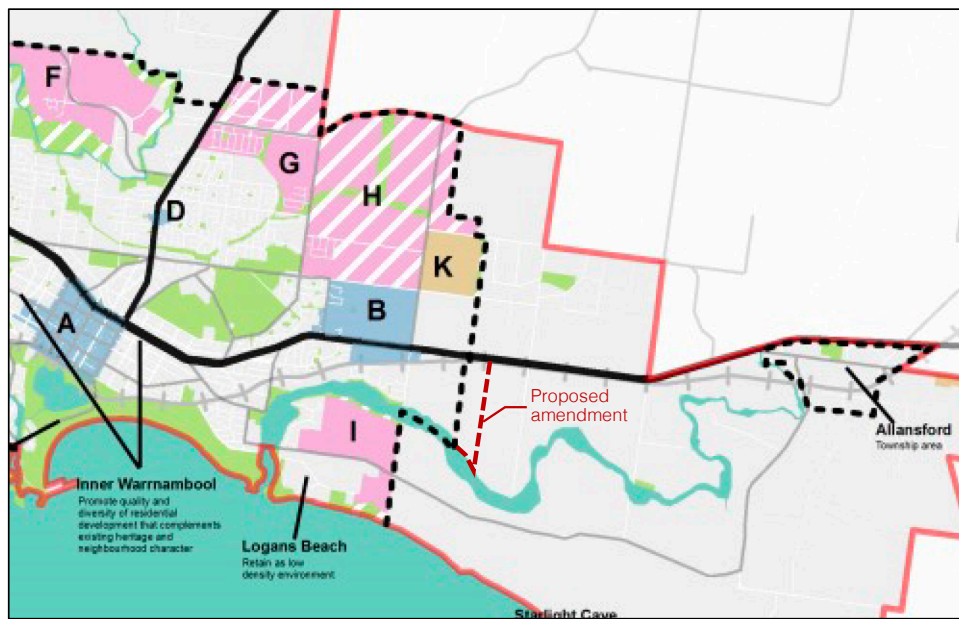


Figure 11: Proposed amendment to Urban Settlement Boundary (Figure 1 - Clause 21.01)

6 Strategic justification for the amendment

The following sections provide an assessment of the proposal against the requirements of the Planning Practice Note 46: Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments.

6.1. Why is the amendment required?

Deakin University provides educational facility, research and development roles and other activities of benefit to the community. The current zone regime and signage controls are not suitable for an internationally renowned university.

Under the Farming Zone (Table of uses Clause 35.07-1) the use of land for an education centre 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 is inappropriate with the way the land is being used inasmuch that the purpose to the Farming Zone and its provisions do not adequately allow for the continued operation or expansion of the university.

The amendment provides for a zoning regime which is compatible with the educational uses required by Deakin University in the future. The alignment of university land across the State within the PUZ is shown by Table 1 below where the majority of sites within are within the PUZ.

University Sites	Zoning
Deakin University - Geelong Waterfront	Public Use Zone / Activity Centre Zone
Deakin University - Waurin Ponds	Public Use Zone / Farming Zone
Deakin University - Burwood	Public Use Zone
Melbourne University - Parkville	Public Use Zone
La Trobe University - Bundoora	Public Use Zone
La Trobe University - Bendigo	Public Use Zone
Deakin University - Warrnambool	Farming Zone / Public Use Zone

Table 1: University land zoning within Victoria

Current sign controls limit the ability to identify the campus to institution uses and the broader community. Category 4 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 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).

The Specific Controls Overlay (SCO) for the subject land has served its purpose and facilitated the construction of the Deakin University 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 allow for Category 2 Signage supersedes the provisions of the Incorporated Document.

6.2. How does the amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria, as set out at Section 4(1) of the Planning Environment Act 1987 are -

- To provide for the fair, orderly, economic and sustainable use and development of land.
- To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- To facilitate development in accordance with the objectives set out in the points above.
- To balance the present and future interests of all Victorians.

It is considered that the proposed amendment will assist in implementing the above objectives of planning in Victoria. The amendment will assist in the fair, orderly, economic and sustainable use of land by facilitating land for education within the region.

The amendment will provide for more flexibility for use and development for Deakin University, including for any associated signage.

The subject site forms a logical inclusion to an existing Public Use Zone in the same ownership. The proposed amendment is expected to benefit the present and future interests of Victorians, particularly as Deakin University is the only university in the region.

The site is located within an 'area of cultural heritage sensitivity'. Future development will need to consider the requirements of the *Aboriginal Heritage Act 2006*, including the need to prepare cultural heritage management plans prior to development.

6.3. How does the amendment address any environment, social and economic effects?

Environmental effects

The proposal is not considered to have any significant environmental impacts. The site does not contain any native vegetation and has been improved with landscaping surrounding internal roads and residential buildings, with cleared areas of improved pasture. The site has access to all urban services with drainage outfall to an existing stormwater drainage area.

Social and economic effects

The ongoing support and facilitation for Deakin University is critical to supporting Warrnambool's key role in education within the region. The amendment will provide opportunity for educational growth within the region. It is unreasonable for the university to be expected to efficiently and successfully operate and expand within part of their landholding which is within the Farming Zone.

The proposal will provide for a strong economic base for employment associated with the university and its ancillary uses. The university is an attractor for businesses seeking research and development as well as a graduate work force. Retaining a university within the region is of critical importance for the community and will have flow on positive economic impacts for the region. Strategically, a university is a key drawcard to attract not only other Victorians, but Australians and Internationals to work, study and live in the region.

Accordingly, the proposal is expected to have positive economic and social impacts and will result in overall net community benefit.

6.4. Does the amendment address relevant bushfire risk?

The amendment is not expected to result in the generation of any additional bushfire risk. The land is within a designed bushfire prone area but is not included within the Bushfire Management Overlay. The subject site is considered to be within Landscape 'Type 1' (BMO Technical Guide - DELWP 2017) on the basis that:

- There is little vegetation beyond 150 metres of the site (except grasslands and low threat vegetation).
- Extreme bushfire behaviour is not possible.
- The type and extent of vegetation is unlikely to result in neighbourhood-scale destruction of property.
- Immediate access is available to places that provide shelter from bushfire (Warrnambool City).
- Access to Low fuel/BAL LOW areas is available in accordance with the definition contained in Australian Standard AS3959 Building in a Bushfire Prone Area.
- The subject land is located in close proximity to roads and buildings.

The land is located within a Bushfire Prone Area. There is no Bushfire Management Overlay present on the site or surrounding grassland. Within 150 metres of the subject land, the predominant vegetation type is grassland. The topography of the land surrounding the subject site is relatively flat.

- To the north of the site is the Raglan Parade / Princes Highway road reserve which is considered to include low threat vegetation. Parcels of land further north are large farming blocks which contain grassland but are generally low threat due to the fire break the road would provide.
- To the east is large areas of grassland within 150 metres of the site. This land is known to be grazed but there is no guarantee that the grass can be maintained to 100mm. The area has been mapped accordingly.
- To the south is the Hopkins River, which poses no threat in terms of bushfire as it is a waterbody.
- To the west is the existing Deakin University campus. Vegetation in between buildings are managed and can be considered to be low threat.

Minimum constructions standards would apply to any new buildings within bushfire prone areas.

Overall, the bushfire threat remains relatively low and will not be increased on account of the amendment.

6.5. Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?

Relevant Ministerial Directions which have been considered in the preparation of this combined amendment / application are as follows:

- is generally consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act:

“A planning scheme may only include land in a Public Use Zone.....if the land is Crown Land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council.” The amendment relates to university-owned land.

- has been drafted in accordance with the requirements of Minister’s Direction No. 11 - Strategic Assessment Guidelines.

6.6. Does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The proposed amendment is appropriate in the context of relevant planning policies as set out below:

- The proposal will result in land which is able to accommodate educational and associated uses and will further establish the economic and land use viability of Deakin University, consistent with settlement objectives for planning in Victoria under **Clause 11** – which contributes towards adaptation in response to changing technology, economic viability, land use and transport integration.
- The proposal responds to specific objectives of **Clause 11.01-1S** by planning for investment opportunities along existing transport Infrastructure routes. Accommodating the needs of Deakin University in its current location is preferred to the consideration of alternative sites given the infrastructure investment in the immediate area, such as the Sherwood Park train station. This clause requires planning to provide for growth and the development of facilities and services across regions, which the rezoning can indirectly facilitate.
- **Clause 11.01-1R** includes strategies to support economic growth by capitalising on existing connections and existing strengths of the region. Deakin University is the only university in the region and can be seen as an existing strength for Warrnambool. The proposal will further capitalise on this strength and will further entrench the university land uses into its existing locality.
- The proposal will enable the growth of the tertiary institution relevant to the residential growth of the region and will provide for appropriate land supply in the appropriate zone (**Clause 11.02 and Clause 11.02-1S**).
- Appropriate consideration has been given to bushfire risk (**Clause 13.02-1S**). The proposal is not expected to result in the generation of any additional bushfire risk.
- The proposal does not compromise land use compatibility with the existing adjoining zones (**Clause 13.07-1S**) as the interface with Deakin University will remain without introducing new land use conflicts to farmland (Clause 14.01-1S).

- **Clause 17** provides specific objectives which provide for a strong and innovative economy, where all sectors are critical to economic prosperity. The proposal facilitates and supports the growth of the region's only university and will encourage the creation of new development and associated employment should the university and its ancillary uses expand in the future.
- **Clause 17.01-2S** aims to create opportunities for innovation and the knowledge economy within existing and emerging industries, research and education. Deakin University is a key institute within the region which already contributes towards the objectives of this clause. The amendment proposal will further facilitate the creation of these opportunities through appropriate land use planning and allows the capitalisation of an existing strength in the region.
- **Clause 19.02-2S** seeks to assist the integration of education and early childhood facilities with local and regional communities. **Clause 19.02-2R** aims to support the renewal, maintenance and improvement of educational facilities and to facilitate the development and expansion of education precincts at Warrnambool. Strategies include:
 - o Consider demographic trends, existing and future demand requirements and the integration of facilities into communities in planning for the location of education and early childhood facilities.
 - o Locate tertiary education facilities within or adjacent to activity centres.

The amendment proposal considers the above clauses and is consistent with the objective to facilitate the development and expansion of an education centre (tertiary institution). The proposal will indirectly increase the educational opportunities within the region through supporting the region's only university in its current location.

6.7. How does the amendment support or implement the Local Planning Policy Framework and, specifically the Municipal Strategic Statement?

The proposed amendment is considered appropriate in the context of the relevant provisions of the Local Planning Policy Framework given the following:

- **Clause 21.01** identifies Warrnambool's position demographically and geographically in the region and how the City provides support to the region in the field of education and identifies that Warrnambool's employment strengths also lies in education. The development of value-adding opportunities will play a major role in the City's future economic development (**Clause 21.01-2**). The proposal is considered to add value to Deakin University and supports it as a key tertiary

education provider within the region and allow further planning flexibility without the constraints of the Farming Zone.

- Warrnambool has an extensive range of education, community and health services that enhance the lifestyle of local residents and serve an important regional role. The provision of efficient and effective community services and appropriate and flexible spaces for community activities, will be critical in maintaining liveability and a sense of community as well as supporting optimal community health and wellbeing (**Clause 21.01-4**). Retaining and supporting Deakin University within the region is of strategic importance to the community from a social and economic perspective. Providing for appropriate land zoning which supports the aspirations of the university increases the chance of long term retention and further entrenches it within the locality for it to continue to play its key educational role within the region.
- **Clause 21.04-5** identifies that there are a number of areas within Warrnambool which have a grassland interface. Appropriate consideration has been given to bushfire risk. The proposal is not expected to result in the generation of any additional bushfire risk.
- Warrnambool is the Great South Coast Region's main service centre for retail, business services, health and education. Employment within the retail trade and education and training sectors is also significant. **Clause 21.08-1.1** 'Out of centre development' seeks to maximise the City's regional role as the pre-eminent retailing, administrative, health and professional services, education, hospitality and tourism focus in southwest Victoria. The proposed amendment is an important step in securing the university's role within the region and is of importance to Warrnambool as a city. Accommodating the appropriate zoning for educational purposes maximises an existing strength without causing detriment to the long-term strategic planning of the area and without creating conflict with the surrounding zones.
- The proposal supports **Clause 21.10** which provides content specific to Warrnambool to support Clause 19 of the PPF. Clause 21.10-1 'Community infrastructure' includes a section specific to education facilities within Warrnambool.

The Deakin University campus and associated student accommodation is located on the eastern outskirts of the city. The South West Institute of TAFE has two campuses located in Warrnambool, where its training facility specialising in training programs for building trades and specialist industry training, is located on the eastern outskirts of the city adjoining the Deakin University campus.

The presence of these institutions provides the city with opportunities for a strong employment base and the encouragement of industrial and education related research facilities. It is important that the ongoing viability of these institutions is supported due to the social and economic benefits they provide to the city.

The objective of **Clause 21.10** is to develop Warrnambool as the key education service centre of southwest Victoria. The relevant strategies are to:

- o Support the expansion of the Deakin University and South West Institute of TAFE services to maintain Warrnambool's role as a major service provider in southwest Victoria.
- o Facilitate the improvement of the linkages of the Deakin campus with the city and maximise opportunities for university related business opportunities.

The proposal pursues this objective through the implementation of the above strategies by applying for the most appropriate zone in association with the current and likely future uses of the site in relation to education. The Farming Zone is generally prohibitive to the educational uses and aspirations for the land, while the uses currently being undertaken on the subject site do not ultimately suit the purposes of the zone.

6.8. Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes appropriate use of the Victoria Planning Provisions (VPPs) by applying appropriate zone controls consistent with the intended use of the land. Applying the Public Use Zone - Education (PUZ2) to an area owned and used by a university is consistent with the VPPs. The proposal to amend the Schedule to the Public Use Zone (PUZ2) to allow for Category 2 signage is seen as a proper use of the planning tool and mechanism, in lieu of the previous use of the Specific Controls Overlay (SCO2) which is to be deleted.

6.9. How does the amendment address the views of any relevant agency?

The views of relevant agencies will be sought as part the exhibition process, with no foreseen issues.

6.10. Does the amendment address the requirements of the Transport Integration Act 2010?

The amendment is not expected to have a significant impact on the transport system.

6.11. What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

The proposed amendment is not expected to have any significant impact on the administrative costs of the responsible authority.

7 Conclusion

This report has set out the proposed amendment (rezoning request) and assesses it against the relevant clauses of the Warrnambool Planning Scheme.

The amendment provides for a zone which is more compatible with the educational uses required by Deakin University in the future. It is important that this is planned for and accommodated by the Warrnambool Planning Scheme.

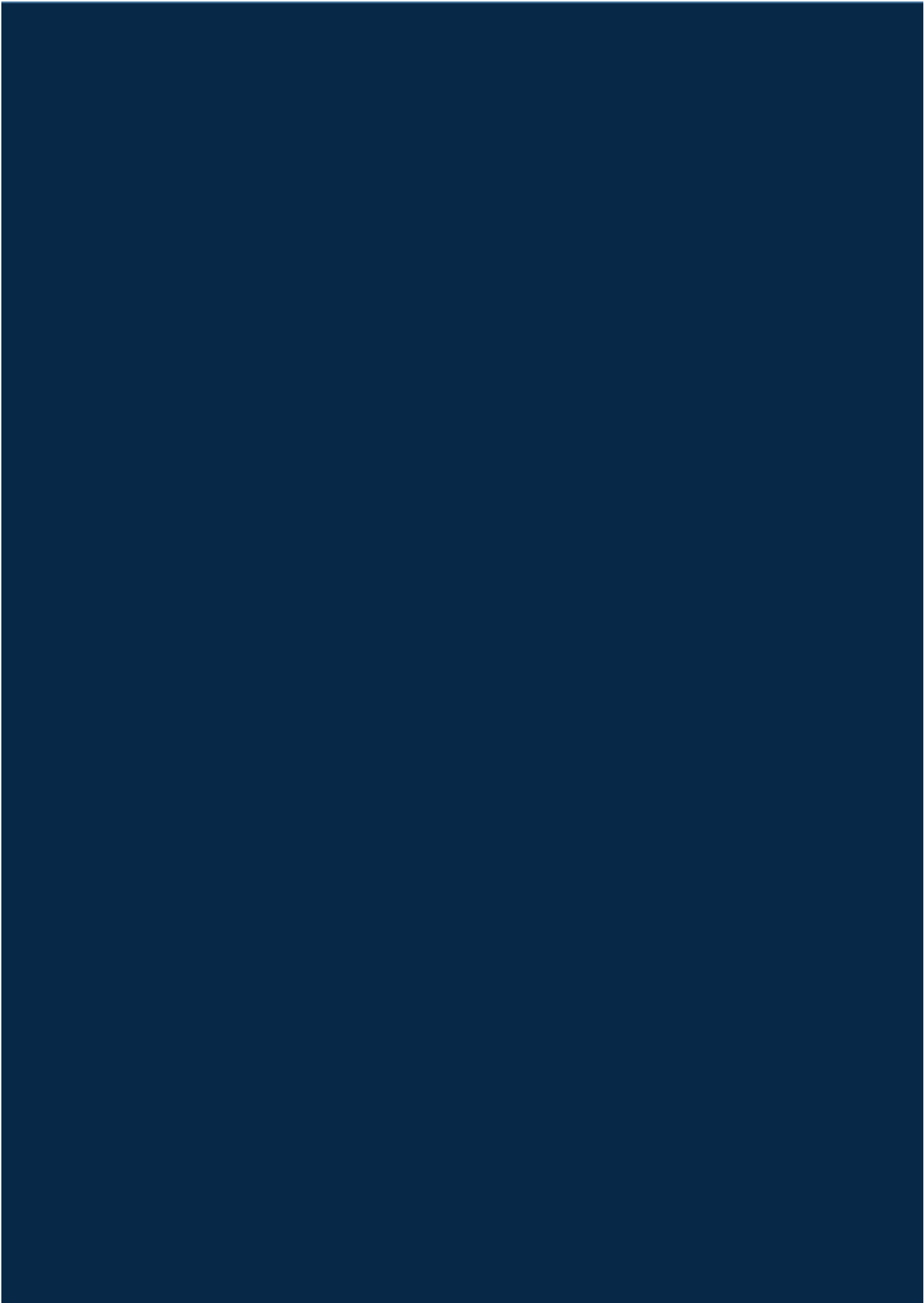
The site forms a logical extension to an existing Public Use Zone which caters for the current educational uses which support the region's only university.

The amendment proposal adequately responds to the relevant considerations of Planning Practice Note 46: Strategic Assessment Guidelines for Preparing and Evaluating Planning Scheme Amendments.

The proposed amendment is commended to Council. We look forward to working closely with Council on this application.

Myers Planning Group

May 2021





16 July 2021

Julie Glass
Coordinator City Strategy
Warrnambool City Council
PO Box 198
WARRNAMBOOL VIC 3280

By email only: planning@warrnambool.vic.gov.au

Dear Julie

**REDUCED NOTICE
DEAKIN UNIVERSITY PLANNING SCHEME AMENDMENT REQUEST**

We continue to act on behalf of Deakin University in the above matter.

Further to our request to rezone land at 10635 Princes Highway, Warrnambool (Deakin University Campus, Warrnambool), please find enclosed a request for reduced notice pursuant to section 20(2) of the Planning and Environment Act.

By way of background, the Victorian Government has increased the Victorian Renewable Energy Target to 50 percent by the year 2030. A key pillar of the Victorian Government's 'Victoria's Climate Change Strategy (May 2021)' includes investments in technology trials, pilot schemes and other planning initiatives to enable future zero-emissions technologies and practices, such as hydrogen for building and industry electrification and transport fuel switching.

Deakin University recently received a \$9 million grant, via the Victorian Government's Higher Education State Investment Fund, and a further \$7 million from the federal Government's Strategic University Reform Fund, for a \$22 million dollar hydrogen research hub at Warrnambool's Deakin University Campus. Funding is dependent on construction starting November 2021.

The proposed planning scheme amendment implements the Victorian Government's commitment to invest and develop the hydrogen economy through enabling a correction to the planning scheme which reflects the proper zone to be applied to the Deakin University Campus. Specifically, by:

- rezoning the Deakin University campus from the Farming Zone to the Public Use Zone - 2 (Education) which is the appropriate zone for the Deakin University campus;
- designating Deakin University as the public land manager for the subject site and enabling buildings and works associated with 'education' uses to

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be undertaken by or on behalf of the public land manager (Deakin University).



Fast-tracking the planning approval process for rezoning the Deakin University campus will assist the Victorian Government's commitment to invest and develop the hydrogen economy.

Deakin respectfully requests:

- Council, pursuant to section 20(2) of the Planning and Environment Act, apply to the Minister for Planning to exempt it from the requirements of section 19 of the Act in respect to the proposed amendment (specifically sections 19(1b), 19(2) and 19(3)).
- Council provide notice to any Minister, public authority and municipal council which may be affected by the amendment (section 19(1a) and 19(1c)), for a reduced period of two weeks.

The benefits of the exemption are that orderly development of the Deakin University campus can be implemented without unnecessary delays, bringing clarity and certainty to the Deakin University campus' planning and development of the Hycel Technology Hub.

The exemption will enable a timelier process of formal consultation and, subsequently, a quicker decision on the adoption and approval of an amendment, which will facilitate the orderly development of the Deakin University campus including the planning and development of the Hycel Technology Hub (with construction scheduled to commence November 2021).

Exempting the amendment from the requirements of sections 19(1b), 19(2) and 19(3) of the Act will mean the benefits of the rezoning for 'education' will be able to be delivered sooner.

In accordance with the 'A protocol for fast tracking amendments' advisory note:

- The proposed amendment is administrative in nature and merely applies the underlying zone (Public Use Zone - 2) to be applied to the Deakin University campus. In doing so, the rezoning will allow for future use and development of the land for the purpose of 'Education (including the Hycel Technology Hub) which is the relevant use listed in the table at Clause 36.01-6, to be undertaken in an orderly manner.
- The exemption will enable a prompt exhibition process of the proposed amendment and will support the timely delivery of priority projects funded under the Victorian Government's Higher Education State Investment Fund and the federal Government's Strategic University Reform Fund. By doing so, the proposed amendment assists in implementing the Victorian Government's commitment to enable future zero-emissions technologies and practices, such as hydrogen for building and industry electrification

and transport fuel switching as outlined in the Victorian Government's
'Victoria's Climate Change Strategy (May 2021)'.

If you have any questions, please contact me on telephone (03) 5562 9443 or
email steve@myersplanninggroup.com.au.

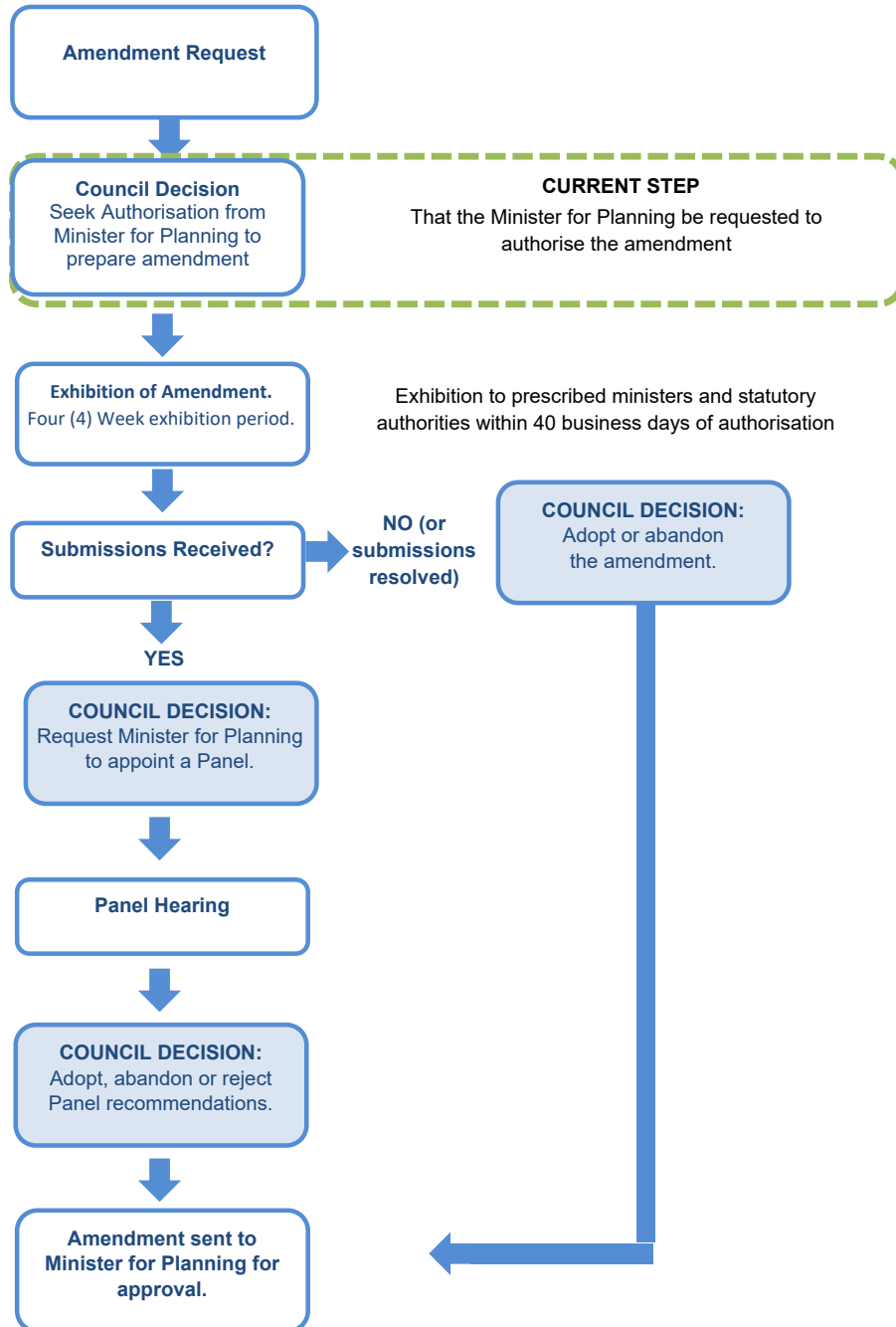
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'S. Myers'.

Steve Myers, Director



PLANNING SCHEME AMENDMENT FLOWCHART (Deakin University)



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.

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.

MOVED: CR BEN BLAIN

SECONDED: CR DEBBIE ARNOTT

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*.**

CARRIED - 7:0

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]

**Planning
Panels
Victoria**

Warrnambool Planning Scheme Amendment C204warr Advertising Signage Policy

Panel Report

Planning and Environment Act 1987

2 July 2021

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

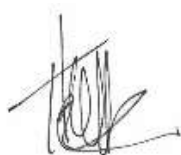
If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Warrnambool Planning Scheme Amendment C204warr

2 July 2021



Tim Hellsten, Chair

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Glossary and abbreviations

C1Z	Commercial 1 Zone
C2Z	Commercial 1 Zone
Council	Warrnambool City Council
DELWP	Department of Environment, Land, Water and Planning
LPPF	Local Planning Policy Framework
the PE Act	<i>Planning and Environment Act 1987</i>
Planning Scheme	Warrnambool Planning Scheme
PPF	Planning Policy Framework
PPN08	<i>Planning Practice Note 8 Writing a Local Planning Policy, June 2015</i>
Practitioner's Guide	<i>A Practitioner's Guide to Victorian Planning Scheme, April 2020</i>
RDZ1	Road Zone - Category 1
Signage Report	<i>Warrnambool City Council Advertising Signage Policy, Background Report (2019)</i>
Transad	Transad Australia Pty Ltd

Overview

Amendment summary	
The Amendment	Warrnambool Planning Scheme Amendment C204warr
Common name	Advertising Signage Policy
Brief description	Amend the Warrnambool Planning Scheme to introduce of a new local policy Clause 22.04 Signs and make minor amendments to Clauses 21.01 and 21.06 and identify the Warrnambool City Council Advertising Signage Policy – Background Report (2019) as a background document
Subject land	All land within the Warrnambool City Council municipal area and affected by the Warrnambool Planning Scheme
Planning Authority	Warrnambool City Council
Authorisation	18 August 2020
Exhibition	25 February - 29 March 2021
Submission	Transad Australia Pty Ltd

Panel process	
The Panel	Tim Hellsten
Directions Hearing	By videoconference, 3 June 2021
Panel Hearing	By video conference, 28 June 2021
Site inspections	Nil
Parties to the Hearing	Council represented by Andrew Neild, Strategic Planner and Julie Glass, Coordinator City Strategy of Warrnambool City Council, who called the urban design evidence from Brodie Blades of design studio Blades
Citation	Warrnambool PSA C204warr [2021] PPV
Date of this report	2 July 2021

Executive summary

Warrnambool Planning Scheme Amendment C204warr (the Amendment) seeks to implement the Warrnambool City Council Advertising Signage Policy - Background Report (2019) (Signage Report) through the introduction of a new local policy, minor amendments to Clauses 21.01 and 21.06 and identification of the Signage Report as a background document.

Council has identified that the Amendment is required to provide a greater level of certainty on the appropriate types, scale and placement of signage within the City of Warrnambool.

One submission was received to the Amendment following exhibition. The submission considered 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 likely overlap of the Amendment with Council's translation of its Municipal Strategic Statement and Local Planning Policy Framework into the new Planning Policy Framework (Amendment C208warr) has meant that Council has had to consider the structure of the proposed signage policy and how it will translate into the new format. While the exhibited content is not entirely consistent with current planning practice guidance, Council has worked closely with the regional office of the Department of Environment, Land Water and Planning and the Smart Planning team to ensure the exhibited version is appropriate and will easily translate into the new format. This is an entirely appropriate approach. As a result, the Panel has focused on whether the Amendment is strategically justified, and the content of proposed Clause 22.04 is appropriate and clear. The urban design evidence of Mr Blades has been useful in this regard.

The Panel concludes that:

- The Signage Report is robust and provides an appropriate basis for the Amendment.
- The proposed local policy does not duplicate or contradict existing planning policy or other provisions of the Warrnambool Planning Scheme.
- The proposed local policy will assist decision making and compliments 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 Amendment should proceed subject to a number of minor changes identified in the evidence of Mr Blades, Council's submission and the Panel which will improve its application and clarity.

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 for 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.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Warrnambool Planning Scheme Amendment C204warr be adopted as exhibited subject to the following:

- 1. Amend 'Figure 1 Warrnambool Strategic Framework Plan' in Clause 21.01 to distinguish between City and Local Area Gateways consistent with the changes identified to Clause 21.01 in Mr Blades' Evidence (Document 3 - Appendix B).**
- 2. Amend Clause 22.04 Signs consistent with the 'Panel preferred version of Clause 22.04' included in Appendix B of this Report.**

1 Introduction

1.1 The Amendment

(i) Amendment description

Warrnambool Planning Scheme Amendment C204warr (the Amendment) seeks to implement the Warrnambool City Council Advertising Signage Policy - Background Report (2019) (Signage Report).

Specifically, the Amendment proposes to:

- amend Clause 21.01-5 Particular issues to insert reference to '22.04: Signs' and amend Figure 1 – Warrnambool Strategic Framework Plan to include a 'Gateway' notation at four locations on key arterial roads
- amend Clause 21.06-1 'Further strategic work' to delete the direction to prepare a local policy to guide consideration of signage
- insert a new Clause 22.04 Signs
- amend the Schedule to Clause 72.08 Background documents to include the Signage Policy as a background document.

Council has identified that the Amendment is proposed to provide a greater level of certainty on the appropriate types, scale and placement of signage within the City of Warrnambool.

The Amendment applies to all land within the City of Warrnambool and affected by the Warrnambool Planning Scheme (Planning Scheme).

1.2 Background

Council's submission provided a chronology of events leading to the preparation of the Amendment which are summarised in Table 1.

Table 1 Chronology of events

Date	Event
11 May 2018	Council completes the draft Signage Report which included changes following a peer review by Ethos Urban
3 June 2018	Council adopts the Signage Report and resolves to seek authorisation to prepare and exhibit a planning scheme amendment
22 May 2020	Department of Environment, Land, Water and Planning (DELWP) advised Amendment was considered strategically justified but needed to be considered in the context of the Planning Policy Framework Translation underway
18 August 2020	Amendment authorised with the condition that Council: The proposed Local Planning Policy must be drafted to take into consideration the Local Planning Policy Framework (LPPF) translation which is being undertaken by the Department of Environment, Land, Water and Planning (DELWP) as part of the Smart Planning program. The LPPF

translation will change the way local policy is presented in the planning scheme, by integrating the content into the new Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF) introduced by Amendment VC148. Council will need to ensure that the proposed local policy content is consistent with the rules in Section 4 and writing instructions in Section 6 of the Practitioners Guide to Victorian Planning Schemes. DELWP can provide assistance with redrafting the policy into the new PPF format.

25 February - 29 March 2021	Amendment exhibited which included consultation with local signage companies and regular permit applicants
3 May 2021	Council considers submissions and resolves to refer them to Planning Panels Victoria
23 June 2021	Hearing commenced

1.3 Advertising Signage Report and proposed planning policy

The Signage Report was prepared by Council. Council's submission sets out the methodology for preparing the document which included a review of applications and the regulatory and policy framework, the Victorian Urban Design Guidelines and consultation with various Council internal units and DELWP. Wider consultation was not undertaken at the document preparation stage because of its technical nature, resourcing and low community impact. Ethos Urban were engaged by Council to conduct a peer review of the draft Signage Report with identified changes included.

The document is structured around:

- an introduction which includes the methodology applied to the preparation of the policy
- the signage regulatory framework and includes signage type definitions and related illustration (Figure 1)
- a review of signage applications, key decision making tool issues, Victorian Civil and Administrative Tribunal decisions and policy implications
- the role of advertising signage and relationship to different urban typologies and associated policy directions:
 - Commercial Areas - Warrnambool City Centre, Eastern Activity Precinct, Neighbourhood and Local Convenience Centres
 - Industrial Areas - West Warrnambool, Dennington/Fonterra, Caramut Road and Horne road (Eastern Precinct)
 - Residential Areas
 - Rural Areas
 - Public Reserves and Open Spaces
 - Major Highways – Raglan Parade, Mortlake Road/Banyan Street
 - Heritage Areas
- Design detail including objectives and performance standards relating to:
 - scale and location of signs
 - relationship to surrounding context

- visual clutter
- signs and road safety
- design quality
- environmental factors
- specific sign issues including active frontages, heritage, illuminated/animated signs, promotion and major promotion signs
- Policy recommendations.

Figure 1 Signage Policy – Illustration of sign types



Source: Signage Policy, Figure 2, Page 7

The Signage Report identifies that over a five-and-a-half-year period it received around 142 permit applications for advertising signs of which approximately 65 per cent were in commercial areas (with business identification signs the most common type). Over this same time period 22 applications were received for promotion signs and major promotion signs.

Existing policy gaps and decision making issues identified include:

- lack of an overall strategic direction for the preferred location of signs
- limited guidance on siting and design including relationships to the host building, site and wider viewing catchment
- lack of guidance around corporate branding including materials and finishes
- lack of guidance around brightness of internally illuminated signs, minimum clearance above footpaths, what constitutes visual clutter, window signs and sponsorship advertising.

Proposed Clause 22.04 Signs includes a policy objective *“To encourage signs that make a positive contribution to their host building or site and the surrounding area”*, associated strategies and:

- policy guidelines for commercial, industrial and residential areas, heritage places and main roads
- specific sign guidance for major promotion signs
- references the Signage Policy.

1.4 Summary of issues raised in submissions

One submission was received to the Amendment following its exhibition, from Transad Australia Pty Ltd (Transad) and outdoor advertising company. The key issues raised in the Transad submission related to:

- repetition of existing signage policy already in the Warrnambool Planning Scheme
- duplication of Clause 52.05 provisions and the definitions of Clause 73
- the restrictive policy provisions relating to major promotion signs
- onerous and restrictive decision making criteria.

Council did not initially propose any changes to the Amendment following its consideration of submissions.

1.5 Amendment C208warr

Council advised that it has recently completed the final review of the Warrnambool Planning Scheme to align the Municipal Strategic Statement and Local Planning Policy Framework (PPF) with the Planning Policy Framework introduced through Amendment VC148. This follows support from DELWP's Smart Planning reform team. Amendment C208warr is identified as a policy neutral translation and is anticipated to be considered by the Minister for Planning under section 20(4) of the Planning and Environment Act 1987 (the PE Act) although the date for its consideration was not known but anticipated for July/August 2021.

Approval of Amendment C208warr before the finalisation of Amendment C204warr will impact the way in which Clause 22.02 will appear in the new PPF format. Accordingly, Council prepared the Amendment in a form more consistent with the PPF format and which could be easily translated to that format consistent with the condition of authorisation. It was assisted in this task by DELWP and PPF translation drafting rules. The key changes anticipated to proposed Clause 22.02 as a result of Amendment C208warr were set out in Appendix 7 of Council's submission but included what it identified as minor changes with:

- majority of objectives, strategies and guidelines to be translated directly to Clause 15.01-1L (Signs) except heritage places content which is to be translated to the heritage policy theme
- most context content translated into Clause 02.03-5 (Municipal Planning Strategy)
- unnecessary context content deleted.

Council advised that a more comprehensive view of the Warrnambool Planning Scheme was proposed in 2022.

1.6 Proposed Amendment drafting changes

At the Directions Hearing, the Panel identified several drafting issues associated with proposed Clause 22.04 which it considered limited the intent and clarity of the policy. This included for example terms which were unclear in their meaning such as 'confined areas', 'open site' and

‘landscaped streetscapes’, consistency of terms such as ‘heritage places’ and the identification of sign types not included in the proposed background document including ‘under-verandah sign’ and ‘monument sign’. Council agreed with the Panel that there was some value in reviewing the draft policy before the Hearing including a cross check against Planning Practice Note 8: Writing a Local Planning Policy (PPN08) and the draft background document. As a consequence, Council identified a number of proposed changes to Clause 22.01 which were attached to its submission. These changes included most changes identified by Mr Blades’ urban design evidence which identified similar issues and opportunities for enhancement.

1.7 The Panel’s approach

In light of the COVID 19 pandemic and the location of Transad, the Hearing was conducted by videoconference by agreement of all parties. Transad, attended the Directions Hearing and identified that it did not wish to be heard at the Hearing or make a formal submission. Transad was provided with a copy of all circulated documents and attended the Hearing in an observing capacity. With Council’s consent however, the Panel provided Transad with an opportunity to make a short statement during the Hearing after hearing Council’s verbal submission and its response to the Panel’s questions. The Panel thanks Council for their preparedness to allow the statement.

Mr Blades was unable to attend the Hearing to present his written evidence statement. At the direction of the Panel, Mr Blades circulated his written statement of evidence before the Hearing and the Panel provided him with a series of written questions which he responded to in writing. A copy of these documents were circulated to all parties.

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Planning Scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, submissions, evidence and other material presented to it during the Hearing. It has reviewed a range of materials, and has had to be selective in referring to the more relevant or determinative material in the Report. The entirety of submissions of Council and Transad and the evidence of Mr Blades have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context and strategic justification
- Proposed policy provisions for signs
- Form and content of the Amendment.

Council’s submission referred to the proposed Advertising Signage Policy - Policy Background Report as the ‘Signage Policy’. To avoid confusing the usual references to the terms ‘Background Report’, ‘background document’ and ‘policy’ this Report uses the following descriptions:

- Signage Report – to refer to the exhibited Warrnambool City Council Advertising Signage Policy - Background Report (2019) which is proposed to be a background document at Clause 72.08
- background document – to refer to a document identified in Clause 72.08
- signage policy – to refer to proposed Clause 22.04.

2 Planning context and strategic justification

2.1 The issues

The issues are whether the Amendment:

- unnecessarily duplicates existing planning policy and specific provisions within the Warrnambool Planning Scheme
- is strategically justified.

2.2 Planning policy framework

Council submitted that the Amendment is supported the objectives of planning in Victoria as set out in the PE Act and by various clauses in the Planning Policy Framework and Municipal Strategic Statement, which the Panel has summarised below.

(i) Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of the PE Act by:

- providing for the fair, orderly, economic and sustainable use, and development of land
- securing a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria
- balancing the present and future interests of all Victorians by seeking to create a municipality that is an attractive and desirable place in which to live, visit, do business and work.

It will do this by promoting high standards of signage, providing a clear and consistent approach to the assessment of applications, streamlining assessment times and achieve an appropriate balance between business identification and promotion and protecting the preferred image of the municipality.

(ii) Planning Policy Framework

The Amendment supports the following elements of the Planning Policy Framework (PPF):

- Clause 15.01-1S (Urban Design) by creating safe and high-quality environments and sense of place and preserving the amenity and safety of the public realm
- Clause 15.03-1S (Heritage conservation) by conserving places of heritage significance
- Clause 17.02-1S (Business) by supporting commercial services need for signage
- Clause 18.02-4S (Road system) by controlling outdoor advertising to manage appropriate visual standards along transport routes.

(iii) Municipal Strategic Statement

The Amendment is consistent with and supports Clause 21.06-1 (Urban Environment) by:

- recognising that distracting and dominating signage and advertising, particularly in areas of high sensitivity including areas of heritage significance and along the Warrnambool City and township entrances, can impact public amenity

- ensuring signs are consistent in context with the scale of development and surrounding environment including signage patterns, which directly responds to an identified key issue
- achieving urban design of the highest standard by controlling signage in a manner that achieves its commercial objectives and makes a positive contribution to the overall presentation of the general streetscape
- improving the appearance and visual quality of the major transport entrances to urban areas through signage consolidation and landscaping and ensuring they are in context with the scale of development, the surrounding environment and with the surrounding signage patterns
- providing a local policy to guide consideration of signage in commercial and industrial areas, and areas of high sensitivity including areas of heritage significance and along City and township entrances.

2.3 Planning scheme provisions

(i) Clause 52.05 Signs

The purposes of Clause 52.05 are:

- To regulate the development of land for signs and associated structures.
- To ensure signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character.
- To ensure signs do not contribute to excessive visual clutter or visual disorder.
- To ensure that signs do not cause loss of amenity or adversely affect the natural or built environment or the safety, appearance or efficiency of a road.

Key provisions of Clause 52.05 include:

- Clause 52.05-2 which sets out requirements for categories of sign
- Clause 52.05-3 which provides for the referral of applications for particular signs
- Clause 52.05-6 which sets out application requirements
- Clause 52.05-8 which sets out decision guidelines including:
 - the character of the area
 - impacts on views and vistas
 - relationship to the streetscape, setting or landscape
 - relationship to the site and building
 - the impact of structures
 - impact of illumination
 - impact of logo boxes
 - the need for identification
 - impact on road safety
 - particular considerations for major promotion signs
- Clause 52.05-9 mandatory conditions
- Clause 52.05-11 provisions for different sign categories - Category 1 – Commercial areas, Category 2 – Office and Industrial, Category 3 – High amenity areas and Category 4 – sensitive areas.

(ii) Clause 73.02 Sign terms

Clause 72.03 includes a table of sign terms and associated definitions. Sign terms defined include:

- Above-verandah sign
- Display area
- Animated sign
- Bed and breakfast sign
- Bunting sign
- Business identification sign
- Direction sign
- Electronic sign
- Floodlit sign
- High-wall sign
- Home based business sign
- Internally illuminated sign
- Major promotion sign
- Panel sign
- Pole sign
- Promotion sign
- Reflective sign
- Sky sign.

2.4 Ministerial Directions and Practice Notes

(i) Ministerial Directions

The Amendment Explanatory Report sets out how the Amendment meets the relevant requirements of the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the PE Act and Ministerial Direction 11 - Strategic Assessment of Amendments. That discussion is not repeated here.

(ii) Planning Practice Notes

Planning Practice Note 46: Strategic Assessment Guidelines

This practice note identifies the strategic considerations when preparing an amendment including whether one is required, whether it is consistent with the PE Act, Ministerial Directions, the Planning Policy Framework, whether it makes proper use of the Victoria Planning Provisions and provides net community benefit. Council's submission set out how the Amendment has been prepared and assessed against the practice note.

Planning Practice Note 8: Preparing a Local Planning Policy

Council submitted that Clause 22.04 had been drafted in accordance with *Planning Practice Note 8 Writing a Local Planning Policy*, June 2015 (PPN08).

PPN08 identifies that local policy guides decision making in relation to a specific discretion in a zone, overlay or particular provision. It helps the responsible authority and other users of the

scheme to understand how a particular discretion is likely to be exercised. It identifies a number of principles to be considered when drafting a Local Planning Policy including:

- it should not repeat or contradict a state planning policy, the Municipal Strategic Statement or Local Planning Policy Framework, Zone provisions or the general decision guidelines of Clause 65
- it should not contain broad strategic objectives and strategies
- where possible, the use of schedules to zones, overlays or particular provisions should be used instead of local policies to express local policy objectives
- it should be derived from an objective or strategy in the Municipal Strategic Statement
- it should relate to a specific permit discretion
- it should assist the Council to make a decision
- it should be self-contained and not rely on external documents or guidelines except where necessary
- it should not contain mandatory requirements
- It should be written in clear, concise, plain English.

Council's submission set out how the Amendment has been prepared and assessed against the practice note.

Planning Practice Note 13: Incorporated and background documents

This practice note provides guidance about the when documents should be incorporated into the scheme or mentioned as a reference document.

Background documents provide information to explain the context in which a particular policy has been framed. A background document may explain why particular requirements are in the planning scheme, substantiate a specific issue or provide background to a provision. Because background documents are not part of the Planning Scheme, the substantive planning elements of the document (such as built form guidelines or the like) will have been included in the planning scheme in either a local policy or a schedule.

Council's submission sets out how the proposed background document is to be used consistent with the practice note advising that it:

- informs the content of proposed Clause 22.04
- contains substantial material that will assist applicants in preparing signage applications
- is too lengthy to include in local policy in its entirety.

(iii) Practitioner's Guide

A Practitioner's Guide to Victorian Planning Scheme, April 2020 sets out key rules for practitioners when preparing a planning scheme provision. The rules complement existing directions and guidance and seek to ensure that:

- the intended outcome is within scope of the objectives and power of the Planning and Environment Act 1987 and has a sound basis in strategic planning policy
- a provision is necessary and proportional to the intended outcome and applies the Victoria Planning Provisions in a proper manner
- a provision is clear, unambiguous and effective in achieving the intended outcome.

The Practitioner's Guide provides useful guidance in the application of provisions, the construction and drafting of local policy, and the use of terms and the use of incorporated or background documents.

2.5 Evidence and submissions

The Transad submission considered that the proposed Clause 22.04 repeated existing signage policy and particular provisions in the Planning Scheme including Clause 52.05 application requirements and Clause 73 signage definitions. The submission identified for example that the performance standards for a major promotion sign were largely the same as the decision criteria of Clause 52.05-8. The submission also considered that contrary to policy development guidance, as it was overly onerous and effectively prohibited certain signs.

Council's submission outlined that the Signage Report had been prepared in response to:

- six signage proposals in Warrnambool in different place settings that had been the subject of review by the Victorian Civil and Administrative Tribunal (VCAT) and absorbed significant Council officer time and resources and highlighted existing policy shortcomings in key locations
- the 2015 review of the Municipal Strategic Statement which identified concerns with the urban design impact of signage and the need to achieve certain signage outcomes through specific policy guidance on the siting, location and design of signage across the Warrnambool municipal area. This was identified as a key issue in Clause 21.06-1.

Council submitted that the Amendment was required because:

...signage needs to reflect the range of different typologies across the Warrnambool municipal area. These include the pedestrian orientated Warrnambool City Centre, the village scale of North Point Village and Dennington Neighbourhood Activity Centre, and the large format retail area of Eastern Activity Centre; heritage buildings and places; streetscapes; gateways, industrial sites; residential precincts; natural features; and cultural heritage landscapes including riverine and coastal landscapes. These places combine to produce a distinctive and unique character and amenity, which is highly valued by the community and visitors. It also represents a significant asset and resource for the City of Warrnambool. The unique character and amenity of these areas creates different needs in relation to signage.

It considered that the Amendment was supported by its evidence-based approach and had been informed by discussions with DELWP and deliberately structured:

- to acknowledge the role and contribution of well designed signage and also the impacts of poorly designed and sited signs on their effectiveness and on the attractiveness and amenity of the City's urban environments and gateways
- to address a lack of place-centric or Warrnambool specific policy to guide place-specific signage outcomes
- to complement and build on existing local and state policy and not to duplicate or contradict other planning scheme provisions
- to include only the necessary elements of the Signage Report in the proposed policy
- in a manner that provides clear guidance about how discretion will be exercised
- to not prohibit signs or alter the way in which existing signage provisions work but to ensure signs are appropriate and consistent in the context of the site and surrounds
- to be consistent with the relevant Ministerial Directions and Practice Notes.

Mr Blades' evidence supported the Amendment, considering it justified from an urban design perspective. Significantly he identified that:

- the Amendment is focused on managing the urban design impact on Warrnambool through the application of specific policy guidance on signage siting, location and design
- the proposed local policy does this in a way that goes beyond existing State-wide guidance or the provisions of Clause 52.05
- there is a fundamental need to intervene in the development process to manage the appearance, location and 'look and feel' of signage to achieve high-quality urban design outcomes to avoid signage that:
 - dominates the host building or bears little design relationship with the proportions, era, character or heritage significance of the host building
 - dominates the character of the streetscape
 - disrupts important views and vistas
 - competes for attention with other signs in proximity
 - is overtly illuminated
- there is a basis for local policy which goes beyond Clause 52.05 where signage can have different urban design impacts based on the local context and where place-specific urban design guidance is required
- the need for a place-centric approach in Warrnambool is warranted and strategically justified based on the existing character and 'on-ground' condition of signage within the municipality which includes:
 - the fine-grained commercial character of the core of the Warrnambool CBD and paucity of examples of dominating signage or signage proliferation that requires preservation
 - larger format commercial precincts and industrial areas that require careful design management
 - iconic and distinctive public realm landscaping along key transport routes which are absent of 'overt signage' and require proactive management to protect their place making contribution to the identify and character of Warrnambool
- the Signage Report that underpins the Amendment is robust and supports Clause 21.06
- the Amendment appropriately takes a policy approach rather than applying other tools such as the Design and Development Overlay
- the Signage Report is appropriately identified as a background document and appropriate elements of it are included in Clause 22.04 in a manner that does not duplicate existing provisions and definitions.

Mr Blades identified that consistent with observations in the Signage Report, many municipalities (including Port Phillip and Yarra) have local signage policies.

2.6 Discussion and conclusions

As set out in Chapter 2.4(ii), PPN08 and the Practitioner's Guide provide guidance for how a local policy should be structured, appropriate content and language. Local policy is unable to include mandatory provisions or contradict state or local policy or other particular provisions of

the planning scheme. The Policy must also be relatable to the Municipal Strategic Statement (that is it must have some clear strategic basis) and support decision making.

The Panel considers that the Signage Report is a comprehensive and robust analysis of the different character typologies in Warrnambool and clearly sets out why a place-based approach is appropriate and additional policy guidance is required. The Panel considers that Council has adopted a sound methodology in preparing the Signage Report which has included seeking input from DELWP and a peer review. The Signage Report appropriately underpins the proposed policy.

The Signage Report is appropriately identified as a background document and the salient elements of it are contained within Clause 22.04 although it still provides a useful reference to understanding the basis of the policy and provides some illustrative guidance.

The Panel considers that the Signage Report and proposed policy has a clear link to Clause 21.06-1 including key issues relating to signage and urban design outcomes and the urban design objectives and strategy particularly:

Strategy 1.7 Require advertising signage to be controlled in a manner that achieves its commercial objectives and makes a positive contribution to the overall presentation of the general streetscape.

And the identification of further strategic work to:

Develop a local policy to guide consideration of advertising signage in commercial and industrial areas, and areas of high sensitivity including areas of heritage significance and along City and township entrances.

The Panel, informed by the submission of Council and evidence of Mr Blades, considers that the proposed policy provides an appropriate level of guidance for decision making for signs within key locations in Warrnambool. It does this in a manner that compliments the PPF and Clause 52.05 and does not repeat or contradict the provisions of the Warrnambool Planning Scheme.

The Panel considers that the proposed policy reaches an appropriate balance between the needs of businesses to reasonably identify themselves and to advertise and promote their goods and services, the role signage plays in place activation with the protection of the key built form and landscape characteristics of Warrnambool. The Amendment will accordingly deliver a net community benefit.

The Panel concludes that:

- The Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes.
- The Amendment is well founded and strategically justified.
- The Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

3 Proposed policy provisions for signs

3.1 The issue

The issue is whether:

- the proposed signage policy provisions for major promotion signs and signage generally are onerous and overly restrictive.

3.2 Evidence and submissions

The Transad submission considered that the use of the words ‘strongly discourage’ in the Signage Report was tantamount to prohibiting the sign type and contrary to the consideration of applications on their merit. It considered that the proposed signage policy was onerous and overly restrictive.

Council’s submission acknowledged that a local policy cannot prohibit signs including major promotion signs and identified that Signage Report acknowledges that Major promotion signs can cause significant negative impacts if not carefully managed and that:

...as a starting principle, the Background Report strongly discourages Major Promotion Signs throughout the Warrnambool municipal area.

...Notwithstanding, the proposed local planning policy for signs (Clause 22.04) seeks to separate this starting principle and strike a balance with the policy guidance of Clause 52.05-6 (Major Promotional Signs). Council notes that the decision guidelines of Clause 52.05-6 encourages these signs in:

116.1 Commercial and industrial locations, whilst discouraging in scenic routes, landscaped sections of freeways, forest and tourist roads, open space reserves or corridors and around waterways, where the sign forms a dominant visual element from residential areas, within a heritage place or where they will obstruct significant view lines.

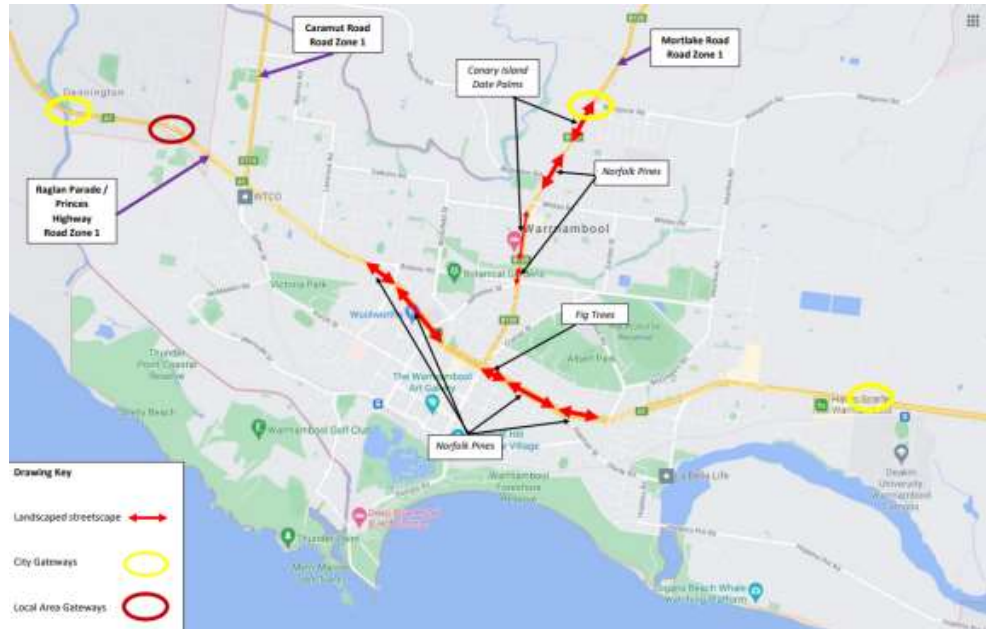
116.2 In areas with a strong built form character, major promotion signs are encouraged only where they are not a dominant element in the streetscape and except for transparent feature signs (such as neon signs), are discouraged from being erected on the roof of a building.

Council’s submission acknowledged that the proposed policy could not prohibit Major promotion signs and that VCAT decisions made it clear that such signs are legitimate and appropriate in commercial and industrial locations in a manner that complements or enhances the character of the area. It submitted that the proposed policy seeks to discourage Major promotion signs but recognises that they will be appropriate in the right context. Accordingly, *“the policy seeks to supplement aspects of Clause 52.05-6 by articulating where such signs are or are not appropriate, and build upon the general locational principles of this provision in the context of the Warrnambool municipal area”*. The submission noted no aspect of the proposed policy seeks to prohibit Major Promotion Signs or preclude or prejudice the reasonable exercise of discretion. While the Signage Report uses the phrase *“strongly discourage promotion signs”*, the document sits outside the planning scheme.

The Panel sought further information from Council to demonstrate whether limiting major promotion signs to areas located adjoining a Category 1 Road Zone but also outside a gateways, landscaped streetscape and away from open space and parklands along such roads provided

any real opportunities for this signage type to be proposed or be considered acceptable. Council provided a map to show this relationship of criteria after the Hearing (Figure 2).

Figure 2 Extent of gateways, landscaped streetscapes and Category 1 Road Zone



Source: Council (Document 6)

Mr Blades' evidence identified that:

- applications for signs will continued to be governed by Clause 52.05-6
- Clause 22.04 does not prohibit Major Promotion Signs or prejudice the unreasonable exercise of discretion
- the term 'discourage' is a typical planning policy term and already in use in Clause 52.05
- while the decision guidelines are more onerous and potentially restrictive "*this is the precise point of the Amendment*" which seeks to provide additional design guidance for such signs to respond to specific charter elements within Warrnambool.

3.3 Discussion and conclusions

In Chapter 2.6, the Panel discusses the basis on which it concludes that the Amendment is strategically justified supported by the Signage Report and does not repeat that discussion here.

It is clear from PPN08 that local policy cannot contradict state or regional policy or particular provisions in the Planning Scheme. Similarly, it cannot prohibit legitimate signage proposals. Appropriately, the provisions of the Warrnambool Planning Scheme allow for the consideration of a range of sign types and acknowledges the legitimacy of such signs including Major promotion signs where the context is appropriate.

While the Signage Report includes stronger language about the impacts of Major promotion signs in particular, the Panel agrees with the submission of Council and evidence of Mr Blades

that the wording of the policy does not effectively prohibit this form of sign or reduce the ability for an on merits consideration of applications against the proposed policy and other policy considerations. In fact, the policy wording supports Major promotion signs albeit where certain criteria apply. The Panel agrees that this is an appropriate approach where the basis for that guidance has been established in the Signage Report. The question for the Panel however, is whether the locational criteria for Major promotion signs were too onerous and effectively acted as a defacto prohibition.

The Council map showing the extent of gateways, landscaped streetscapes and Category 1 Road Zones demonstrates that extensive areas of land adjoining a Category 1 Road Zone (including Caramut Road, sections of Raglan Parade and the Princes Highway and Mortlake Road) would remain outside areas identified as gateways, landscaped streetscapes and open space areas and therefore provide opportunities for Major promotion signs to be considered. The Panel therefore considers that the guidance around Major promotion signs appropriate and reasonable. It notes that despite the specific guidance proposed in the policy, a level of discretion is still afforded to signage proposals that do not meet the criteria, for consideration on merit and in response to contextual circumstances.

In the context of the submission about onerous provisions, the Panel discussed with Council the basis for illuminated signs in commercial areas requiring *"The illumination automatically turns off overnight or during closing hours"*. Council advised that this was intended to apply to the site hosting the sign and to respond to character, amenity and broader energy reduction principles.

While the Panel understands that Council is endeavouring to strike a balance with the policy between supporting the need for business identification and protecting the character of Warrnambool, this provision seems at odds with wider policy objectives. These include identification of the CBD as the major retail and activity centre and a recognition in the proposed policy that commercial areas are likely to be lively and vibrant. Clause 52.05-11 further seeks to provide for signs that add vitality and colour to commercial areas. The Panel further observes that while Clause 21.06 seeks to support sustainable development this is focused on buildings and active transport as opposed to signage. The Panel considers that it is reasonable to expect that internally illuminated signs where they are appropriately designed and located (for example to minimise unreasonable amenity impact at night time) have both a business identification benefit after hours as well as a broader urban design role in providing visual interest, colour and safety (through street lighting) to commercial areas with an active night economy. The Panel notes that the Signage Report focuses the operational of illuminated signs where they cause glare (less likely below verandah level), are animated or adjoining residential areas. The Panel considers that a limitation on illumination hours might be a reasonable response in the latter two situations and discusses this further in Chapter 4.

The Panel concludes:

- That the guidelines of Clause 22.04 are generally appropriate and reasonable
- The guidelines relating to the hours of operation of internally illuminated signs in commercial areas should be amended as discussed in Chapter 4.

4 Form and content of the Amendment

4.1 Submissions and evidence

Mr Blades' evidence suggested changes to Clause 22.04 and the Warrnambool Strategic Framework Plan in Clause 21.01 to enhance clarity and usability. Council's submission supported these changes in the main with some minor variations. Mr Blades' recommended changes and Council's response are summarised in Table 2. Council provided a tracked change version of the Amendment following the Hearing (Document 5). Council considered that these changes were generally minor, assisted with providing clarity and were consistent with the intent and scope of the Amendment.

Table 2 Proposed Amendment changes

Amendment provision	Mr Blades' recommendations	Council's response
Clause 21.01	Amend the Settlement Framework Plan to identify only one City Gateway location within Dennington at the western settlement boundary, with the three other identified gateways shown as 'Local Area Gateways' (Evidence included a revised Plan)	Agreed
Clause 22.04 - Policy title	Rename 'Clause 22.04 – Signs' to 'Clause 22.04 – Business Signage' or similar given the policy focus on business and advertising signage	Disagreed. Reference to 'Signs' is necessary and appropriate in context of the PPF translation
Clause 22.04 - Strategies	Replace ' <i>Increase the number of signs within confined areas</i> ' with ' <i>Unreasonably increase the quantity of signs on individual buildings or result in visual clutter</i> ' (Panels emphasis)	Agreed with intent but propose an alternative set of words: <i>'Result in an increase of competing signs to avoid visual clutter'.</i>
Clause 22.04 - Commercial areas	<ul style="list-style-type: none"> Transfer Commercial 2 zoned land (C2Z) from the 'Commercial Areas' section of Clause 22.04 to the 'Industrial Areas' section, and rename it 'Industrial Areas and Large Format Retail Areas'. The preamble of this category should also be updated accordingly, to state that it applies to industrially-zoned land, C2Z-zoned land and large format retail premises (which may include large format retail premises on Commercial 1 Zone (C1Z) land). The recommendation reflects the limited application of the C1Z outside the CBD 	<ul style="list-style-type: none"> Disagreed initially as it considered that C1Z areas outside the CBD still required similar levels of policy guidance to the CBD particularly village scale areas of North Point Village and the Dennington neighbourhood Activity Centre. In its revised (Document 5) it accepted the change although the reasons for this are unclear

Amendment provision	Mr Blades' recommendations	Council's response
	<ul style="list-style-type: none"> • Increase policy clarity by including the existing diagrams of the Signage Report (refers to Port Phillip examples) • For pole signs, replace 'A sign that is on an <u>open site</u> and is incorporated into landscaping' with 'A sign that is within a building setback or at-grade car park and is incorporated into landscaping' (Panels emphasis) 	<ul style="list-style-type: none"> • Disagreed. Unlikely to meet the PPF format and content rules and duplicates content of the Signage Report • Agreed
Clause 22.04 - Heritage places	<ul style="list-style-type: none"> • Replace 'Limiting signs <u>to areas</u> traditionally used for signs' with 'Limiting signs on heritage buildings <u>to areas and places</u> traditionally used for signs' (Panels emphasis) • Replace 'Discouraging the following signs in heritage <u>areas</u>' with 'Discouraging the following signs in heritage <u>places</u>' (Panels emphasis) 	Agreed with intent but propose an alternative set of words: 'Limit signs on heritage buildings to places traditionally designed to accommodate signage'
Clause 22.04 - Residential areas	Replace 'As expectations in residential areas include high levels of amenity, signs associated with non-residential uses should ensure minimal intrusion on the residential character' with 'Signs associated with non-residential uses should ensure minimal intrusion on the residential character'. Change proposed as the context statement to be deleted relates to amenity rather than character which is the focus of the residential areas policy guidelines	Agreed
Clause 22.04 - Major promotion signs	In the context section replace 'controlled' with 'managed'	Agreed
Clause 22.04 - Definitions	<p>Include definitions for:</p> <ul style="list-style-type: none"> • Gateway refers to any location designated as such within the municipal Strategic Framework Plan or within any Structure Plan or Master Plan referred to in this Planning Scheme • Landscaped streetscape is any part of a road reserve in which rows of established Norfolk Island Pine Trees and/or Fig Trees are evident. Includes (but is not limited to) Raglan Parade, 	<ul style="list-style-type: none"> • Agreed with minor changes • Agreed with need for a definition but identified that other important landscapes existed including the Mortlake Road entrance

Amendment provision	Mr Blades' recommendations	Council's response
	<p><i>Pertobe Road, Timor Street, Koroit Street, Liebig Street, Gilles Street, Henna Street, Merri Street/Crescent and Verdon Street</i></p> <ul style="list-style-type: none"> • Main road refers to any road zoned Road Zone 1 (RDZ1) or Road Zone 2 (RDZ2), or identified as a 'Main Transport Route' within the municipal Strategic Framework Plan • Signage terms: <ul style="list-style-type: none"> - Under-Verandah sign refers to a sign below a verandah or, if no verandah, that is less than 3.7m above pavement level - Monument sign refers to any freestanding sign with a low profile and with little or no separation between the sign and ground below 	<p>(Canary Island date palms) and parts of the CBD (ornamental pears) needed to be included</p> <ul style="list-style-type: none"> • Agreed but include a modified definition under the 'Main roads heading' • Agreed to both

4.2 Discussion and conclusions

PPN08 and the Practitioner's Guide advises on the format, structure and use of language for local policy. There are elements of policy structure in the proposed policy that are inconsistent with this guidance – the use of policy sub clauses for policy basis, objectives, strategies and guidelines and the use of introductory terms such as "*It is policy to...*". Council acknowledged this but identified that this was done in the context of advice from DELWP and ensuring the proposed policy could be easily transferred into the PPF once Amendment C208warr is approved.

Council's version of the proposed policy (Appendix 7 of its submission) which showed how elements of it would be translated into different sections of the PPF, included struck out text which it identified as superfluous in the new format. It identified that despite the likely approval of C208warr before the current Amendment it preferred to retain those words as they were advised to be included by DELWP in the first instance. Similarly, in response to the Panel's observation that the Policy basis could potentially refer to Clause 21.06 to provide a local policy link, Council advised that while this could be done, it would have limited utility given the imminent redistribution of Municipal Strategic Statement content into the new PPF format.

The Panel has therefore focused its comments and recommendations on the local policy content that is likely to progress into the new format PPF. The evidence of Mr Blades largely addressed some of the Panel's earlier observations about weaknesses in the exhibited version relating to consistency of terms and the need for definitions. In the main, the Panel supports the intent of Mr Blades' recommendations and Council's proposed responses. It agrees that these changes will ensure the proposed policy is clearer for applicants and decision makers.

The Panel:

- supports the proposed changes to the Warrnambool Strategic Framework Plan in Clause 21.01 to distinguish between the different types of gateways
- agrees with Council's reasons for retaining the policy name as Signs
- supports the need to address the term 'confined areas' under strategies to discourage particular signage outcomes but considers that a simpler, clearer plain English statement such as "*Result in competing signage and visual clutter*" achieves the same outcome
- agrees with Council's initial reasons for retaining C2Z land within 'Commercial areas'. It is also consistent with the reference to 'Category 1 - Commercial areas' in Clause 52.05-11 which is the applicable signage level (minimum limitation) in both the C1Z and C2Z. The Panel notes that Council's further version (Document 6) accepts the changes identified by Mr Blades. As the reasons for this are unclear, the Panel has not recommended this change but has no real issue if Council elects to make this change if it is comfortable there are no unintended consequences associated with the change
- agrees with Council's reasons for not including the diagrams suggested by Mr Blades. It is considered that they would offer little value as currently drafted and are not representative of the more useful diagrams he identified in the Port Phillip Planning Scheme
- supports Mr Blades' suggested changes that replace the reference to 'open spaces' in relation to Pole signs
- supports suggested changes of Council and Mr Blades to the introductory text to 'Residential areas'
- supports the need for changes to 'Heritage areas' to add clarity about the positioning of signs on buildings but suggests some further changes. The Panel prefers the alternative wording "*limiting signs to locations on buildings traditionally used for signs*" and some other minor context statement changes to clarify the Heritage Overlay's use of places and precincts as distinct from heritage areas. That said the Panel has no particular concerns with Council's proposed wording
- supports the introduction of definitions for 'Gateway', 'Landscaped streetscape', 'Main road' and 'Under-verandah sign' and 'Monument sign' as these terms are important components of the proposed policy guidelines and are not defined elsewhere. They are critical to an understanding of the intent and application of the policy and to avoid content that is not clear. Minor alterations are suggested to Council's further suggested changes (Document 6) in relation to:
 - Main road to correctly refer to the Road Zone. It is agreed that the definition could be included under the heading 'Main roads' as suggested by Council
 - Gateway, to refer to the Warrnambool Strategic Framework Plan (Panel's emphasis)
 - Landscaped streetscape to refer to road reserve plantings. It agrees with Council and Mr Blades that it is not practical to describe fully the full extent of landscaped streetscapes without a lengthy description of streets or sections of streets
 - the reference to under-verandah signs in 'Commercial areas' to include awnings consistent with the proposed definition

- acknowledges the reasons of Mr Blades and Council to retain references in the proposed definition of gateway to refer to other gateways shown in Structure Plans or Master Plans to avoid cluttering the policy and mapping with too much information.

As identified in Chapter 3.3, the Panel considers that the requirement for internally illuminated signs to be turned off outside business hours is unreasonable and without any observable benefit within commercial areas particularly where the hours of business potentially varies significantly (for example between an office, shop, restaurant or hotel or night club). There is little within the Signage Report to support this approach apart from where the lighting might be animated or too bright (and therefore detracting) or where commercial areas adjoin residential areas and there is risk of amenity impact at night. Council's suggested further proposed changes (Document 6) included the alternative words *"The illumination automatically turns off over night or after business hours"*. The Panel considers this change does not go far enough and recommends amending the requirement to better reflect the Signage Report and to allow some flexibility for different approaches, for example allowing different lux levels at night for signs facing residential areas.

The Panel further considers that Council should clarify what is meant by 'electronic' in relation to above-verandah signs in commercial areas as it is unclear if this relates to flashing or animated signage elements. If this is the case, such a guideline is reasonable, cognisant of the wider signage and commercial policy context. Wording such as *"Are not illuminated or contain flashing or animated elements"* are suggested, however the Panel leaves this as a drafting issue for Council to further consider.

The Panel has included its preferred version of Clause 22.04 in Appendix B of this Report. It considers the proposed changes minor and consistent with the intent of the Signage Report and Amendment generally.

Council was unable to advise whether DELWP's entry rules for PPF content could accommodate definitions. The Panel can see no reason why the terms could not be included as they are necessary to understand the policy and minimise the reliance of secondary documents to understand their meaning. The alternative is to include this content in the background document or describe the meaning of the terms within the policy context or guidelines although this seems to the Panel to add unnecessary complexity. Ultimately this will be a technical aspect for DELWP and Council to consider at the next stage of the Amendment process.

4.3 Recommendations

The Panel recommends:

1. **Amend 'Figure 1 Warrnambool Strategic Framework Plan' in Clause 21.01 to distinguish between City and Local Area Gateways consistent with the changes identified to Clause 21.01 in Mr Blades' Evidence (Document 3 - Appendix B).**
2. **Amend Clause 22.04 Signs consistent with the 'Panel preferred version of Clause 22.04' included in Appendix B of this Report.**

Appendix A Document list

No.	Date	Description	Provided by
1	23/06/2021	Urban design evidence of Brodie Blades of design studio Blades	Council
2	24/06/2021	Council submission	"
3	24/06/2021	Panel's written questions of Brodie Blade's evidence	Panel
4	25/06/2021	Brodie Blades written response to Panel's questions	Brodie Blades
5	29/06/2021	Tracked changes version of Amendment identifying proposed further changes	Council
6	29/06/2021	Map showing the extent of Road Zone 1 and landscaped streetscapes	Council

Appendix B Panel preferred version of Clause 22.04

Tracked Added

~~Tracked Deleted~~

22.04 SIGNS

Policy application

This policy applies to ~~all~~ applications for signs under Clause 52.05.

Policy Basis

Signs are an important component of the built environment in the City of Warrnambool – they are used to provide information about businesses and the goods and services they provide.

Well designed and located signs can complement or enhance the host building or site on which they are displayed, and contribute to the vibrancy and colour of the streetscape while being sensitive to built form and character. However, an unrestricted approach to signs and business frontages can result in a cluttered, confusing, and unattractive environment that has a negative effect on the perception of the locality by both residents and visitors.

It is therefore important to ensure signage is not only effective in providing information in goods and services, but also provides high standards of visual amenity in the built environment. Local policy on signs is needed to supplement the decision guidelines in Clause 52.05.

Objective

To encourage signs that make a positive contribution to their host building or site and the surrounding area.

Strategies

Encourage signs that:

- Are consistent with the character of the area.
- Respect the amenity of the area.
- Are proportioned and designed to be integrated with the host building or site.
- Are crafted with materials and finishes that are durable having regard to sunlight, rain, and wind.
- Preserve active frontages and visual links to businesses and shop fronts.

Discourage signs that:

- Alter, obscure, or visually dominate the form of the host building or site.
- Are reflective.
- Are erected on the roof of a building.
- Result in competing signage and visual clutter ~~Increase the number of signs within confined areas~~.

Policy Guidelines

Specific areas

Commercial areas

Commercial areas located in the Commercial 1 Zone and Commercial 2 Zone.

Commercial areas are expected to be the centre of business activity and consequently are likely to be the most lively and vibrant areas in the City of Warrnambool. The appearance of these commercial areas can influence the way they are perceived by occupiers, visitors, and potential investors. For these reasons, the commercial interests of an individual business, and the cumulative impact of actions will be balanced against the role and interests of the commercial

area. Businesses are encouraged to advertise with signs in an effective manner, having regard to the effect this may have on the host building or site concerned and the commercial area. To achieve this, proposals for signs will be expected to remain within the following set of policy guidelines.

Consider as relevant:

- Avoiding above-verandah signs, unless there are no suitable opportunities at ground level and where the signs:
 - Are wall mounted, not on roof or verandah, canopy or awning.
 - Avoid projecting above the building.
 - Comprise one per occupancy.
 - Are not illuminated or electronic.
- Limiting under-verandah signs to one sign per building except on a corner site where an additional sign on the secondary frontage may be allowed.
- Limiting verandah fascia signs to one sign except on a corner where an additional sign on the secondary street may be allowed.
- Limiting pole signs to:
 - A height no higher than the height of buildings on the site or substantial adjacent structures on abutting or adjacent sites.
 - A sign that is within a building setback or at-grade car park ~~on an open site~~ and is incorporated into landscaping.
- Supporting illuminated signs where all of the following apply:
 - The sign is suspended below a verandah or awning.
 - Any flashing or animated illuminated element ~~The illumination~~ automatically turns off ~~over night or during after~~ outside the businesses operating closing hours. Where a site adjoins a residential area, the level of illumination reduces automatically at night and turns off outside the businesses operating hours.
- Avoiding window signs covering more than ~~20%~~ per cent of ground floor commercial window (including decal signs, signs painted on a window or signs mounted behind a window).
- Avoiding promotion signs in the Warrnambool City Centre.

Industrial areas

Industrial areas located in Industrial 1 and Industrial 3 Zone.

Industrial areas in the City of Warrnambool include a variety of functions such as manufacturing and warehouses. Due to the nature of these uses and business operations, and historic inadequate attention to design, the image of some of these areas is poor. Signage in industrial areas should seek to improve the presentation and appearance of industrial areas in order to protect the amenity of the City while also improving opportunities to attract investment. To achieve this aim, the following set of policy guidelines will be applied.

Consider as relevant:

- Discouraging signs attached to boundary fences.
- Limiting the total sign face area to 20 square metres on a single premises.
- Support single illuminated pole or monument sign adjacent to the frontage.

Heritage places

The City of Warrnambool has a range of individually significant heritage places ~~sites~~ and precincts ~~areas~~ identified by the Heritage Overlay. Preserving and enhancing these places and ensuring that development does not have a detrimental impact on their integrity and setting is promoted. Signage in heritage places should be discreet and complement the cultural significance of the place. To achieve this aim, the following set of policy guidelines will be applied.

Consider as relevant:

- Limiting signs to locations on heritage buildings ~~areas~~ traditionally used for signs.
- Discouraging finishes and colours that are inconsistent with the heritage significance and period of the place.
- Discouraging signs that intrude into the building fabric and cannot be removed without damage to existing building fabric.
- Discouraging the removal or obstruction of historic or legacy signs where such signs contribute to the heritage significance of the place.
- Discouraging the following signs in heritage places ~~areas~~:
 - Illuminated signs
 - Electronic signs
 - Animated signs
 - Sky signs
 - Panel signs
 - Bunting
 - Pole signs
 - Panel signs
 - Major promotion signs

Residential areas

~~As expectations in residential areas include high levels of amenity, s~~Signs associated with non-residential uses should ensure minimal intrusion on the residential character. To achieve this aim, the following set of policy guidelines will be applied.

Consider as relevant:

- Limiting signs for non-residential uses to one per premises.
- Limiting business identification signs to only name, address, and logo.
- Discouraging the following signs in residential areas:
 - Promotion signs
 - Above-verandah signs
 - Sky signs
 - Pole signs
 - Floodlit, internally illuminated, flashing or electronic signs.

Main roads

Main roads are roads located within a Category 1 or Category 2 Road Zone or identified as a 'Main Transport Route' within the Warrnambool Strategic Framework Plan. Signs adjoining a main road offer opportunity for long distance visibility. A principal concern is the impact of signs on the amenity of the surrounding areas, the character of the streetscape, and road and pedestrian safety. Proposals for signs will be expected to remain within the following set of policy guidelines.

Consider as relevant:

- Limiting the type of signs at identified gateways and along landscaped streetscapes to business identification signs.
- Discouraging the following signs:
 - Promotion signs
 - Sky signs
 - Panel signs
 - High wall signs

Specific sign guidance

Major promotion signs

Major promotion signs can be visually dominant features in a landscape and therefore their siting and frequency need to be carefully managed ~~controlled~~. The City of Warrnambool has a strong rural, heritage, and tourist image and will therefore discourage major promotional signage, particularly at identified gateways and along landscaped streetscapes.

Consider as relevant:

- Supporting major promotion signs where all of the following apply:
 - The sign is not higher than the height of a building or structure it is located on.
 - The sign is not higher than the height of a building or structure on adjoining land, when the sign is located on a blank façade of the building.
 - The design and illumination of the sign responds sensitively to any residential use the sign faces.
 - The sign is located on land adjoining a road in a Road Zone Category 1.
 - The sign is not located at an identified gateway or landscaped streetscape.
 - The sign does not face open space areas or parklands.

Definitions

For the purpose of this Clause:

Gateway is defined as any location designated as such within the Warrnambool Strategic Framework Plan or within any Structure Plan or Master Plan referred to in this Planning Scheme.

Landscaped streetscapes are defined as road reserve plantings of Norfolk Pines, Fig Trees, Canary Island Date Palms, Chanticleer Ornamental pear trees, or other ornamental plants considered as a whole. It includes (but not limited to) sections of Raglan Parade/Princes Highway, Mortlake Road, Pertobe Road, Timor Street, Korvit Street, Liebig Street, Gilles Street, Henna Street, Merri Street/Crescent and Verdon Street.

Signage terms:

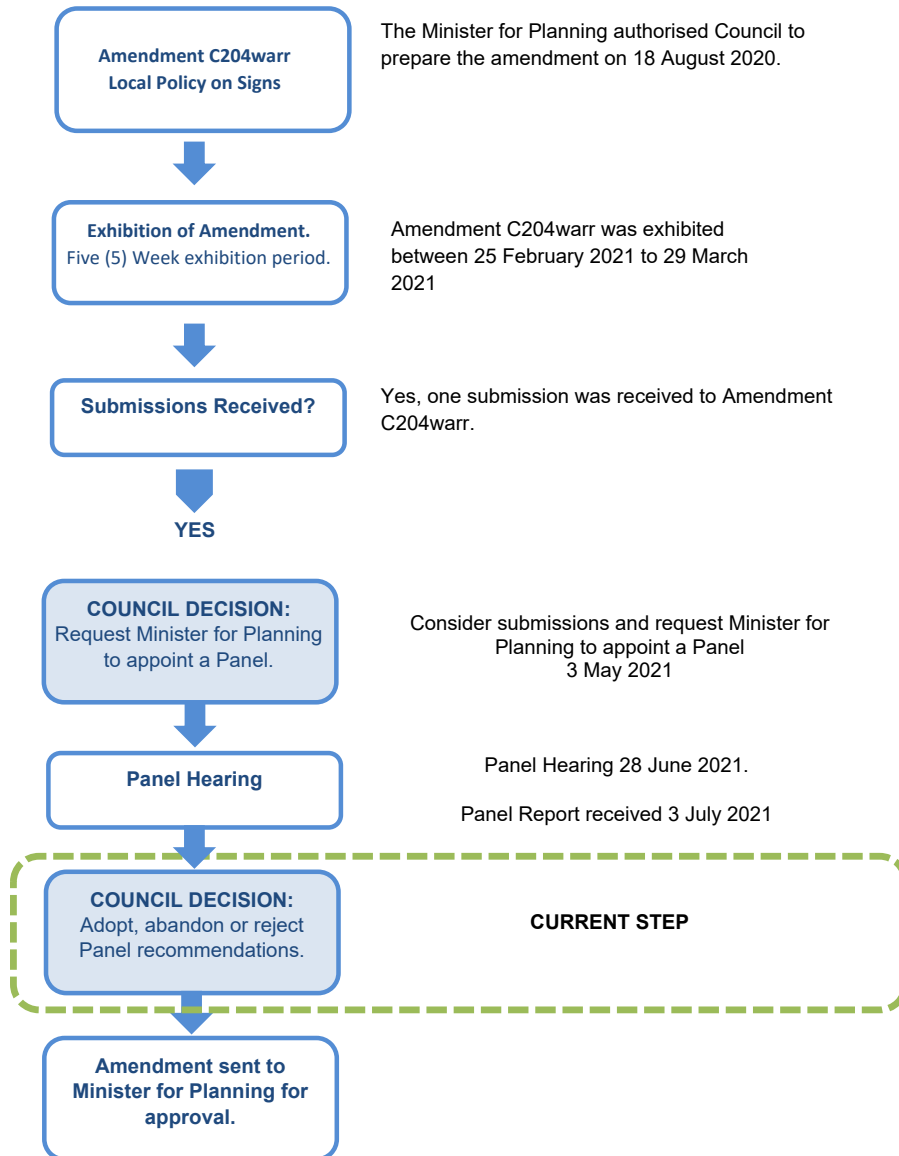
- [Under-verandah sign is defined as a sign below a verandah or awning, if no verandah or awning, that is less than 3.7m above pavement level.](#)
- [Monument sign refers to any freestanding sign with a low profile and with little or no separation between the ground and the sign itself.](#)

Policy Documents

Consider, as relevant:

- *Warrnambool City Council Advertising Sign Policy - Background Report (2019)*

PLANNING SCHEME AMENDMENT FLOWCHART (AMENDMENT C204warr)



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.

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 10th 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.

MOVED: CR RICHARD ZIEGELER

SECONDED: CR BEN BLAIN

- 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.**

CARRIED – 7:0

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.

Warrnambool City Key Statistics	2017 - 18	2018 - 19	2019 - 20	2020 - 21
Council:				
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
Dogs:				
Registered.	4204	4297	4318	4,478
Impounded RSPCA Admit. Data = Council = Public	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
Cats:				
Registered.	1603	1681	1739	1,833
Impounded RSPCA Admit. Data = Council = Public	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 10th 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]



Warrnambool City Council

Domestic Animal Management Plan

2021 - 2025



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Document Control

Document title:	<i>Domestic Animal Management Plan</i>
Policy type:	<i>Council</i>
Responsible branch:	<i>City Amenity</i>
Responsible officer:	<i>Peter McArdle, Coordinator Local Laws</i>
Document status:	<i>Ongoing</i>
Approved by:	<i>Council</i>
Adopted date:	<i>4 December 2017</i>
Review date:	<i>Annually</i>

Review type:	Review date:	Completed by:
Internal	29 August 2017	Manager, Coordinator and officers of the Animal Control department.
Internal	October 2018	Manager, Coordinator and officers of the Animal Control department.
Internal	November 2019	Manager City Amenity, Coordinator Local Laws and Local Laws Officers.
Public		Manager City Amenity, Coordinator Local Laws and Local Laws Officers. Public consultation.

1. Introduction

Animal management is one of Council's primary responsibilities. The City's Domestic Animal Management Plan (the plan) for 2021 - 2025 provides a clear overview of the Council's plans for the current and future management of domestic animals within our municipality and ensures the City meets its statutory requirements.

The plan highlights the most important aspects of responsible pet ownership which, together with education, will be a particular focus for domestic animal management within the municipality. There is a strong emphasis on community safety and the need to reduce the number of dog attacks, animals' at large and public complaints.

The plan also discusses the importance of pet owners having their pets desexed, which will help reduce unwanted litters of puppies and kittens placing pressure on our pound services, and significantly adding to the cost of operating the pound.

Basic pet ownership responsibilities, including picking up your dog's waste and ensuring your cat is contained between sunset and sunrise, help protect the environment and ensures pets are kept safe and healthy. Registration and microchipping, controlling barking dogs and maintaining 'effective control' over your dog when out walking are all key responsibilities of pet ownership.

Council aims to offer our community a fair and balanced environment – where everyone can enjoy our community and the many open public spaces, regardless of whether or not they are a pet owner.

Residents have access to a range of dedicated off and on-lead areas, including beach locations, a large enclosed off leash park and most sporting precincts, which are listed on Council's website. For the remainder of the municipality, owners are required to keep their dogs on a lead at all times.

The City's Domestic Animal Management Plan for 2021 – 2025 will provide Council with the framework to work with the community to ensure animal management services are sufficient for the City's population of pets.



2. Legislative requirements

Under Section 68A of the Domestic Animals Act, every Council must prepare a domestic animal management plan, as follows:

68A Councils to prepare domestic animal management plans

- (1) Every Council must, in consultation with the Secretary (*of the Department of Jobs, Precincts & Regions*), prepare at 4 year intervals a domestic animal management plan.
- (2) A domestic animal management plan prepared by a Council must—
 - (a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
 - (b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
 - (c) outline programs, services and strategies which the Council intends to pursue in its municipal district—
 - (i) to promote and encourage the responsible ownership of dogs and cats; and
 - (ii) to ensure that people comply with this Act, the regulations and any related legislation; and
 - (iii) to minimise the risk of attacks by dogs on people and animals;
 - (iv) to address any over-population and high euthanasia rates for dogs and cats; and
 - (v) to encourage the registration and identification of dogs / cats;
 - (vi) to minimise the potential for dogs and cats to create a nuisance; and
 - (vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations;
 - (d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and
 - (e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
 - (f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.
- (3) Every Council must—
 - (a) review its domestic animal management plan annually and, if appropriate, amend the plan; and
 - (b) provide the Secretary with a copy of the plan and any amendments to the plan; and
 - (c) publish an evaluation of its implementation of the plan in its annual report.

3. Purpose of the plan

For the purpose of this plan, a “**domestic animal**” is defined as an animal covered by the Domestic Animals Act 1994, which are predominantly dogs and cats.

This document will set the future guidelines of domestic animal management for the Warrnambool City Council.

The plan identifies strategies and actions to implement the vision, aims and objectives for animal management.

The plan contains recommendations to be implemented in a structured program. These actions will enable Council to maintain a balance between all interested parties and to meet all legislative requirements.

Animal Management Officers developed the plan, with data and information from the following internal and external parties:

- RSPCA;
- Warrnambool veterinary clinics;
- Dog obedience / training clubs;
- The public; and,
- The Southwest Authorised Officer Group.

The community was invited to comment on the proposed plan for four weeks prior to being submitted to Council for adoption. Any submissions were referred to Council and where necessary incorporated into the plan.

The current Plan is available at the Council Offices and on the Council website.

Review or improvements raised during the year may be considered and added to the plan, or considered for further investigation and discussion as part of the annual review process.



4. Warrnambool - municipal demographic

The City of Warrnambool is located in Southwest Victoria; approximately 260km west of Melbourne and covers approximately 120sqkm.

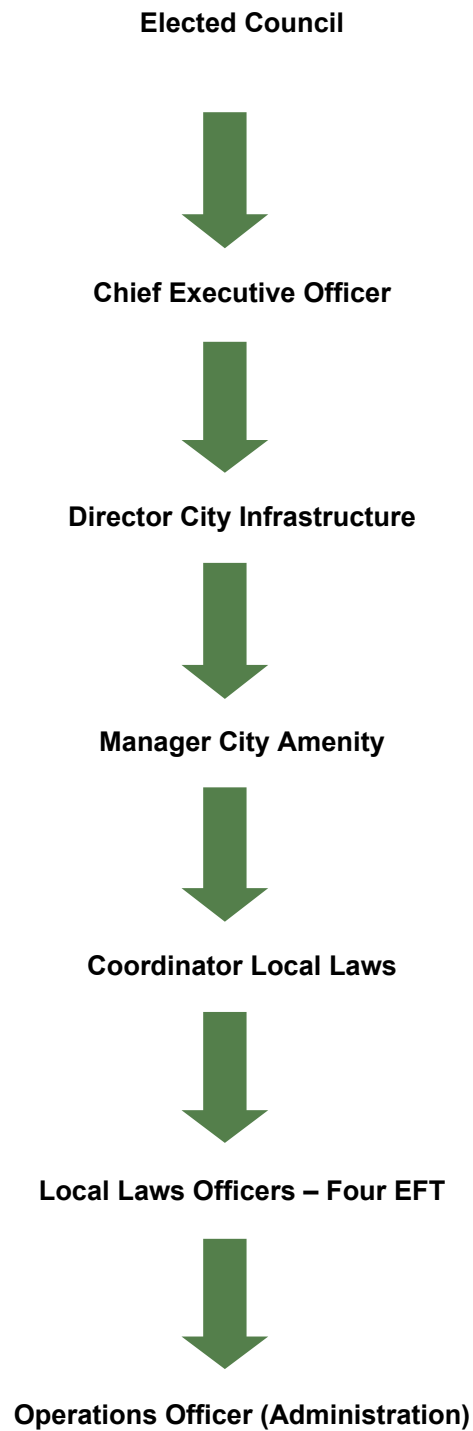
The City is surrounded by the Shire of Moyne and the Southern Ocean.

It has a population of approximately 36,000 residents which also includes the townships of Allansford, Bushfield, Dennington and Woodford.

The City economy is based on tourism, education, farming and food production.



5. Council organisational structure



6. Current Services provided to assist with Animal Management statistics.

	2017 - 18	2018 - 19	2019 - 20	2020 - 21
Officer weekend patrols	37	63	97	67 Covid Lockdown
24 hour emergency contact	Ongoing	Ongoing	Ongoing	Ongoing
Cage Request for stray cats	71	63	51	26
Provide trial barking aid equipment	Ongoing	Ongoing	Ongoing	Ongoing
Investigate nuisance complaints	233	210	227	220
Dog at large complaints	135	128	135	168
Investigate reported dog attacks	29	16	22	41
Return dogs home	26	37	68	70
School / Community groups etc. information sessions	3	5	3	2
Door knock / Letter registration follow up	Ongoing	Ongoing	Ongoing	Ongoing

Current Animal data:

Warrnambool City Key Statistics	2017 - 18	2018 - 19	2019 - 20	2020 - 21
Council:				
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
Dogs:				
Registered.	4204	4297	4318	4,478
Impounded RSPCA Admit. Data = Council = Public	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
Cats:				
Registered.	1603	1681	1739	1,833
Impounded RSPCA Admit. Data = Council = Public	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.

7. Training of Authorised Officers

The purpose of this section is to ensure all Animal Management Officers are skilled and appropriately trained to deliver the Council services and programs under Section 68 A(2)(b) of the Domestic Animals Act 1994.

Warrnambool City Local Laws Team consists of:

- a coordinator;
- two full-time Supervisors;
- Four permanent part-time officers;
- one administration support officer (shared position).

The officers manage animal complaints relating to nuisance, attacks, registration and dogs at large.

Officers assist the promotion of responsible pet ownership by conducting foot and bike patrols along the city walking paths, also talking to schools and service support groups.

Animal control is one component of the Authorised Officer duties, which include traffic management, local laws, fire and litter control.

Current and Planned Training

(Training was limited during 2020 due to Covid restrictions)

Authorised officer training	(2019 - 20)	(2020 – 21)	Planned
Certificate IV Animal Control & Regulation			
Coordinator (1)	Completed		
Full Time Officer (2)	Completed		
Full Time Officer (3)		Commenced	
Permanent part time Officer (4)			No
Permanent part time Officer (5)			No
Permanent part time Officer (6)			No
Permanent part time Officer (7)			No
OH&S training & Dealing with difficult customers etc			
Coordinator (1)	Attended		Ongoing for All Staff
Full Time Officer (2)	Attended		
Full Time Officer (3)	Attended		
Permanent part time Officer (4)	Attended		
Permanent part time Officer (5)	Attended		
Permanent part time Officer (6)	Attended		
Permanent part time Officer (7)		Attended	

Authorised officer training	(2019 – 20)	(2020 – 21)	Planned
Bureau of Animal Welfare or Industry information days			
Coordinator (1)	Attended		Ongoing depending on location & content
Full Time Officer (2)	Attended		
Full Time Officer (3)	Attended		
Permanent part time Officer (4)	Attended		
Permanent part time Officer (5)	Attended		
Permanent part time Officer (6)		Attended	
Permanent part time Officer (7)		Attended	
Australian Institute of Animal Management Annual Conference			
Coordinator (1)	Attended		Ongoing
Restricted Breed Identification			
Coordinator (1)	Attended		
Dog (self-preservation, awareness & harm reduction strategies) training			
Coordinator (1)	Attended		
Full Time Officer (2)	Attended		
Full Time Officer (3)	Attended		
Permanent part time Officer (4)	Attended		
Permanent part time Officer (5)			
Permanent part time Officer (6)	Attended		
Permanent part time Officer (7)			
Personal defence training			
Coordinator (1)		Attended	
Full Time Officer (2)		Attended	
Full Time Officer (3)		Attended	Review For all officers
Permanent part time Officer (4)		Attended	
Permanent part time Officer (5)		Attended	
Permanent part time Officer (6)		Attended	
Permanent part time Officer (7)		Attended	
Animal Handling			
Permanent part time Officer (5)			Attended
Permanent part time Officer (7)			Attended
Permanent part time Officer (5)	Attended		
RSPCA data online system		All	
Internal process / procedures		All	Ongoing
Cattle handling & movement	All		All
Fist aid Officer (3)	Attended		Attended

Actions:

Ensure that all Animal Management Officers receive training to a level that they can complete all requirements of the Act, Regulations and Local Laws within OHS guide lines, and community needs.

Activity	When	Evaluation
Coordinator to identify minimum training requirements and updates for the position.	During annual Council appraisal program	Training needs to be finalised and incorporated into the Organisational Development plan by October each year.
Identify additional training needs by consultation with Organisation Development Dept.	Ongoing	Course dependant.

Ensure completion of the Certificate 4 in Statutory Compliance & Animal Control by full-time Animal Management Officers.

Activity	When	Evaluation
This qualification is preferred in the position description for staff as it covers all aspects of the position.	12 month qualification. Dependant on the service provider.	Receiving accreditation from the service provider. Recorded with the Organisation Development dept.

Ensure all Animal Management Officers have completed their minimum in-house training requirements within 2 months of appointment.

Activity	When	Evaluation
Basic animal handling. Computer training. Internal procedures.	Within 2 months of appointment.	Coordinator to monitor and maintain records.



8. Responsible Pet Ownership & Compliance with Legislation.

Council is committed to providing a visible presence with officers wearing distinct uniforms and driving dedicated vehicles with Local Laws and Animal Control identification.

This creates a public awareness of the Local Laws team and patrols that extend after-hours including weekends. Officers, where practical, will also conduct patrols on foot and bicycle, to engage with the public.

There is also information on domestic animal ownership available on Council's website, www.warrnambool.vic.gov.au and information pamphlets at the Civic Centre reception.

Council will continue to promote the benefits & legal requirements of microchipping, desexing of pets, the off-lead areas within the city, the RSPCA Million Paws Walk and dog litter collection.

Officers carry poo bags and pamphlets on patrol, and distribute to assist local residents and tourists to the area.

Council will also:

- Door-knock an area if there are specific ongoing concerns;
- Conduct promotions through the media;
- Place newspaper advertisements, publish articles in the Council newsletter and install posters around the city, and social media.
- Promote the availability of cages for hire to contain feral or nuisance cats.



During the 2020 / 21 pandemic, Council officers observed an increase in complaints and incidents. Council believe this was partly due to exercise being one reason to leave home, and a spike in pet adoption, for company in the home. This lead to a number of uneducated dogs interacting with the public and their pets.

Governance

Council Local Laws provide a comprehensive description of regulations governing pet ownership, the responsibilities of the Council and the responsibilities of pet owners. Council policies, procedures and legislation describe the processes Council will follow to ensure compliance with Local Laws to ensure that domestic animal owners can enjoy their pets and that non-owners are not adversely impacted by domestic animals within the municipality.

- Use of life time tags for dogs and cats.
- Renewal notices are generated and mailed to all previously registered animals.
- Registration forms are available from customer service, website and RSPCA.
- Registrations are paid at the Warrnambool City Council Civic Centre, or online at www.warrnambool.vic.gov.au
- Council charges additional fees for dangerous / restricted breed dogs;
- Dangerous / restricted dogs must be microchipped, desexed and housed according to legislation prior to registration;
- Pensioner discounts are available on request; and,
- Local Laws' vehicles are complete with computer and printer access, plus scanners to link directly to Council records and Central Animal (microchip) Records for assistance in returning pets to owners.
- Enforcement of unregistered animals.

Compliance

Council will use a number of strategies to ensure compliance with Domestic Animals laws including:

- Patrolling for dogs at large.
- Patrolling for owners with dogs off-lead.
- Monitoring for dogs in prohibited areas and playgrounds etc.
- Monitoring Declared Dogs for compliance.
- Issue infringements for impounded dogs.
- Issuing renewal notices annually.
- Door knocking / phone call for non-renewed registrations.
- Door knocking "problem areas" for compliance.
- Opportunistic registration checks whilst completing other investigations.
- Leaving business cards requesting contact.
- Enforcement of dog littering.
- Advice on barking dogs (including a sheet of tips on causes and what to do).
- Hire bark control and citronella collars.
- Cat curfew under Local Laws.
- After hours patrols, door knocks, phone calls and SMS message reminders.
- Confirm animal information of all pets at a property of complaint.
- Promote the owners responsibility relating to animal litter.
- Hire cat cages for feral / nuisance cats.
- Council Local Law restricting the number of animals at a property.
- Use of warning notices in some situations.
- Monitoring housing compliance of Declared Dangerous Dogs.
- Enforcement of animal registration.

Council website provides information on designated areas, including on and off lead locations. This information is also available in a pamphlet format from the Council office, information centre and relevant locations.



Policies and Procedures

Local Laws relating to registration and identification include:

- Local Law 2 (33) the owner of any cat must confine the cat to the owner's property, between the hours of sunset and sunrise;
- Local Law 2 (31) relates to the control of dogs or cats in certain areas; (Prohibited areas, off leash areas and playgrounds etc);
- Local Law 2 (30)(1) relates to the number of animals that may be kept at a property without a permit; and,
- Local Law 2 (35)(1)(2) relates to animal litter.

Actions:

Update brochures:

Activity	When	Evaluation
Review and update brochures.	As required	Use and feedback.

Council website:

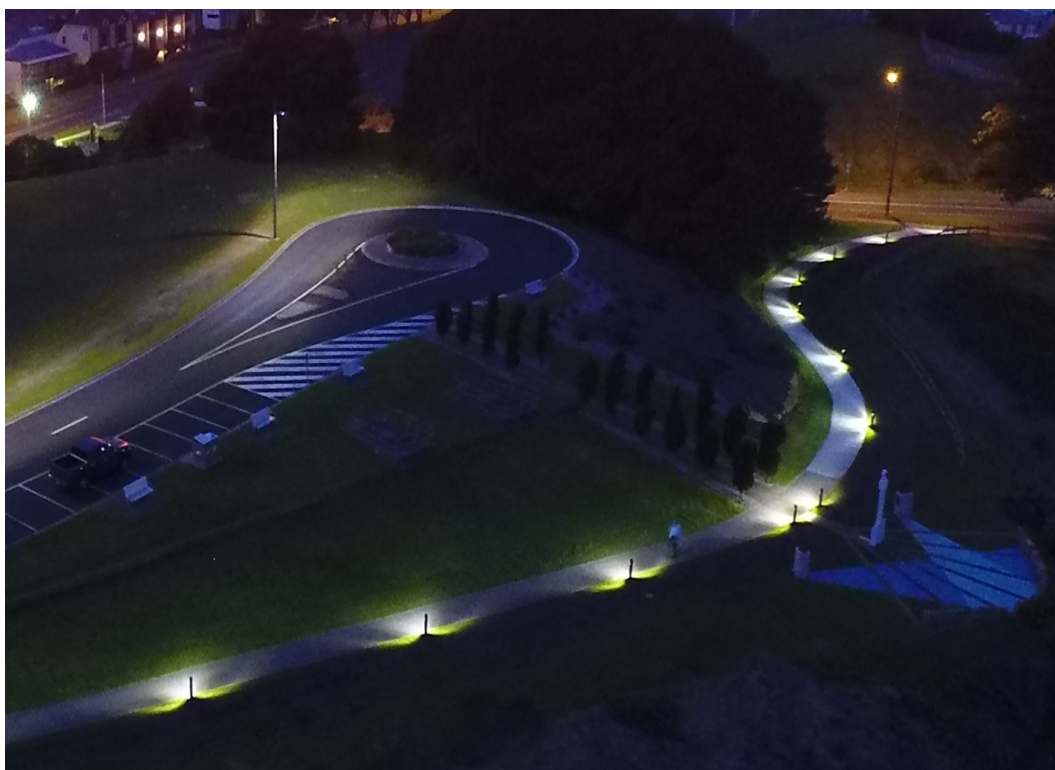
Activity	When	Evaluation
Update Council website and links to relevant sites with Council communication team.	October 2021	Use and feedback.

City entrance:

Activity	When	Evaluation
Update corflute signs, placed at the 3 entrances to the City	November 2021	Tourist information.

Afterhours Patrols:

Activity	When	Evaluation
Record officer patrol sheet and feedback to vary patrol times.	Ongoing	Public interaction.



9. Animal population and euthanasia

Section 68 A(2)(c)(iv) of the Domestic Animals Act 1994 relates to overpopulation & euthanasia compliance.

Council encourages pet owners to take responsibility for environmental issues associated with roaming pets, and encourages desexing of domestic pets.

The chart below highlights:

- Low euthanasia & high reclaim percentages for dogs.
- Higher euthanasia & lower reclaim percentages for cats.
- Consistent percentage of dogs rehoused & high percentage for cats.

DOGS	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Impounded Council & Public	415	394	374	350	274	246	231
Total euthanized	27	32	32	18	16	17	13
%	7	8	9	5	6	7	6
Reclaimed by Owner	273	245	228	207	143	100	104
%	66	62	61	59	52	41	45
Rehoused	115	119	114	118	102	102	87
%	28	30	30	34	37	41	38
Total dogs registered	3011	4064	4211	4204	4297	4,318	4,478
Total desexed	---	---	---	---	---	3435	3,871
%	---	---	---	---	---	80	86

RSPCA data does not tally due to rescue, foster & feral animals & movement between shelters etc.

CATS	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Impounded Council & Public	322	305	441	493	511	607	381
Total euthanized	86	49	82	83	109	102	58
%	27	16	19	17	21	17	15
Reclaimed by Owner	20	22	29	33	28	29	24
%	6	7	7	7	5	5	6
Rehoused	217	239	276	348	268	430	352
%	67	78	63	71	52	71	92
Total cats registered	1123	1490	1591	1603	1681	1,739	1,833
Total desexed	---	---	---	---	---	1568	1,818
%	---	---	---	---	---	90	99
Requests for cat cages	35	68	60	71	63	51	26

RSPCA data does not tally due to rescue, foster & feral animals & movement between shelters etc.

Local Laws, Council Policies and Procedures

- Warrnambool City does not require pets to be de sexed prior to registration.
- Council Local Law 2 (30) (1) allows 2 dogs & 2 cats without a permit.
- Registration discounts.
- Officers conduct patrols after hours, and on weekends which includes animal control, speaking with and explaining to pet owners about Local Laws, off lead areas, benefits of desexing and possible infringements for dogs at large.
- Hire of cat cages for stray / nuisance cats in residential areas.
- Local Law 2 (33) the owner of any cat must confine the cat to the owner's property, either within the dwelling or within another escape proof building between the hours of sunset and sunrise.
- Council does not support immediate euthanasia after the mandatory holding period. Data supplied by the pound operator indicates a State average length of stay is 22.8 days.

Education and Promotion - animal population control

- Support the RSPCA Adult Cat Adoption program.
- Promote the Bureau of Animal Welfare programs including: "Who's for Cats?" campaign, education and promotion of de sexing programs.
- Support the purchase of pets from the RSPCA as they are de-sexed and microchipped.
- Whilst on patrol, engage with the public in regards to animal control, laws, infringements etc.
- If an animal is returned to the owner, explain the reason and possible costs for an animal at large.
- Provide pamphlets & Council webpage information to the public.
- Speak to public service groups.

Compliance

- Animals may be euthanised after the required holding period of the Domestic Animals Act if they do not pass the temperament test etc.
- Cat cages are hired to the public for feral / nuisance cats.
- Officer patrols including weekends, for dogs at large.
- Local Law 2 (33) the owner of any cat must confine the cat to the owner's property, either within the dwelling or within another escape proof building between the hours of sunset and sunrise.
- 24hr emergency service provided.

Actions:

Monitor cat cage requests.

Activity	When	Evaluation
Record the number of requests to Council to hire a cat cage. Collate the number of cats collected, how many were de sexed, reclaimed, re-housed or euthanized.	Ongoing.	Collate the figures annually. Number of <ul style="list-style-type: none">• Cage requests• Cats caught• Desexed• Reclaimed• Rehoused• Euthanased

Promote public awareness of feeding stray cats.

Activity	When	Evaluation
Implement "Who's for Cats?" education campaign in local area. Utilise the following resources (available from Bureau of Animal Welfare): <ul style="list-style-type: none"> "Are you feeding a bigger problem?" (Who's for Cats? campaign fact sheet) - distributed throughout the Municipality and placement on the Council Website. Template media release - for publication in local newspapers Conduct information door knocks in problem areas 	Ongoing	<ul style="list-style-type: none"> Measure number and type of education materials distributed Record number of campaign queries received by council Number of media stories published Measure uptake on any promotions to encourage people to take responsible ownership of cats

10. Registration and identification

This section outlines the strategies to encourage pet registration, required for compliance under Section 68A (2)(c)(v) of the Domestic Animals Act 1994.

The Warrnambool City Local Laws team deals with a broad range of issues associated with the management of domestic animals in our community.

During the Covid pandemic the number of complaints, due to people being confined to home, and the number of incidents in public places due to people exercising new purchases, or dogs not used to being on a leash increased.

The table below summarises registration totals and impounded animals:

Dogs	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Total registrations	3011	4064	4211	4211	4297	4318	4,478
Council impounded	295	264	236	228	137	103	115
Public admitted	120	130	138	122	137	143	116
Reclaimed	273	245	228	207	143	100	104
Adopted	115	117	114	118	102	102	87
Euthanased	27	32	32	18	16	17	13

Cats	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Total registrations	1123	1490	1591	1603	1681	1739	1,833
Council impounded	37	36	49	70	66	82	40
Public admitted	285	269	392	423	445	525	341
Reclaimed	20	22	29	33	28	29	24
Adopted	216	234	276	348	268	430	352
Euthanased	86	49	82	83	109	102	58

Council provides a number of initiatives to assist with registration & identification, these include:

- Provision of advice to the community in relation to animal matters;
- Dealing with customer questions and complaints;
- Providing the collection of lost, stray and/or unwanted dogs and cats;
- Investigations into alleged dog attacks;
- Inspections / registration of relevant animal businesses;
- Inspection of dangerous/restricted breed dog premises for compliance;
- Educating and promoting responsible pet ownership to residents;
- Ensuring Council completes its legislative duty of care;
- After-hours emergency service;
- Working cooperatively with the RSPCA, and other councils and,
- Educational activities.
- Weekend bike & foot patrols talking to the public about any concerns.
- Provides registration discounts for concession card holders, and desexed animals.
- Random door knocks to discuss animal issues including registration, benefits, such as the ability to return a pet home instead of impounding.

When an animal is collected by an officer the first priority is to return it to the owner. The vehicles have computer access to the Council registration system, and Central Animals microchip data base. When returning the animal, the officer will discuss registration and provide advice if the dog is escaping on a regular basis.

Actions:

Conduct a media campaign highlighting the requirement and benefits of pet registration:

Activity	When	Evaluation
Conduct an annual media campaign before the April 10 th registration renewal date (include press releases, adverts, highway promotional display boards, renewal notices, providing pamphlets through Customer Service, information sessions for public groups), to highlight benefits of registration.	January / February	The success will be measured by the number of follow up visits / phone calls required in May relating to unpaid registration. Compare registration figures from the previous years.

After April 10th conduct a follow up for non-renewed registrations:

Activity	When	Evaluation
<ul style="list-style-type: none"> Officers' conduct door knocks in different locations across the city (including weekend and after hours) checking non renewed or unregistered pets, and leaving pamphlets if owner is not home Follow up phone calls and SMS messages to owners of unpaid renewals. 	May	<ul style="list-style-type: none"> Collate the number of new registrations following the random door knocks. To be compared with the total registered pet numbers from the previous year

Improve records by cross referencing data:

Activity	When	Evaluation
<ul style="list-style-type: none"> Registration paid at office. Pound purchase data. Data collected during a complaint investigation, or random door knock. Requesting mobile & e-mail. 	Prior to a new registration or release.	Ongoing

Continue to promote benefits of registration:

Activity	When	Evaluation
<ul style="list-style-type: none"> In conjunction with Vets promoting microchipping days. RSPCA Million Paws Walk. Walking tracks, off lead areas. After hours patrols. Improvements to facilities, including off lead areas and fenced dog parks. Public information sessions. 	Ongoing	Public feedback and registration numbers.

11. Nuisance

To minimise the potential for a dog or cat to create a nuisance as outlined in Section 68A (2)(c)(vi) of the Domestic Animals Act 1994.

To encourage people to manage pets in a way that protects the health and welfare of the animals, maximises the companion benefits of their pet and minimises potential for nuisance or harm to others.

In 2019, Council opened another off leash enclosure. This was designed and constructed by a committee of Council staff and members of the public.

Council has a cat curfew that requires all cats to be confined to the residence, or a cat enclosure, between sunset and sunrise. This will prevent nuisances such as spraying and fighting, and to protect native wildlife.

Council logs all complaint / request data electronically.

Council witnessed a spike in complaints and incidents during the initial Covid out break.

Complaint	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Nuisance complaints	182	189	137	233	210	227	220
Dog at large complaints	152	172	163	210	97	135	168
Dog attacks	24	32	22	29	16	22	41
Cat cage requests	48	64	64	71	63	51	26
Stock on roads	34	56	74	52	64	54	25



Local Laws, Council Policies and Procedures

- Local Law 2 (33) states that the owner of any cat must confine the cat to the owner's property between the hours of sunset and sunrise.
- Local Law 2 (31) relates to the control of dogs or cats in certain areas. (Prohibited areas, off-leash areas, playgrounds etc).
- Local Law 2 (30)(1) relates to the number of animals that may be kept at a property without a permit.
- Local Law 2 (35)(1)(2) relates to animal litter.

Council provides a 24-hour emergency service for attacks, dog's at large, stock on roads and injured animals.

A customer request record is initiated once Council receives a complaint.

Local Laws officers will attempt to reunite animals with owners through available owner details, use of scanners and 24-hour computer data access.

Council hires out to the public cat traps to assist with feral and stray cats.
Council also hire citronella collars and bark houses for the public to try prior to purchasing their own.

A door knock of surrounding neighbours will be completed before a permit to house extra animals is issued.

Education and Promotion about nuisance animals

To assist the public:

- Pamphlets are issued during registration door knocks.
- After-hours patrols in residential areas are carried out and bike patrols along bike paths.
- Signage and mapping is being improved along walking tracks.
- Pet ownership pamphlets will be updated to reflect any changes in off-lead and prohibited areas and pamphlets will be made available from City Assist (customer service area at the Civic Centre) and information on the Council website.
- Cat cages will be hired out for feral and nuisance cats.
- Where required media releases will be issued and advertisements placed with local media.
- Relevant information may be posted on highway display boards, at the 3 entrance roads to the city.
- Desexing of pets will be encouraged to reduce pets at large.
- Local Laws Officers will carry pamphlets to educate residents and visitors about collecting their pets' waste.

Compliance

Council use a number of strategies to reduce nuisance complaints:

- Barking procedure, which includes issuing information on causes and tips.
- Cat curfew will be enforced.
- After-hours patrols, doorknocks, phone calls and SMS reminders may be issued.
- Accuracy of information on file will be confirmed at the property about which a complaint has been made.
- Prohibited areas will be patrolled for dogs.
- Warning notices may be issued in some situations.
- Housing compliance for Declared Dangerous Dogs will be monitored.
- Dog littering laws will be enforced.



Actions:

Continue to provide and improve weekend and after hours patrols:

Activity	When	Evaluation
Officers patrolling in vehicles, on foot, and on mountain bikes. Activities include: public relations, dogs off-leash or in prohibited areas, animal litter control and to improve signage on walking tracks.	Ongoing	Positive public feedback. Monthly collation of figures from patrol sheets.

Off lead park improvements:

Activity	When	Evaluation
Install seating and playground equipment.	2021	Public satisfaction and feedback.

Improve and promote prohibited / off-leash area information:

Activity	When	Evaluation
Update Council information for prohibited and off lead areas to include new areas and required information.	2021	Feedback during the holiday season. The number of requests for information, and complaints

New technology:

Activity	When	Evaluation
Further investigate new products to assist the reduction in nuisance complaints.	2021	Public satisfaction and feedback.

12. Dog attacks

This section highlights Council's service and strategy to minimise the risk of a dog attack on a person or pet, compliant with Section 68 A(2)(c)(iii) of the Domestic Animals Act 1994.

Council is proactively trying to minimise the risk of injury or fear in the community due to the presence or actions of a dog.

Because dogs at large have the potential to attack, or rush without provocation, officers patrol regularly, including at weekends and provide a 24hour emergency service.

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Dog attacks	24	32	22	29	16	22	41

Local Laws, Council Policies and Procedures

- Local Law 2 (31) relates to the control of dogs or cats in certain areas. (Prohibited areas, off leash areas, playgrounds and sporting grounds etc.)
- Local Law 2 (30) (1) regulates the number of dogs and cats that may be housed at a property without a permit.
- All complaints / requests are recorded on the Council Customer Request system.
- Officers will collect any dog at large and may return it to the owner if there is a microchip, or registration. Otherwise the animal will be impounded.
- All dog attacks, declarations, and seizures are investigated and acted on in accordance with the Domestic Animal Act.
- Council has developed a procedure manual for incident investigations.
- Dogs must be on leash, unless in a designated off lead area.



Education and Promotion about dog attacks

The importance of avoiding dog attacks, are assisted by initiatives including:

- After-hours patrols are conducted across the city in vehicles, on foot and bicycle.
- Officers provide information to the public when required.
- Animal welfare information is sent out with registration renewals.
- On request, Local Laws officers will present information sessions to schools, dog obedience training groups and other community groups.
- Relevant information is made available on Council's website and newsletter and, where required, via media release.
- Council works in relation with the Warrnambool branch of the RSPCA when required.

Compliance

All incident reports are investigated immediately, that includes:

- All dog attack reports will trigger an immediate response from Local Laws officers, with Council providing a 24-hour emergency service.
- Weekend patrols will be conducted along with regular patrols in higher incident areas.
- Random inspections of declared dangerous dog enclosures and signage are conducted.
- Dogs declared dangerous, menacing or restricted are recorded on the Victorian Declared Dog Register.

Actions:

Improve officer patrol procedure:

Activity	When	Evaluation
Officers to discuss and collate patrol running sheets for problem areas.	Monthly	Public feedback and improved information collated from running sheets.
Improve interaction with public (foot and bike patrols)	Ongoing	Public confidence in the service provided by Council. Letters to the local press on animal control.

Regular contact with obedience groups:

Activity	When	Evaluation
Develop a direct contact person within businesses and community groups that have contact with dogs in the city to discuss problem areas and specific concerns.	Every 6 months	Chart and date any concerns raised.

Recording devices:

Activity	When	Evaluation
Purchase recording devices to assist with incident investigation interviews.	2021	Accurate data retention.

Develop a spreadsheet of incident locations:

Activity	When	Evaluation
Develop & record incident locations.	2021	Chart frequency and location over a long period to identify any trends that could be assisted by education.

13. Dangerous, Menacing and Restricted Breed Dogs

The Domestic Animals Act 1994 Section 68 A (2)(c)(vii) relates to effectively identifying all Dangerous, Menacing and Restricted Breed dogs in the City and to ensure housing etc. compliance.

The Council objective is to minimise the risk of injury or fear in the community due to the presence or actions of a declared dog.

Compliance and control measures around dangerous dogs and dog attacks include:

- All dog attack reports receive immediate response from officers.
- Council provide a 24hour / 7days a week emergency service.
- Conduct weekend patrols.
- Conduct patrols in high incident areas.
- Promote ramifications for having a dog off-leash or at large.
- Conduct patrols in prohibited areas for dogs.
- All dogs declared (dangerous / menacing / restricted) are recorded on the Victorian Declared Dog Register.
- Local Laws Officers carry a current register of all declared dogs whilst on patrol, in case an animal with the distinguishing collar is observed.
- Council Officers randomly inspect the premises of Declared Dogs to ensure compliance of housing requirements.

Warrnambool currently has 1 Declared Dangerous dog, 21 Declared Menacing dogs and no Restricted Breed dogs listed on the Victorian Declared Dog Register, housed in the City.

Declared menacing by breed (2020 / 21)	No. in Warrnambool	Declared dangerous by breed (2020 / 21)	No. in Warrnambool
Blue Heeler	2	Red Heeler	1
German Shepherds	1		
Bulldogs	2		
Mastiff	2		
Jack Russell	1		
Golden Retriever	1		
Staffordshire Terrier	2		
Boxer	1		
Cocker Spaniel	1		
Corso	1		
Kelpie	1		
Lampard Terrier	1		
Rottweiler	2		
Ridgeback	1		
Bull Terrier	1		
Cattle Dog	1		

Local laws, council policies & procedures

Council declarations are governed by the requirements of the Domestic Animals Act:

- Council does not refuse the registration of a declared dog that meets all legislative and Council requirements of the declaration.
- Higher registration fees are charged for Declared Dangerous & Restricted Breed dogs but not Menacing dogs.
- Following an investigation, Council will issue a letter of proposed declaration explaining the incident, reasons and requirements. This may be followed by a letter including reasons for the declaration.
- Declared dogs are listed on the Victorian Declared Dog Register.
- All declared dogs, at a minimum are required to be on lead at all times & muzzled.

Education and Promotion about dangerous, menacing and restricted breeds

Council officers assist the public by:

- Providing pamphlets to the community about the legislative requirements of Dangerous, Menacing and Restricted Breed dogs.
- Media releases following an incident when possible.
- Educational media releases when possible.
- Officer patrols in the industrial area for guard dogs.
- Regular contact with owners of dogs on the register to monitor the dog, provide advice and assistance.
- Information sessions at schools and local service groups as requested.

Compliance

- Ensure all dogs declared by Council are registered on the Victorian Declared Dog Register.
- Conduct unannounced inspections of declared dogs to maintain the requirements of the declaration.
- Communicate and assist with region RSPCA inspectors.
- Ensure the details on the register are updated.
- Immediate response to complaints relating to declared dogs.

Actions:

Effectively inspect and audit all declared dog premises to ensure they are implementing all legislative requirements:

Activity	When	Evaluation
Unannounced visits to the listed address of a declared dog to ensure requirements of the declaration are implemented.	Twice yearly	Meeting the requirements of the declaration. Keep a spread sheet of results and required actions.

Regularly review procedure manual and educational material:

Activity	When	Evaluation
Discuss procedure manual following any major incident to ensure it is current. Maintain a supply of Department of Economic Development, Jobs, Transport and Resources (DEDJTR) and Council pamphlets to assist with education.	Ongoing	Investigations completed with relevant information recorded. Public feedback.

14. Domestic animal businesses

Ensure all Domestic Animal Businesses (DABs) are managed appropriately and comply with Section 68 A(2)(c)(ii) of the Domestic Animals Act 1994.

The Warrnambool City Council objective is to work in partnership with domestic animal businesses to achieve State Government Legislative requirements. Warrnambool currently has 4 registered domestic animal businesses.

- 1 boarding facility (cats).
- 1 pound (The RSPCA).
- 2 pet shops.

These businesses are registered and inspected twice a year.

- Council staff are trained in dealing with conflict and difficult customers.
- Council meet regularly with the RSPCA to discuss the procedures / management of the Council's shelter.

Actions:

Identify and register all domestic animal businesses in the municipality:

Activity	When	Evaluation
Identify any businesses that should be registered.	Ongoing	Compare number of registered DABs from the previous year

Annually inspect and audit all registered domestic animal businesses:

Activity	When	Evaluation
Visit all registered businesses and check for compliance and animal condition.	April and October	Those requirements of the Act are met.

15. Other matters

This section provides for the review of other matters related to the management of animals in the City, and compliant with Section 68 A(2)(e) of the Domestic Animals Act 1994.

Animals play a significant role in our lives. Victorians own dogs, cats, birds and horses. In addition there are cattle and sheep, pigs and poultry, and many more.

While it is difficult to quantify wildlife populations, human interest in the welfare of native animals can be reflected in the wildlife shelters, foster carers currently authorised to rehabilitate wildlife in Victoria, and the native animals which are treated in Victorian shelters each year.

Many types of emergencies in Victoria inevitably affect animals. Furthermore, recent disasters in Australia and overseas highlighted that bonds between people and animals strongly influence decision making in times of crisis. The lack of adequate planning for the management of animals and their welfare in emergencies often results in poor, last minute decisions with dangerous or fatal consequences for animals and their owners or carers.

Before, during and after an emergency, persons in charge of animals retain the ultimate 'duty of care' to provide for the needs of animals in their charge. In the event of an emergency, Government acknowledges the supporting role it can play in helping owners or carers meet their requirements.

Victoria's emergency management arrangements define the Department of Economic Development, Jobs, Transport and Resources as the primary agency for livestock and companion animal welfare support services during an emergency response. As the closest level of government to the affected community, local government also has a key role in supporting emergency animal welfare activities. Numerous non-government organisations assist in the management of animal welfare, with the RSPCA, Australian Veterinary Association and Animal Welfare Victoria having specific capacities to assist.

Actions:

Develop a local animal emergency welfare plan:

Activity	When	Evaluation
In conjunction with relevant local parties & government departments, create a local sub plan to the Municipal Emergency Plan, with a contact list for emergency situations for rangers.	2021	Adopted plan.

Establish a brochure for the public:

Activity	When	Evaluation
Create and distribute a brochure for the public on what you need, where to go, and who to contact in an emergency.	2021	The availability of brochures for the public.

16. Annual Review of the Plan and Reporting

Section 68A (3) of the Domestic Animals Act 1994 states:

Every Council must—

- (a) Review its domestic animal management plan annually, and if appropriate, amend the plan.
- (b) Provide the Department of Jobs, Precincts and Regions (DJPR) Secretary with a copy of the plan and any amendments to the plan.
- (c) Publish an evaluation of its implementation of the plan in its annual report.

Actions:

Conduct an annual review of the Domestic Animal Management Plan:

Activity	When	Evaluation
Conduct an annual, internal department review of the current plan.	November	Comparison with previous plan.

Reporting of results:

Activity	When	Evaluation
Provide results for Council's annual report.	Annually.	Evaluate results against the requirements of the Domestic Animals Act 1994.
Notify the Secretary (DJPR) of review.	Annually.	
Conduct a major review every four years	Four-yearly	

7.5. ROAD MANAGEMENT PLAN REVIEW 2021

PURPOSE:

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

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.

MOVED: CR BEN BLAIN

SECONDED: CR ANGIE PASPALIARIS

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

CARRIED - 6:1

***Crs. Blain, Paspaliaris, Jellie, Arnott, Taylor and Akoch voting for the motion
Cr. Ziegeler voting against the motion***

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:
 - o Management personnel from relevant branches.
 - o Risk Management
 - o Roads & Drainage
 - o Parks & Gardens
 - o Road Safety Group
 - o 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 1st of January to 31st 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 24th of June till the 22nd 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 Council 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]

Appendix 1: Road Management Plan Proposed Minor Amendments (Administrative)

Section	Description	Proposed Change/s	Impact on RMP
3.4.4	The plan to remove “keep safe” from “Obligation to Maintain and Keep Safe.”	Remove “keep safe” from heading “Obligation to Maintain.” Advice from MAV Insurance to ensure assets area maintained to a reasonable standard.	Minor
3.4.4	The plan does not show a diagram of who is responsible for crossover and footpath	Diagram added from MAV Insurance website to show who is responsible for footpath, crossover, nature strip and road.	Minor
4.2.2	<i>“Condition surveys are not intended to identify individual hazards/defects, rather their primary purpose is to establish the long-term asset life expectancy and suitability for traffic use, and inform future upgrade/re-construction priorities.”</i>	Added to “Road Condition Surveys” with my clarification on the definition. To distinguish that condition surveys are not intended to identify individual hazards/defects.	Minor
4.2.3	The plan does not provide a definition for “Reactive Inspections.”	<i>“A customer request made by a member of the public or internal council staff member, including reference to response and timeframe being dependant on the nature of the defect and its location relative to the asset hierarchy classification.”</i>	Minor

Section	Description	Proposed Change/s	Impact on RMP
4.2.3	Remove term and definition “Intensive Defect Inspection.”	Remove “Intensive Defect Inspections” should fall within the definition of Routine Defect Inspections.	Minor
5.1.2	The plan to remove “made safe.”	Remove “made safe” to “temporary measures implemented.” Advice from MAV Insurance to prevent ambiguity in relation to the intention of implementing temporary measures until permanent repairs are implemented.	Minor

Appendix 2: Road Management Plan Proposed Intervention Level Amendments

Section	Description	Proposed Change/s	Impact on RMP
Road Network	<p><i>“Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials, an accumulation of dirt or granular materials in a sealed road.”</i></p> <p>Link – 5 Collector – 5 Access – 5</p>	<p>Change timeframe response times (working days)</p> <p>It is not uncommon for many other councils to have a response timeframe for such defects of between 1-2 days, particular for higher category roads.</p> <p>Link- 2 Collector – 2 Access – 2 Lane - 2</p>	Major
Road Network	<p><i>“Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Ponding of water >300mm deep, fallen trees, oil spills, stray livestock.”</i></p> <p>Link – 5 Collector – 5 Access – 5</p>	<p>Removed and merged with <i>“Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials, an accumulation of dirt or granular materials in a sealed road.”</i></p> <p>Change timeframe response times (working days)</p> <p>It is not uncommon for many other councils to have a response timeframe for such defects of between 1-2 days, particular for higher category roads.</p> <p>Link- 2 Collector – 2 Access – 2 Lane - 2</p>	Major
Road Network	<p><i>“Pothole in the traffic lane, shoulder or designated bike path of a sealed road depth >100mm and diameter >300mm.”</i></p>	<p>Removal of “at worst locations.” This will ensure a consistent application of repairs for potholes regardless of the defects location on the road and improve councils ability to demonstrate compliance should a related claim be received.</p>	Minor
Road Network	<p><i>“Pothole in the traffic lane of unsealed road depth >150mm and diameter >500mm”</i></p>	<p>Removal of “at worst locations.” This will ensure a consistent application of repairs for potholes regardless of the defects location on the road and improve councils ability to demonstrate compliance should a related claim be received.</p>	Minor
Road Network	<p><i>“Pothole in the bike lane in designated marked on road bike path of a sealed road depth >100mm and diameter >300mm”</i></p>	<p>Added to Road Management Plan, Councils have smaller intervention level or timeframe for potholes identified within marked bike lanes. This approach is seen as reasonable, as it is clear when each respective intervention level</p>	Major

		and/or timeframe is actually to be applied, and cyclist may be more vulnerable to potholes than other vehicles types. Link- 5 Collector – 5 Access – 10 Lane - 20	
Road Network	<i>“Tree limbs or trees that are in immediate danger of falling and causing danger to the public”</i>	Removed from Road Management Plan. This is considered outside the scope of road/footpath related defects, and would require a specific tree inspection to identify/confirm the risk posed, an inspection which is likely outside the skillset of roads/footpath asset inspector.	Major
Road Network	<i>“Bridges or major culverts including traffic lanes, shoulders and footpaths. With defective with a step >30mm and hole or gap >40mm in length and width. Pooling of water in bridges and culverts greater than 100mm”</i>	Adopting intervention level that are measurable.	Moderate
Emergency Callout	<i>“Emergency callout - when any call is received which reports an immediate and significant threat to the health and safety of the public, the relevant service team will inspect and assess the issue within 6 hours.”</i>	Changed emergency callout time from 1 hour to 6 hours. If there are multiple callouts during emergency periods ie, flooding, the time to respond could be greater than 1 hour.	Moderate
Third Party Asset Defects In Pathways	<i>“Implementing temporary measures to mitigate the risk within 5 working days of the defect being identified by Council staff.”</i>	Remove “make safe” to “Implementing temporary measures to mitigate the risk.” Advice from MAV Insurance to prevent ambiguity in relation to the intention of implementing temporary measures until permanent repairs are implemented.	Minor
Defects From Intensive	<i>“Defects from Intensive Defect Inspections.”</i>	Removed from Road Management Plan. “Intensive Defect Inspections” should fall within the definition of Routine Defect Inspections.	Major

Appendix 3: Road Management Plan Proposed Inspection Frequencies Amendments

Section	Description	Proposed Change/s	Impact on RMP
Bridges and Major Culverts	<i>Hierarchy Category</i>	Removed type of "hierarchy category". Bridge inspections are determined by what level of inspection is being undertaken and it varies from how many years is required for what level of service inspection is required.	Minor

Appendix 4: Road Management Plan (April 2017)



Municipal Road Management Plan 2017

Municipal Road Management Plan

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1. Executive Summary

Version 1.00 of the Road Management Plan was developed during 2004 to establish a management system for the public road functions that are the responsibility of the Council to meet the needs of the community. The management system is based on policy and operational objectives and at the same time recognises resource limitations in undertaking the necessary levels of service and performance standards outlined in the Plan.

This Plan encompasses road user needs and expectations within an economic framework based on meeting "reasonable" maintenance operation targets and asset management programs relative to the road network function.

To be effective, the Road Management Plan requires implementation of systemised records management so that details of inspections and remedial works can be readily recorded and retrieved. In the event of litigation, Council's defence shall rely on its ability to demonstrate that it had adhered to the requirements of the Plan.

This Plan clearly establishes the management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

It also sets the relevant standards in relation to discharge of duties in the performance of those road management functions.

2. Introduction

2.1 Legislative Basis for the Plan

This Municipal Road Management Plan (referred to hereafter as the 'Plan') has been prepared in accordance with the Road Management Act, 2004, one of the key purposes of which is to reform the law relating to road management in Victoria. The Plan reflects the purposes and objectives of the Council as required by the Local Government Act, 1989.

The Warrnambool City Council is the designated 'Co-ordinating Road Authority' for municipal roads within the City and is responsible for their care and management.

As the Co-ordinating Road Authority, Council must ensure that if a road is reasonably required for public use that it is kept open for public use and may, at its discretion, carry out work on the road. Council is under no obligation to do any specific work on any road and, in particular, is not obliged to carry out any surface or drainage work on any road other than specified in the Road Management Plan.

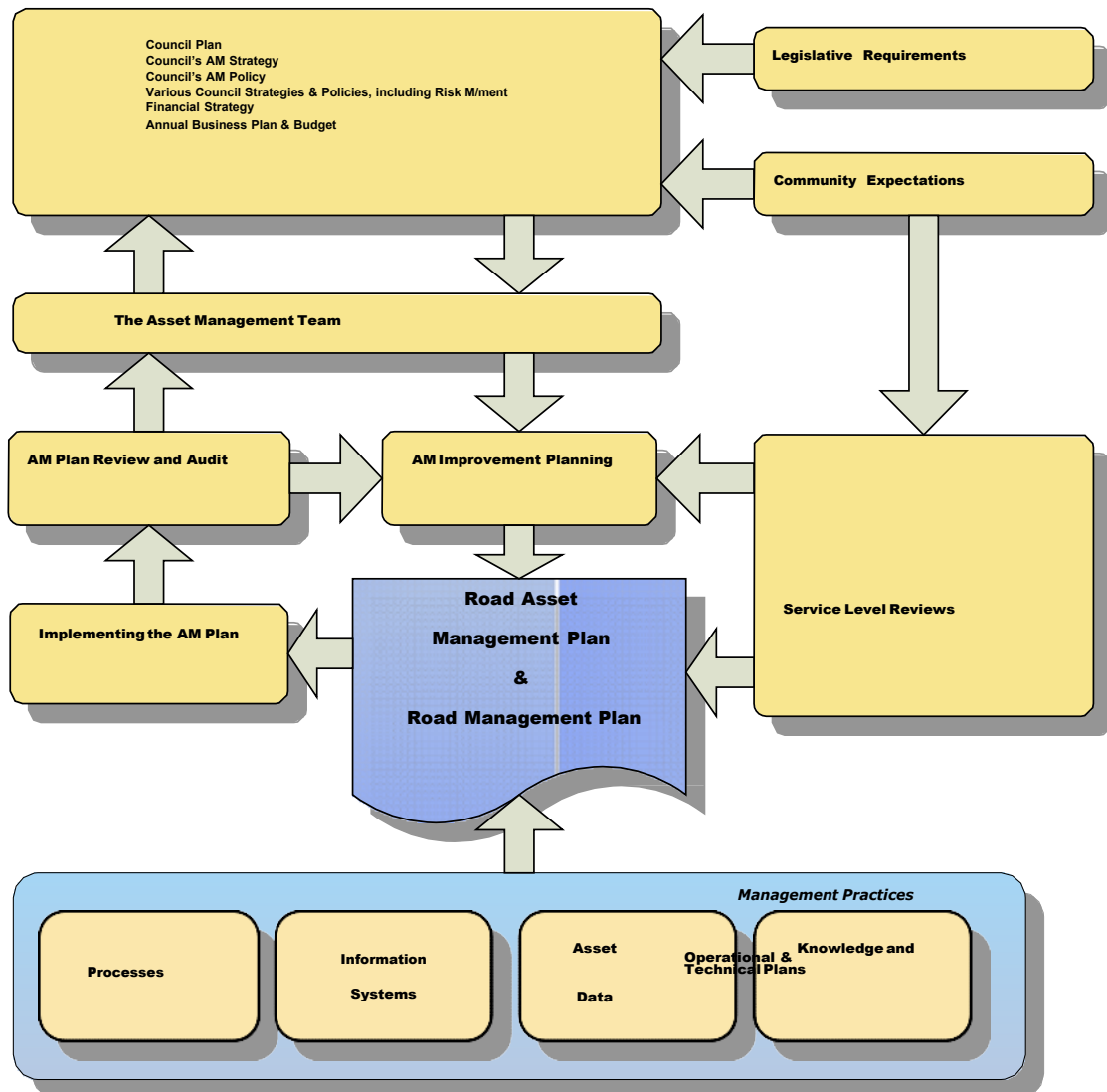
2.2 Purpose of the Plan

The purpose of the Plan is to establish a management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

It also sets the relevant standard in relation to discharge of duties in the performance of those road management functions.

2.3 Strategic Planning Process

The Road Management Plan has been developed to accord with other Council plans and strategies and is a component of Council's overall strategic planning process as shown in the following diagram.



3. Public Roads, User Rights and Responsibilities

3.1 Public Roads

“Public roads” are freeways, arterial roads and other roads that Council has decided are reasonably required for general public use. Note that not all roads or pathways are “public roads” under the Act and are thus exempt from the standards prescribed in the Plan.

The Road Management Act imposes specific duties on Council with respect to the inspection, repair and maintenance of its public roads.

3.2 Definitions

“**Act**” is the Road Management Act 2004.

“**Ancillary Area**” is any area designated by Council used by motor vehicles connecting to a roadway. E.g. car park, rest stop or scenic lookout.

“**Appropriate Warning**” means to adequately alert the user to a hazard, or to temporarily mitigate a hazard.

“**Arterial Roads**” are Freeways, Highways & Declared Main Roads, which are managed by the State Government through VicRoads.

“**Bridge and Major Culverts**” means a structure having a clear span greater than 1.80 metres or a pipe culvert having a waterway area greater than 3 sq m.

“**The Council**” refers to the Warrnambool City Council.

“**Intervention Level**” is the extent of a road or pathway defect above which poses an unacceptable risk to users.

“**Level of Service**” is the defined service quality for the road or pathway against which performance may be measured. Generally this related to quality, quantity, reliability, responsiveness and cost.

“**Pathway**” refers to both formed areas located within the road reserve which are used by pedestrians and shared paths which may or may not be within the road reserve and are designed for use by both pedestrians and cyclists. These areas may be formed by concrete, pavers, asphalt, stone or a similar material.

“**Municipal Roads**” are roads for which the municipal council is the responsible Road Authority. The Road Management Act imposes specific duties on a Council with respect to the inspection, repair and maintenance of its Municipal public roads, which are those that are reasonably required for general public use.

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“Non-Road Infrastructure” means infrastructure in, on, under or over a road which is not road infrastructure and includes gas pipes, water and sewerage pipes, cables, electricity poles and street lights, rail crossings, bus shelters, vegetation and the like.

“Other Roads” include roads in State forests & reserves, and roads on private property. The municipal council is not responsible for the care and maintenance of these roads.

“Register of Public Roads” refers to the register specifying the public roads in respect of which Council is Co-ordinating Road Authority under the Road Management Act (2004)

“Response Time” is the timeframe afforded to Council to respond to a hazard or defect measured from when a hazard or defect is identified by or notified to Council.

“Respond” means to mitigate a defect by returning the asset to, or as close as reasonably possible, its original standard.

“Road” by definition in the Local Government Act 1989 includes a street; right of way; cul de sac; by-pass; bridge or ford; footpath, bicycle path or nature strip; any culvert or kerbing or other land or works forming part of the road.

“Road Infrastructure” means that infrastructure which forms part of a roadway, pathway or shoulder including-

- (i) Structures forming part of the roadway, pathway or shoulder;
- (ii) Materials from which a roadway, pathway or shoulder is made.

and includes bridges, culverts and fords plus materials such as asphalt, bitumen, gravel, line marking, guideposts, signs, traffic lights etc.

“Traffic Lane” is the part of the roadway which is designated for use by a single line of vehicles.

“Working Day” means any day of the week excluding Saturdays, Sundays and public holidays (within the meaning of the Public Holidays Act 1993) applying in the municipal district.

3.3 Key Stakeholders

The key stakeholder groups of the community who are both users of the road network and/or are affected by it include:

- The community in general (for recreation, sport, leisure & business);
- Residents & businesses adjoining the road network;
- Pedestrians (including the very young, those with disabilities, and the elderly with somewhat limited mobility);
- Users of a range of miscellaneous smaller, lightweight vehicles such as pedal cyclists, motorised buggies, wheel chairs, prams, etc;
- Vehicle users using motorised vehicles such as trucks, buses, commercial vehicles, cars and motor cyclists;
- Tourists & visitors to the area;
- Emergency agencies (Police, Fire, Ambulance, VICSES);
- Military (special use in times of conflict & emergency);
- Traffic & Transportation managers;
- Managers of the asset that is the road network;
- Construction & maintenance personnel who build and maintain asset components;
- Contractors & suppliers for the road network;
- Land Developers;
- Utility agencies that utilise the road reserve for their infrastructure (Water, sewerage, gas, electricity, telecommunications);
- Council as custodian of the asset;
- State & Federal Government that periodically provide support funding to assist with management of the network

3.4 Obligations of road users

3.4.1 Duty of the Road User

The Road Safety Act (1986) – Section 17A stipulates the obligations of road users as follows:

- (1) A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including (without limiting the generality) the —
 - physical characteristics of the road;
 - prevailing weather conditions;
 - level of visibility;
 - condition of the motor vehicle;
 - relevant road laws and advisory signs;
 - physical and mental condition of the driver.
- (2) A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.

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(3) A road user must—

- have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;
- have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;
- have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

3.4.2 Incident Claims

If a person proposes to commence a proceeding in a court based on a claim in relation to an incident arising out of the condition of a public road or infrastructure, the person must give written notice of the incident to the responsible road authority within the prescribed period of the incident occurring [clause 115(1) of the Road Management Act].

3.4.3 Council Local Laws

Council has local laws that require permits to be sought from Council where a member of the public or organisation proposes to undertake activities within the road reserve that may in any way impede access by the public or interfere with road infrastructure.

3.4.4 Obligation to Maintain & Keep Safe

In relation to provision of access to the road reserve from adjoining properties, there are several assets within the road reserve that council does not have an obligation to maintain. These include:

- (1) **Vehicle crossings** (driveways) where the portion of a vehicle crossing located between the carriageway and the pathway is the responsibility of the adjoining property owner to maintain. If there is no pathway present, the crossing runs from the carriageway to the property boundary and is the responsibility of the adjoining property owner to maintain.
- (2) **Private roads** which are constructed as part of a subdivision are not the responsibility of Council to maintain until statement of compliance has been achieved and the subsequent titles are issued. At which point the roads vest in Council as public roads. In addition, Council has no obligations regarding roads which are not available for access by the public and are thus privately owned and managed.
- (3) **Single property stormwater drains** that are constructed within the reserve from the property boundary to a discharge outlet in the kerb or into the drain. They are there to benefit the property and as such are the responsibility of the owner of the property being served to maintain.
- (4) **Non-road infrastructure** which is owned by utilities and public transport authorities are the responsibility of the relevant owner to maintain. Council has no obligations in regards to these assets pursuant to clause 6 of schedule 7 of the Road Management Act 2004.

3.4.5 Nature Strips and Infill Areas

The residual areas between the edge of the road or back of the kerb and the property boundary (which are not occupied by a pathway or private road crossing) are the responsibility of the property owner to maintain. Street trees within this area, however, are controlled and maintained by Council.

3.5 Delegations

The Chief Executive Officer through an "Instrument of Sub-Delegation" has delegated the various functions under the Road Management Act to the respective officers of Council detailed in the Instrument of Sub-Delegation.

3.6 Exceptional Circumstances

Council will make every endeavour to meet all aspects of its Road Management Plan, (RMP).

However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts and the like, together with human factors, such as a lack of Council staff or suitably qualified Contractors, because of Section 83 of the Victorian Wrongs Act, 1958, as amended, Council reserves the right to suspend compliance with its Road Management Plan.

In the event that the Chief Executive Officer (CEO) of Council, has to, pursuant to Section 83 of the above Act, consider the limited financial resources of Council and its other conflicting priorities, meaning Council's Plan cannot be met, they will write to Council's Officer in charge of its Road Management Plan and inform them that some, or all, of the timeframes and response times are to be suspended.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will write to Council's Officer responsible for Council's Plan and inform them which parts of Council's Plan are to be reactivated, stating the time this is to occur and other relevant particulars.

4. **Municipal Asset Management**

4.1 **Asset Hierarchies – Road Network**

All roads and pathways within the municipal road network are classified according to a hierarchy that takes into account their specific function, types of users and user numbers.

The hierarchy classification is used to assist in prioritising works programs and also intervention responses to remedy defects.

The Council has developed two separate hierarchies for its transport network to recognise the variances in usage within them. These are:

- Road network
- Pathway network

Road Hierarchy

Category	Function
Link	Carry the heaviest volumes of traffic including commercial vehicles and provide the principal routes for traffic flows in and around the municipality.
Collector	Carry significant volumes of traffic and provide access by connecting residential areas to the link roads. They also provide links between the various arterial roads.
Access	Carrying moderate volumes of traffic and primarily serve as property access roads for the local community.
Lane	Roads carrying local traffic, typically providing secondary access to properties with more than one road frontage.

Note: Bridges, culverts, traffic facilities and kerb & channel have their hierarchies based on the road hierarchy with vehicular traffic. For the pathway hierarchy pedestrian traffic is the basis of usage volume.

Pathway Hierarchy:

Category	Function
Category 1	CBD, and those pathways within the vicinity of schools, hospitals and aged care facilities.
Category 2	Selected medium use pathways in prominent areas other than described above
Category 3	Pathways in residential, commercial & industrial areas other than as described above.

4.2 **Maintenance Management System**

The Maintenance Management System for the municipal road network infrastructure within the Warrnambool City Council is a combination of standards, codes, guidelines and data management systems.

Key components are outlined as follows:

4.2.1 Functional Levels of Service

The functional levels of service outline the maintenance standards which the Council shall provide for the road and pathway network, including defect intervention standards, defect response times and inspection timeframes. The levels of service are provided in Attachments 2 and 3.

4.2.2 Asset Maintenance – Levels of Service

The following matters are taken into account when developing maintenance standards:

- (a) **Road condition surveys** – periodic surveys to monitor road pavement, road surfacing, structure, and roadside condition at specified intervals depending on the asset, its condition at the previous survey, the volume and nature of road usage (hierarchy classification), and any risk to safety.
- (b) **Routine maintenance inspections** – regular inspections, as part of the day-to-day maintenance of the road network, to monitor asset condition against defect intervention levels (ie that point which takes the defect beyond the ‘tolerable’ level) and asset safety. Inspection intervals have been determined having regard to the particular road asset element, the type, volume and nature of road usage, and the resources available.
- (c) **Routine maintenance standards** – routine maintenance and repair functions and standards that are based on agreed asset performance targets and defect intervention levels and response actions (based on risk assessment) for a particular asset element (eg. road, pathway, bridge) and road type. Standards vary across the road network in line with relevant risk factors such as traffic volumes, composition of traffic, operating speed, the susceptibility of assets to deterioration, the cost effectiveness of repairs, and competing priorities for funding.
- (d) **Repair and maintenance works** – routine maintenance and repair works are undertaken within a specified reasonable period of time having regard to intervention action priorities, and to specified standards.

Response times have been determined by appropriate Council Staff from local knowledge and experience based upon past performance. Attachment 2 details defect intervention levels and response times.

- (e) **Temporary measures** – temporary works to be undertaken to reduce the risk of an incident until such time as maintenance or repair works can be completed.
- (f) **Emergency works** – works required to be undertaken immediately outside routine works programs to ensure the safety of road users and the public as a result of emergency incidents. Emergency works include traffic incident management, responses to fires, floods, storms and spillages, and assistance under the Victorian State Emergency Response Plan & Municipal Emergency Management Plan.

The outcome of the assessment of the various maintenance factors results in the preparation of the annual program for road maintenance, setting out the level of activities and resources to be considered with the Annual Budget.

By developing long term maintenance programs, Council is better able to strategically plan its finances.

4.2.3 Asset Inspection Process

To enable competent management of the road network, Council conducts regular inspections which cover incident response, defect identification and condition assessment. Attachment 3 lists the inspection details and frequencies.

Defect Inspections

Routine Defect Inspections – determine if the road asset complies with the levels of service in terms of having defects above intervention levels. Programmed defect inspections are undertaken by way of a formal timetable regime by suitably trained officers.

Intensive Defect Inspections – as for routine defect inspections however a large number of assets are inspected in a short period of time by way of additional short term resources. i.e experienced contractors or suitably trained temporary staff.

Incident Inspections – conducted following an incident or other report that indicates a defect outside the tolerable level or otherwise likely to create danger to the community. As a result an incident condition report may be prepared for use in legal proceedings and the gathering of information for the analysis of the causes of accidents and the planning and implementation of road management and safety measures;

Condition Inspections - identify deficiencies in the structural integrity of road and pathway infrastructure which if left untreated are likely to adversely affect network condition.

4.3 Asset Management Principles and Financial Sustainability

Council may intervene with its road and pathway network for a multitude of reasons. To achieve a financially sustainable management solution for Council's assets, preventative maintenance or renewal programs may be utilised.

4.4 Community Expectations & Consultation

4.4.1 Future Consultation

Wherever practicable, input will be sought on appropriate aspects of the Plan by way of community consultation. However consultation will be governed by the ability to accommodate changes for reasons that include existing physical constraints as well as the affordability of resources to effect possible changes. By seeking community input into its service delivery, it is vital that Council does not create a false sense of expectation by the community that suggested changes will be implemented that simply cannot be achieved for reasons such as the affordability factor.

5. Council Support Systems

5.1 Customer Service Systems & Procedures

5.1.1 Customer Request System

Customer requests and complaints are managed and tracked by way of Council's *Open Office – Customer Service Manager* computerised system. It enables Council staff to be able to input their own requests, be aware of requests pending and search completed requests.

5.1.2 Maintenance Responsiveness & Performance Targets

The Customer Request System records when a request is made, what the request is concerning and the date the request is actioned.

It should be noted that 'actioning' a request doesn't necessarily mean that the request has been fulfilled but simply that appropriate action has taken place.

Appropriate action may well mean that an asset defect, such as a damaged pathway has been inspected and:

- repairs are straight-forward and have been implemented as soon as a work crew is available - the appropriate action in this case is when the repair work has been completed; or
- repairs are significant and need to be undertaken on a special works program along with a number of similar works and the site has been made safe until such time as repairs are undertaken - the appropriate action is when the repair work has been listed on the future works program not when it has been completed; or
- the defect was found not to warrant any remedial action at that stage as it was below specified intervention levels - the appropriate action in this case is to record the inspection and take no action.

Whatever the response, it is noted against the original request.

The Customer Request System enables the response times to be monitored to assess performance. This covers response times both for inspections and the interval until appropriate action is undertaken.

5.2 Asset Information System

Warrnambool City Council utilises the Conquest Asset Management System to manage its roads and pathways data. This database stores the relevant asset information including the Register of Public Roads and other information which is important in managing Council's road and pathway assets. Data recorded for an asset may include location by name, asset valuation, asset condition, defect histories, dimensions and more.

6. Financial Management

6.1 Budget Provisions

The commitments and obligations specified within this Plan are matched to the financial resources available to deliver those commitments as set out in the Council Plan and Council Budget. To efficiently achieve and sustain the standards of service described within the Plan, Council is required to commit annual funding which is adequate in delivering appropriate and responsive maintenance, renewal and replacement programs for road and pathway infrastructure.

6.2 Budget Process

The budget process is conducted in a manner that ensures matters requiring consideration are taken into account prior to final adoption by Council. Community input is sought during the preparation of the Council Plan and annual budget. Submissions are invited via public notice advertisements. Any submissions by the community are considered prior to Council adopting its annual budget. This process ensures the community has every opportunity to participate in the budgetary process.

7. Register of Public Roads

7.1 Council's Road Infrastructure

The Municipal Register of Public Roads is stored on Council's Road Asset Information System, the Conquest Asset Management System.

A hard-copy is available for inspection at the Warrnambool City Council's Customer Service Centre. The hard copy will be updated at least annually and update sheets will be inserted at other times when significant changes are made. (eg new subdivisions added)

7.2 Maintenance Demarcation Agreements

Where there are maintenance demarcation agreements defining limits of responsibility on municipal roads between Warrnambool City Council and VicRoads, Moyne Shire, Department of Sustainability & Environment or any other public body or private organisation, the schedule of roads affected by these agreements are listed in the Register of Public Roads.

Issues relating to VicRoads will be outlined in the Instrument of Delegation between VicRoads and Council. Typical demarcation issues where council is often thought to have sole responsibility are listed in the following table:

Issue	Agreement with	Responsibilities
Boundary Roads	Moyne Shire Council	Detailed in the Register of Public Roads.
Street Lighting	Electricity Supply Authority	Asset owned by the Authority; Council pays annual charge.
Rail Crossings	VicTrack	As set out in the Safety Interface Agreement

7.3 Non- Road Infrastructure

Non-road infrastructure within the road reserve (eg rail crossings, telecommunications structures, water & sewerage, street lighting, etc) are to be maintained by the body responsible for that infrastructure (refer to attachments 1 & 2).

8. Reviewing the Road Management Plan

The Road Management Plan is intended to be a dynamic document, and as such, there is a need for regular review, refinement and improvement. This will ensure that the Plan is in accord with responsible asset management, changing technology, and in particular, Council and community requirements and expectations.

It is proposed to undertake a review of this Plan at least every 4 years, or more frequently if circumstances require it. Any revised plan will be subject to the consultation and approval processes as detailed in Part 3 of the Road Management (General) Regulations 2016.

9. Attachments

- 1- Summary of Non-Road Infrastructure in the Road Reserve**
- 2- Typical Defect Intervention Levels**
- 3- Road Asset Inspection Frequencies**

Attachment 1 – Summary of Non-Road Infrastructure in the Road Reserve

Asset Type	Infrastructure Manager
Street Lights	Powercor
Traffic Signal Installations – VicRoads assets	VicRoads
Telecommunications infrastructure Assets	Telstra, NBN and Optus
Water & Sewerage infrastructure assets	Wannon Water
Electricity infrastructure assets	Powercor
Gas infrastructure assets	Tenix
Rail Crossings	VicTrack
Bus Stops/Shelters (Public Transport)	Department of Transport

Attachment 2 – Intervention Levels and Response Times

Defects from Routine Defect Inspections

Road Network

Defect Description	Response Times by Hierarchy (working days)			
	Link	Collector	Access	Lane
Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials, an accumulation of dirt or granular materials in a sealed road.	5	5	5	10
Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Ponding of water >300mm deep, fallen trees, oil spills, stray livestock.	5	5	5	10
Edge of seal drop off which is >100mm and is over 10m in length	10	15	20	30
Reduction in original sealed width ≥250mm	10	15	20	30
Pothole in the traffic lane, shoulder or designated bike path of a sealed road depth >100mm and diameter >300mm at the worst location	10	15	20	30
Pothole in the traffic lane of unsealed road depth >150mm and diameter >500mm at the worst location	10	15	20	30
Deformation >100mm under a 3m straight edge in the traffic lane, shoulder or designated bike path of sealed road.	20	40	60	90
Deformation >150mm under a 3m straight edge in the traffic lane of unsealed road.	20	40	60	90
Missing or substantially damaged drainage pit lids, surrounds, grates, in pedestrian areas or traffic lanes.	5	5	5	5
Tree limbs or trees that are in immediate danger of falling and causing danger to the public.	5	5	5	5
Trees, shrubs or grasses that restrict design sight distance to intersections or to safety signs.	60	60	60	60
Vegetation intruding within an envelope over roadways with a speed limit >70kmph from the back of shoulder and or kerb and a minimum of 4.3m height clearance for traffic lane and trafficable portion of shoulder.	20	40	60	—**
Regulatory Sign missing, illegible or damaged.	10	15	20	40
Guidepost missing or damaged at a critical location*.	10	15	20	40
Safety Barrier missing or damaged at a critical location*.	10	15	20	40
Pavement marking missing, illegible or confusing at a critical location*.	20	20	20	40
Traffic signal failure or malfunction	36 Hours	36 Hours	36 Hours	36 Hours
Bridges or major culverts with visible damage which is likely to impact public safety	20	20	20	20

Pathway Network

Defect Description	Response Times by Hierarchy (working days)		
	1	2	3
Defective with a step >30mm	30	30	30
Hole or gap >40mm in length and width	30	60	90
Vegetation which presents a physical hazard to the public over pathways, intruding into a minimum of 2.1m height clearance above path	60	60	60

*A critical location is a location where the road alignment and/or pavement width and/or geometry are identified by additional markings or furniture to guide the travelling public.

** “-“ means that this asset condition is not considered a hazard within this hierarchy classification, or that the defect is not applicable to this classification.

Emergency callout - when any call is received which reports public safety in jeopardy the relevant service team will inspect and assess the issue within 1 hour.

If for any reason it is not feasible to rectify a hazard within the response times detailed in this attachment, appropriate warning of the hazard is to be provided until a suitable repair or treatment may be completed.

Appropriate Warning may include, though is not limited to the following

- Provision of warning signs,
- Traffic control action,
- Diverting traffic around the site,
- Installation of a temporary speed limit,
- Lane closure,
- Restrict use (eg. load limit), or
- Full closure.

Vegetation intrusion from a private property

Where a vegetation intrusion or hazard is resulting from a private property, Council shall send a request for contact to the property owner within 5 working days of the inspection. The request for contact shall allow the property owner 10 working days to reach contact with the Council. Following contact, Council shall provide the property owner 20 working days to respond to the vegetation intrusion. If the intrusion has not been responded to within this timeframe, or the property owner does not contact Council within the prescribed period of time, Council shall respond to the intrusion within 60 working days of the initial inspection at the cost of the property owner.

Non-Road Infrastructure

Council does not owe a duty of care to perform any maintenance works on non-road infrastructure which is owned and managed by a third party (pursuant to clause 6 of schedule 7 of the Act). Furthermore, Council may not be held liable in any civil proceedings arising from a third party failing to discharge its duty of care in relation to its asset (section 104 of the Act).

Council does, however, have a duty of care to cooperate in good faith with other infrastructure managers in coordinating the management and maintenance of infrastructure and related works on a road (clause 4 of schedule 7 of the Act). In the discharge of this duty, Council shall follow the process described in the table below when third party asset defects are identified by Council.

Third-party asset defects in pathways

Risk Rating	Defect Description	Council Response
High Risk	Missing pit lid	<ul style="list-style-type: none"> Notify asset owner before the end of the following working day (5.00 PM) from the time the defect is identified by Council staff. Make the defect safe within 5 working days of the defect being identified by Council staff. If the defect has not been permanently rectified within 20 working days, notify the asset owner a second time. The defect is closed provided Council has a recorded response from the asset owner regarding the defect.
	Pit displaced, damaged or settled to create a trip hazard > 50mm	
	Pit lid which is severely cracked, brittle or otherwise damaged to create a high risk of collapse.	
Moderate Risk	Pit displaced, damaged or settled to create a trip hazard > 30mm.	<ul style="list-style-type: none"> Notify asset owner before the end of the following working day (5.00 PM) from the time the defect is identified by Council staff. If the defect has not been permanently rectified within 20 working days, notify the asset owner a second time. The defect is closed provided Council has a recorded response from the asset owner regarding the defect.
	Pit lid displaced or cracked creating a hole or gap > 40mm in width and length	

Note: During the process of notification, Council shall record the relevant reference numbers, case notes, defect details and inspection details.

Defects from Intensive Defect Inspections

Intensive defect inspections involve undertaking a large number of assets inspections in a short period of time, generally covering an entire group of assets within a period of less than 2 months. This method of inspection is undertaken in place of 'Routine Defect Inspections' in situations where it is assessed to be a more efficient use of Council resources.

As the Intensive Defect Inspection process would result in a large volume of defects being recorded during a short period of time the response times that apply to the individual defects are calculated using a different method than 'Routine Defect Inspections'.

The issues below are important to the application of response times for defects resulting from Intensive Defect Inspections;

- Date the defect information is provided to Council.
- The number and type of defects found.
- The operational capacity to respond.
- Available budget

The response times that will apply will meet the following conditions;

- If the corresponding "Routine Defect" response time is less than 10 working days, the response time will apply calculated from the date Council is notified of the defect.
 - All other defect response times will be calculated commencing from the due date of the next routine inspection.
-

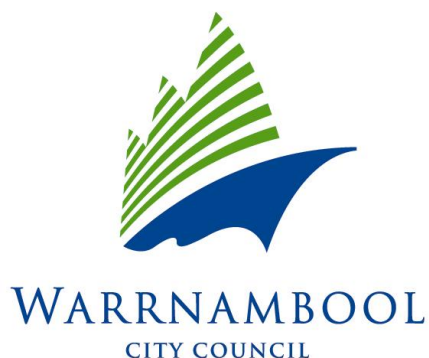
Attachment 3 - Road Asset Inspection Frequencies

Asset Group	Hierarchy Category	Inspection Type, Inspections Per Calendar Year	
		Defect Inspection	Night Defect Inspection
Sealed Roads & Off Street Car Parks	Link	One	One
	Collector	One	One
	Access	One	As required
	Lane	As required	As required
Unsealed Roads	Link	N/A	N/A
	Collector	Two	One
	Access	Two	As required
	Lane	As required	N/A
Pathways	Category 1	Two	N/A
	Category 2	One	N/A
	Category 3	One per three years	N/A
Bridges and Major Culverts	Routine Maintenance Inspection (all structures)	One	N/A

As required: When applied to Inspection frequency, 'As Required' indicates that an inspection will only be undertaken upon a request being submitted and an assessment made as to whether an inspection is warranted on the grounds of a risk to public safety.

N/A: This denotes that the issue is not applicable as that asset component does not exist in that category or an inspection is not warranted.

Appendix 5: Road Management Plan (June 2021)



Municipal Road Management Plan [Draft 2021]

Version 6.00 - June 2021

Schedule of Changes & Amendments

Version	Date	Changes/Amendments
V.01	04/10/04	Endorsed by Council at its meeting 4 October 2004, Notice in Government Gazette 14 October 2004
V2.00	June 2008	This document and its support documents have been reviewed to address the experience since V1.00 was adopted that a number of documented service levels were not achievable with the available funding. Refer to note in Executive Summary. Version 2.00 addresses this. Notice in Government Gazette 10 April 2008. Adopted by Council at its meeting 23 June 2008
V2.01	March 2009	This document and its support documents have been reviewed to address the experience since V2.00 was adopted. It is a requirement under the Road Management Act 2004 to update and present Council's Municipal Road Management Plan to any newly elected Council. Version 2.01 addresses this. Notice in Government Gazette 2 April 2009. Adopted by Council at its meeting in June 2009.
V3.00	28 May 2012	This document and its support documents have been reviewed to address the experience since V2.01 was adopted. The document takes into account matters raised in audits over the intervening period. The plan was adopted by Council at its meeting 28 May 2012
V4.00	June 2013	This document was reviewed with no amendments made.
V5.00	April 2017	This document and its support documents have been reviewed to address the experience since V2.00 was adopted. It is a requirement under the Road Management Act 2004 to update and present Council's Municipal Road Management Plan to any newly elected Council.
V6.00	June 2021	This document and its support documents have been reviewed to address the experience since V2.00 was adopted. It is a requirement under the Road Management Act 2004 to update and present Council's Municipal Road Management Plan to any newly elected Council. MAV Insurance have review Road Management Plan 2017 and council have implemented accordingly.

NB: Version numbering changes (eg V1.00 to V2.00) will be made when the document undergoes its regular review and when significant changes are made to standards and guidelines for inspections, intervention levels or work. Point number changes (V1.00 to V1.01) will apply to minor amendments that do not materially impact the document and are intended only to clarify or update issues.

Municipal Road Management Plan

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1. Executive Summary

Version 1.00 of the Road Management Plan was developed during 2004 to establish a management system for the public road functions that are the responsibility of the Council to meet the needs of the community. The management system is based on policy and operational objectives and at the same time recognises resource limitations in undertaking the necessary levels of service and performance standards outlined in the Plan.

This Plan encompasses road user needs and expectations within an economic framework based on meeting "reasonable" maintenance operation targets and asset management programs relative to the road network function.

To be effective, the Road Management Plan requires implementation of systemised records management so that details of inspections and remedial works can be readily recorded and retrieved. In the event of litigation, Council's defence shall rely on its ability to demonstrate that it had adhered to the requirements of the Plan.

This Plan clearly establishes the management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

It also sets the relevant standards in relation to discharge of duties in the performance of those road management functions.

2. Introduction

2.1 Legislative Basis for the Plan

This Municipal Road Management Plan (referred to hereafter as the 'Plan') has been prepared in accordance with the Road Management Act, 2004, one of the key purposes of which is to reform the law relating to road management in Victoria. The Plan reflects the purposes and objectives of the Council as required by the Local Government Act, 1989.

The Warrnambool City Council is the designated 'Co-ordinating Road Authority' for municipal roads within the City and is responsible for their care and management.

As the Co-ordinating Road Authority, Council must ensure that if a road is reasonably required for public use that it is kept open for public use and may, at its discretion, carry out work on the road. Council is under no obligation to do any specific work on any road and, in particular, is not obliged to carry out any surface or drainage work on any road other than specified in the Road Management Plan.

2.2 Purpose of the Plan

The purpose of the Plan is to establish a management system for Council for the discharge of its duty to inspect, maintain and repair its public roads based on policy and operational objectives as well as available resources.

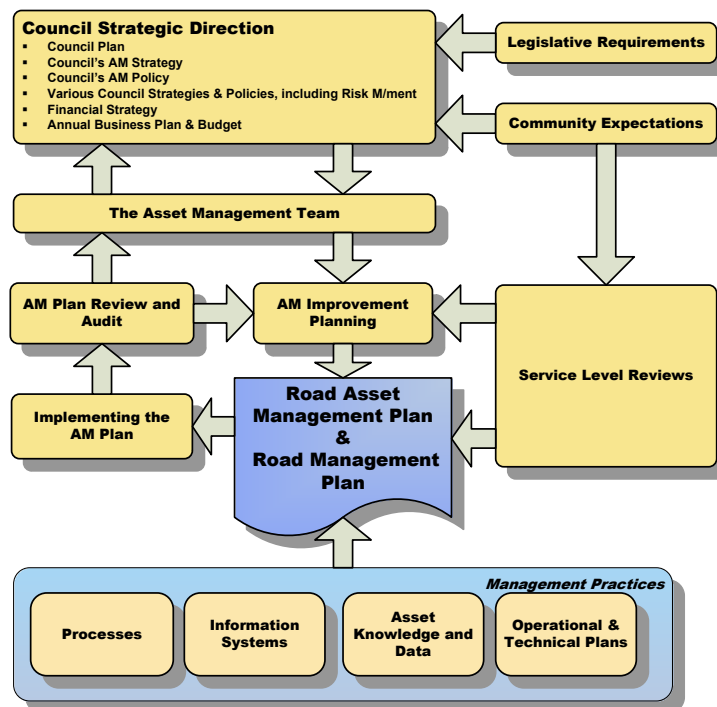
It also sets the relevant standard in relation to discharge of duties in the performance of those road management functions.

2.3 Strategic Planning Process

The Road Management Plan has been developed to accord with other Council plans and strategies and is a component of Council's overall strategic planning process as shown in the following diagram.

Warrnambool City Council

Municipal Road Management Plan [Draft]



3. Public Roads, User Rights and Responsibilities

3.1 Public Roads

“Public roads” are freeways, arterial roads and other roads that Council has decided are reasonably required for general public use. Note that not all roads or pathways are “public roads” under the Act and are thus exempt from the standards prescribed in the Plan.

The Road Management Act imposes specific duties on Council with respect to the inspection, repair and maintenance of its public roads.

3.2 Definitions

“**Act**” is the Road Management Act 2004.

“**Ancillary Area**” is any area designated by Council used by motor vehicles connecting to a roadway. E.g. car park, rest stop or scenic lookout.

“**Appropriate Warning**” means to adequately alert the user to a hazard, or to temporarily mitigate a hazard.

“**Arterial Roads**” are Freeways, Highways & Declared Main Roads, which are managed by the State Government through VicRoads.

“**Bridge and Major Culverts**” means a structure having a clear span greater than 1.80 metres or a pipe culvert having a waterway area greater than 3 sq m.

“**The Council**” refers to the Warrnambool City Council.

“Intervention Level” is the extent of a road or pathway defect above which poses an unacceptable risk to users.

“Level of Service” is the defined service quality for the road or pathway against which performance may be measured. Generally this related to quality, quantity, reliability, responsiveness and cost.

“Pathway” refers to both formed areas located within the road reserve which are used by pedestrians and shared paths which may or may not be within the road reserve and are designed for use by both pedestrians and cyclists. These areas may be formed by concrete, pavers, asphalt, stone or a similar material.

“Municipal Roads” are roads for which the municipal council is the responsible Road Authority. The Road Management Act imposes specific duties on a Council with respect to the inspection, repair and maintenance of its Municipal public roads, which are those that are reasonably required for general public use.

“Non-Road Infrastructure” means infrastructure in, on, under or over a road which is not road infrastructure and includes gas pipes, water and sewerage pipes, cables, electricity poles and street lights, rail crossings, bus shelters, vegetation and the like.

“Other Roads” include roads in State forests & reserves, and roads on private property. The municipal council is not responsible for the care and maintenance of these roads.

“Register of Public Roads” refers to the register specifying the public roads in respect of which Council is Co-ordinating Road Authority under the Road Management Act (2004).

“Response Time” is the timeframe afforded to Council to respond to a hazard or defect measured from when a hazard or defect is identified by or notified to Council.

“Respond” means to mitigate a defect by returning the asset to, or as close as reasonably possible, its original standard.

“Road” by definition in the Local Government Act 1989 includes a street; right of way; cul de sac; by-pass; bridge or ford; footpath, bicycle path or nature strip; any culvert or kerbing or other land or works forming part of the road.

“Road Infrastructure” means that infrastructure which forms part of a roadway, pathway or shoulder including-

- (i) Structures forming part of the roadway, pathway or shoulder;
- (ii) Materials from which a roadway, pathway or shoulder is made.

and includes bridges, culverts and fords plus materials such as asphalt, bitumen, gravel, line marking, guideposts, signs, traffic lights etc.

“Traffic Lane” is the part of the roadway which is designated for use by a single line of vehicles.

“Working Day” means any day of the week excluding Saturdays, Sundays and public holidays (within the meaning of the Public Holidays Act 1993) applying in the municipal district.

3.3 Key Stakeholders

The key stakeholder groups of the community who are both users of the road network and/or are affected by it include:

- ☞ The community in general (for recreation, sport, leisure & business);
- ☞ Residents & businesses adjoining the road network;
- ☞ Pedestrians (including the very young, those with disabilities, and the elderly with somewhat limited mobility);
- ☞ Users of a range of miscellaneous smaller, lightweight vehicles such as pedal cyclists, motorised buggies, wheel chairs, prams, etc;
- ☞ Vehicle users using motorised vehicles such as trucks, buses, commercial vehicles, cars and motor cyclists;
- ☞ Tourists & visitors to the area;
- ☞ Emergency agencies (Police, Fire, Ambulance, VICSES);
- ☞ Military (special use in times of conflict & emergency);
- ☞ Traffic & Transportation managers;
- ☞ Managers of the asset that is the road network;
- ☞ Construction & maintenance personnel who build and maintain asset components;
- ☞ Contractors & suppliers for the road network;
- ☞ Land Developers;
- ☞ Utility agencies that utilise the road reserve for their infrastructure (Water, sewerage, gas, electricity, telecommunications);
- ☞ Council as custodian of the asset;
- ☞ State & Federal Government that periodically provide support funding to assist with management of the network.

3.4 Obligations of road users

3.4.1 Duty of the Road User

The Road Safety Act (1986) – Section 17A stipulates the obligations of road users as follows:

- (1) A person who drives a motor vehicle on a highway must drive in a safe manner having regard to all the relevant factors, including (without limiting the generality) the —
 - physical characteristics of the road;
 - prevailing weather conditions;
 - level of visibility;
 - condition of the motor vehicle;
 - relevant road laws and advisory signs;
 - physical and mental condition of the driver.
- (2) A road user other than a person driving a motor vehicle must use a highway in a safe manner having regard to all the relevant factors.
- (3) A road user must—
 - have regard to the rights of other road users and take reasonable care to avoid any conduct that may endanger the safety or welfare of other road users;
 - have regard to the rights of the community and infrastructure managers in relation to road infrastructure and non-road infrastructure on the road reserve and take reasonable care to avoid any conduct that may damage road infrastructure and non-road infrastructure on the road reserve;

- have regard to the rights of the community in relation to the road reserve and take reasonable care to avoid conduct that may harm the environment of the road reserve.

3.4.2 Incident Claims

If a person proposes to commence a proceeding in a court based on a claim in relation to an incident arising out of the condition of a public road or infrastructure, the person must give written notice of the incident to the responsible road authority within the prescribed period of the incident occurring [clause 115(1) of the Road Management Act].

3.4.3 Council Local Laws

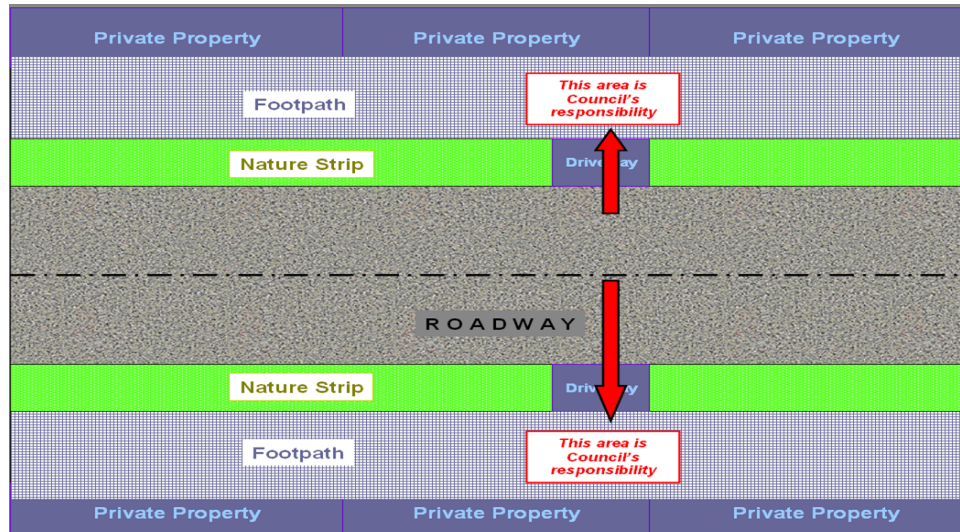
Council has local laws that require permits to be sought from Council where a member of the public or organisation proposes to undertake activities within the road reserve that may in any way impede access by the public or interfere with road infrastructure

3.4.4 Obligation to Maintain

In relation to provision of access to the road reserve from adjoining properties, there are several assets within the road reserve that council does not have an obligation to maintain. These include:

- (1) **Vehicle crossings** (driveways) where the portion of a vehicle crossing located between the carriageway and the pathway is the responsibility of the adjoining property owner to maintain. If there is no pathway present, the crossing runs from the carriageway to the property boundary and is the responsibility of the adjoining property owner to maintain.
- (2) **Private roads** which are constructed as part of a subdivision are not the responsibility of Council to maintain until statement of compliance has been achieved and the subsequent titles are issued. At which point the roads vest in Council as public roads. In addition, Council has no obligations regarding roads which are not available for access by the public and are thus privately owned and managed.
- (3) **Single property stormwater drains** that are constructed within the reserve from the property boundary to a discharge outlet in the kerb or into the drain. They are there to benefit the property and as such are the responsibility of the owner of the property being served to maintain.
- (4) **Non-road infrastructure** which is owned by utilities and public transport authorities are the responsibility of the relevant owner to maintain. Council has no obligations in regards to these assets pursuant to clause 6 of schedule 7 of the Road Management Act 2004.

Responsibility of Crossover and Footpath



3.4.5 Nature Strips and Infill Areas

The residual areas between the edge of the road or back of the kerb and the property boundary (which are not occupied by a pathway or private road crossing) are the responsibility of the property owner to maintain. Street trees within this area, however, are controlled and maintained by Council.

3.5 Delegations

The Chief Executive Officer through an "Instrument of Sub-Delegation" has delegated the various functions under the Road Management Act to the respective officers of Council detailed in the Instrument of Sub-Delegation.

3.6 Exceptional Circumstances

Council will make every endeavour to meet all aspects of its Road Management Plan, (RMP).

However, in the event of natural disasters and other events including, but not limited to, fires, floods, droughts and the like, together with human factors, such as a lack of Council staff or suitably qualified Contractors, because of Section 83 of the Victorian Wrongs Act, 1958, as amended, Council reserves the right to suspend compliance with its Road Management Plan.

In the event that the Chief Executive Officer (CEO) of Council, has to, pursuant to Section 83 of the above Act, consider the limited financial resources of Council and its other conflicting priorities, meaning Council's Plan cannot be met, they will write to Council's Officer in charge of its Road Management Plan and inform them that some, or all, of the timeframes and response times are to be suspended.

Once the events beyond the control of Council have abated, or if the events have partly abated, Council's CEO will write to Council's Officer responsible for Council's Plan and inform them which parts of Council's Plan are to be reactivated, stating the time this is to occur and other relevant particulars.

4. **Municipal Asset Management**

4.1 **Asset Hierarchies – Road Network**

All roads and pathways within the municipal road network are classified according to a hierarchy that takes into account their specific function, types of users and user numbers.

The hierarchy classification is used to assist in prioritising works programs and also intervention responses to remedy defects.

The Council has developed two separate hierarchies for its transport network to recognise the variances in usage within them. These are:

- Road network
- Pathway network

Road Hierarchy

Category	Function
Link	Carry the heaviest volumes of traffic including commercial vehicles and provide the principal routes for traffic flows in and around the municipality.
Collector	Carry significant volumes of traffic and provide access by connecting residential areas to the link roads. They also provide links between the various arterial roads.
Access	Carrying moderate volumes of traffic and primarily serve as property access roads for the local community.
Lane	Roads carrying local traffic, typically providing secondary access to properties with more than one road frontage.

Note: Bridges, culverts, traffic facilities and kerb & channel have their hierarchies based on the road hierarchy with vehicular traffic. For the pathway hierarchy pedestrian traffic is the basis of usage volume.

Pathway Hierarchy:

Category	Function
Category 1	CBD, and those pathways within the vicinity of schools, hospitals and aged care facilities.
Category 2	Selected medium use pathways in prominent areas other than described above
Category 3	Pathways in residential, commercial & industrial areas other than as described above.

4.2 **Maintenance Management System**

The Maintenance Management System for the municipal road network infrastructure within the Warrnambool City Council is a combination of standards, codes, guidelines and data management systems.

Key components are outlined as follows:

4.2.1 Functional Levels of Service

The functional levels of service outline the maintenance standards which the Council shall provide for the road and pathway network, including defect intervention standards, defect response times and inspection timeframes. The levels of service are provided in Attachments 2 and 3.

4.2.2 Asset Maintenance – Levels of Service

The following matters are taken into account when developing maintenance standards:

- (a) **Road condition surveys** – periodic surveys to monitor road pavement, road surfacing, structure, and roadside condition at specified intervals depending on the asset, its condition at the previous survey, the volume and nature of road usage (hierarchy classification), and any risk to safety. Condition surveys are not intended to identify individual hazards/defects, rather their primary purpose is to establish the long-term asset life expectancy and suitability for traffic use, and inform future upgrade/re-construction priorities.
- (b) **Routine maintenance inspections** – regular inspections, as part of the day-to-day maintenance of the road network, to monitor asset condition against defect intervention levels (ie that point which takes the defect beyond the 'tolerable' level) and asset safety. Inspection intervals have been determined having regard to the particular road asset element, the type, volume and nature of road usage, and the resources available.
- (c) **Routine maintenance standards** – routine maintenance and repair functions and standards that are based on agreed asset performance targets and defect intervention levels and response actions (based on risk assessment) for a particular asset element (eg. road, pathway, bridge) and road type. Standards vary across the road network in line with relevant risk factors such as traffic volumes, composition of traffic, operating speed, the susceptibility of assets to deterioration, the cost effectiveness of repairs, and competing priorities for funding.
- (d) **Repair and maintenance works** – routine maintenance and repair works are undertaken within a specified reasonable period of time having regard to intervention action priorities, and to specified standards.

Response times have been determined by appropriate Council Staff from local knowledge and experience based upon past performance. Attachment 2 details defect intervention levels and response times.

- (e) **Temporary measures** – temporary works to be undertaken to reduce the risk of an incident until such time as maintenance or repair works can be completed.
- (f) **Emergency works** – works required to be undertaken immediately outside routine works programs to ensure the safety of road users and the public as a result of emergency incidents. Emergency works include traffic incident management, responses to fires, floods, storms and spillages, and assistance under the Victorian State Emergency Response Plan & Municipal Emergency Management Plan.

The outcome of the assessment of the various maintenance factors results in the preparation of the annual program for road maintenance, setting out the level of activities and resources to be considered with the Annual Budget.

By developing long term maintenance programs, Council is better able to strategically plan its finances.

4.2.3 Asset Inspection Process

To enable competent management of the road network, Council conducts regular inspections which cover incident response, defect identification and condition assessment. Attachment 3 lists the inspection details and frequencies.

Defect Inspections

Reactive Inspections – A customer request made by a member of the public or internal council staff member, including reference to response and timeframe being dependant on the nature of the defect and its location relative to the asset hierarchy classification.

Routine Defect Inspections – determine if the road asset complies with the levels of service in terms of having defects above intervention levels. Programmed defect inspections are undertaken by way of a formal timetable regime by suitably trained officers.

Incident Inspections – conducted following an incident or other report that indicates a defect outside the tolerable level or otherwise likely to create danger to the community. As a result an incident condition report may be prepared for use in legal proceedings and the gathering of information for the analysis of the causes of accidents and the planning and implementation of road management and safety measures;

Condition Inspections - identify deficiencies in the structural integrity of road and pathway infrastructure which if left untreated are likely to adversely affect network condition.

4.3 Asset Management Principles and Financial Sustainability

Council may intervene with its road and pathway network for a multitude of reasons. To achieve a financially sustainable management solution for Council's assets, preventative maintenance or renewal programs may be utilised.

4.4 Community Expectations & Consultation

4.4.1 Future Consultation

Wherever practicable, input will be sought on appropriate aspects of the Plan by way of community consultation. However consultation will be governed by the ability to accommodate changes for reasons that include existing physical constraints as well as the affordability of resources to effect possible changes. By seeking community input into its service delivery, it is vital that Council does not create a false sense of expectation by the community that suggested changes will be implemented that simply cannot be achieved for reasons such as the affordability factor.

5. Council Support Systems

5.1 Customer Service Systems & Procedures

5.1.1 Customer Request System

Customer requests and complaints are managed and tracked by way of Council's *Open Office – Customer Service Manager* computerised system. It enables Council staff to be able to input their own requests, be aware of requests pending and search completed requests.

5.1.2 Maintenance Responsiveness & Performance Targets

The Customer Request System records when a request is made, what the request is concerning and the date the request is actioned.

It should be noted that 'actioning' a request doesn't necessarily mean that the request has been fulfilled but simply that appropriate action has taken place.

Appropriate action may well mean that an asset defect, such as a damaged pathway has been inspected and:

- repairs are straight-forward and have been implemented as soon as a work crew is available - the appropriate action in this case is when the repair work has been completed; or
- repairs are significant and need to be undertaken on a special works program along with a number of similar works and the site has had temporary measures implemented until such time as repairs are undertaken - the appropriate action is when the repair work has been listed on the future works program not when it has been completed; or
- the defect was found not to warrant any remedial action at that stage as it was below specified intervention levels - the appropriate action in this case is to record the inspection and take no action.

Whatever the response, it is noted against the original request.

The Customer Request System enables the response times to be monitored to assess performance. This covers response times both for inspections and the interval until appropriate action is undertaken.

5.2 Asset Information System

Warrnambool City Council utilises the Conquest Asset Management System to manage its roads and pathways data. This database stores the relevant asset information including the Register of Public Roads and other information which is important in managing Council's road and pathway assets. Data recorded for an asset may include location by name, asset valuation, asset condition, defect histories, dimensions and more.

6. Financial Management

6.1 Budget Provisions

The commitments and obligations specified within this Plan are matched to the financial resources available to deliver those commitments as set out in the Council Plan and Council Budget. To efficiently achieve and sustain the standards of service described within the Plan, Council is required to commit annual funding which is adequate in delivering appropriate and responsive maintenance, renewal and replacement programs for road and pathway infrastructure.

6.2 Budget Process

The budget process is conducted in a manner that ensures matters requiring consideration are taken into account prior to final adoption by Council. Community input is sought during the preparation of the Council Plan and annual budget. Submissions are invited via public notice advertisements. Any submissions by the community are considered prior to Council adopting its annual budget. This process ensures the community has every opportunity to participate in the budgetary process.

7. Register of Public Roads

7.1 Council's Road Infrastructure

The Municipal Register of Public Roads is stored on Council's Road Asset Information System, the Conquest Asset Management System.

A hard-copy is available for inspection at the Warrnambool City Council's Customer Service Centre. The hard copy will be updated at least annually and update sheets will be inserted at other times when significant changes are made. (eg new subdivisions added)

7.2 Maintenance Demarcation Agreements

Where there are maintenance demarcation agreements defining limits of responsibility on municipal roads between Warrnambool City Council and VicRoads, Moyne Shire, Department of Sustainability & Environment or any other public body or private organisation, the schedule of roads affected by these agreements are listed in the Register of Public Roads.

Issues relating to VicRoads will be outlined in the Instrument of Delegation between VicRoads and Council. Typical demarcation issues where council is often thought to have sole responsibility are listed in the following table:

Issue	Agreement with	Responsibilities
Boundary Roads	Moyne Shire Council	Detailed in the Register of Public Roads.
Street Lighting	Electricity Supply Authority	Asset owned by the Authority; Council pays annual charge.
Rail Crossings	VicTrack	As set out in the Safety Interface Agreement

7.3 Non- Road Infrastructure

Non-road infrastructure within the road reserve (eg rail crossings, telecommunications structures, water & sewerage, street lighting, etc) are to be maintained by the body responsible for that infrastructure (refer to attachments 1 & 2).

8. Reviewing the Road Management Plan

The Road Management Plan is intended to be a dynamic document, and as such, there is a need for regular review, refinement and improvement. This will ensure that the Plan is in accord with responsible asset management, changing technology, and in particular, Council and community requirements and expectations.

It is proposed to undertake a review of this Plan at least every 4 years, or more frequently if circumstances require it. Any revised plan will be subject to the consultation and approval processes as detailed in Part 3 of the Road Management (General) Regulations 2016.

9. Attachments

- 1- Summary of Non-Road Infrastructure in the Road Reserve
- 2- Typical Defect Intervention Levels
- 3- Road Asset Inspection Frequencies

Attachment 1 – Summary of Non-Road Infrastructure in the Road Reserve

Asset Type	Infrastructure Manager
Street Lights	Powercor
Traffic Signal Installations – VicRoads assets	VicRoads
Telecommunications infrastructure Assets	Telstra, NBN and Optus
Water & Sewerage infrastructure assets	Wannon Water
Electricity infrastructure assets	Powercor
Gas infrastructure assets	Tenix
Rail Crossings	VicTrack
Bus Stops/Shelters (Public Transport)	Department of Transport

Attachment 2 – Intervention Levels and Response Times

Defects from Routine Defect Inspections

Road Network

Defect Description	Response Times by Hierarchy (working days)			
	Link	Collector	Access	Lane
Obstruction in the traffic lane, shoulder or designated bike path of a sealed road, or the traffic lane of an unsealed road - Materials fallen from vehicles, dead animals, wet clay and other slippery substances, hazardous materials, an accumulation of dirt or granular materials in a sealed road, ponding of water >300mm deep, fallen trees, oil spills, stray livestock.	2	2	2	2
Edge of seal drop off which is >100mm and is over 10m in length	10	15	20	30
Reduction in original sealed width ≥250mm	10	15	20	30
Pothole in the traffic lane, shoulder or designated bike path of a sealed road depth >100mm and diameter >300mm	10	15	20	30
Pothole in the traffic lane of unsealed road depth >150mm and diameter >500mm	10	15	20	30
Pothole in the bike lane in designated marked on road bike path of a sealed road depth >100mm and diameter >300mm	5	5	10	20
Deformation >100mm under a 3m straight edge in the traffic lane, shoulder or designated bike path of sealed road.	20	40	60	90
Deformation >150mm under a 3m straight edge in the traffic lane of unsealed road.	20	40	60	90
Missing or substantially damaged drainage pit lids, surrounds, grates, in pedestrian areas or traffic lanes.	5	5	5	5
Trees, shrubs or grasses that restrict design sight distance to intersections or to safety signs.	60	60	60	60
Vegetation intruding within an envelope over roadways with a speed limit >70kmph from the back of shoulder and or kerb and a minimum of 4.3m height clearance for traffic lane and trafficable portion of shoulder.	20	40	60	..**
Regulatory Sign missing, illegible or damaged.	10	15	20	40
Guidepost missing or damaged at a critical location*.	10	15	20	40
Safety Barrier missing or damaged at a critical location*.	10	15	20	40
Pavement marking missing, illegible or confusing at a critical location*.	20	20	20	40
Traffic signal failure or malfunction	36 Hours	36 Hours	36 Hours	36 Hours
Bridges or major culverts including traffic lanes, shoulders and footpaths, with defective with a step >30mm and hole or gap >40mm in length and width. Pooling of water in bridges and culverts greater than 100mm	30	30	30	30

Pathway Network (Discuss timeframe does not reflect risk based approach 1.11)

Defect Description	Response Times by Hierarchy (working days)		
	1	2	3
Defective with a step >30mm (discuss about hierarchy approach)	30	30	30
Hole or gap >40mm in length and width (discuss about hierarchy approach)	30	60	90
Vegetation which presents a physical hazard to the public over pathways, intruding into a minimum of 2.1m height clearance above path	60	60	60

*A critical location is a location where the road alignment and/or pavement width and/or geometry are identified by additional markings or furniture to guide the travelling public.

** “-” means that this asset condition is not considered a hazard within this hierarchy classification, or that the defect is not applicable to this classification.

Emergency callout - when any call is received which reports an immediate and significant threat to the health and safety of the public, the relevant service team will inspect and assess the issue within 6 hours.

If for any reason it is not feasible to rectify a hazard within the response times detailed in this attachment, appropriate warning of the hazard is to be provided until a suitable repair or treatment may be completed.

Appropriate Warning may include, though is not limited to the following

- Provision of warning signs,
- Traffic control action,
- Diverting traffic around the site,
- Installation of a temporary speed limit,
- Lane closure,
- Restrict use (eg. load limit), or
- Full closure.

Vegetation intrusion from a private property

Where a vegetation intrusion or hazard is resulting from a private property, Council shall send a request for contact to the property owner within 5 working days of the inspection. The request for contact shall allow the property owner 10 working days to reach contact with the Council. Following contact, Council shall provide the property owner 20 working days to respond to the vegetation intrusion. If the intrusion has not been responded to within this timeframe, or the property owner does not contact Council within the prescribed period of time, Council shall respond to the intrusion within 60 working days of the initial inspection at the coast of the property owner.

Non-Road Infrastructure

Council does not owe a duty of care to perform any maintenance works on non-road infrastructure which is owned and managed by a third party (pursuant to clause 6 of schedule 7 of the Act). Furthermore, Council may not be held liable in any civil proceedings arising from a third party failing to discharge its duty of care in relation to its asset (section 104 of the Act).

Council does, however, have a duty of care to cooperate in good faith with other infrastructure managers in coordinating the management and maintenance of infrastructure and related works on a road (clause 4 of schedule 7 of the Act). In the discharge of this duty, Council shall follow the process described in the table below when third party asset defects are identified by Council.

Third-party asset defects in pathways

Risk Rating	Defect Description	Council Response
High Risk	Missing pit lid	<ul style="list-style-type: none"> Notify asset owner before the end of the following working day (5.00 PM) from the time the defect is identified by Council staff. Implementing temporary measures to mitigate the risk within 5 working days of the defect being identified by Council staff. If the defect has not been permanently rectified within 20 working days, notify the asset owner a second time. The defect is closed provided Council has a recorded response from the asset owner regarding the defect.
	Pit displaced, damaged or settled to create a trip hazard > 50mm	
	Pit lid which is severely cracked, brittle or otherwise damaged to create a high risk of collapse.	
Moderate Risk	Pit displaced, damaged or settled to create a trip hazard > 30mm.	<ul style="list-style-type: none"> Notify asset owner before the end of the following working day (5.00 PM) from the time the defect is identified by Council staff. If the defect has not been permanently rectified within 20 working days, notify the asset owner a second time. The defect is closed provided Council has a recorded response from the asset owner regarding the defect.
	Pit lid displaced or cracked creating a hole or gap > 40mm in width and length	

Note: During the process of notification, Council shall record the relevant reference numbers, case notes, defect details and inspection details

Attachment 3 - Road Asset Inspection Frequencies

Asset Group	Hierarchy Category	Inspection Type, Inspections Per Calendar Year	
		Defect Inspection	Night Defect Inspection
Sealed Roads & Off Street Car Parks	Link	One	One
	Collector	One	One
	Access	One	As required
	Lane	As required	As required
Unsealed Roads	Link	N/A	N/A
	Collector	Two	One
	Access	Two	As required
	Lane	As required	N/A
Pathways	Category 1	Two	N/A
	Category 2	One	N/A
	Category 3	One per three calendar years	N/A
Bridges and Major Culverts		One	N/A

As required: When applied to Inspection frequency, 'As Required' indicates that an inspection will only be undertaken upon a request being submitted and an assessment made as to whether an inspection is warranted on the grounds of a risk to public safety.

N/A: This denotes that the issue is not applicable as that asset component does not exist in that category or an inspection is not warranted.

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.

MOVED: CR BEN BLAIN

SECONDED: CR DEBBIE ARNOTT

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:-

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

CARRIED - 7:0

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:-

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

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, 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

7.7. ADVISORY COMMITTEE/REFERENCE GROUP REPORTS

PURPOSE

This report contains the record of one Reference Group meeting.

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]

MOVED: CR RICHARD ZIEGELER
SECONDED: CR ANGIE PASPALIARIS

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

CARRIED – 7:0



Department of Transport

GPO Box 2392
Melbourne, VIC 3001 Australia
Telephone: +61 3 9651 9999
www.transport.vic.gov.au
DX 210074

Ref: CMIN-1-21-7671R

Mr David Leahy
Director City Infrastructure
Warrnambool City Council
DLeahy@warrnambool.vic.gov.au

Dear Mr Leahy

GILLES STREET LEVEL CROSSING

Thank you for your email to The Hon Ben Carroll MP, Minister for Public Transport, of 9 April 2021 about reopening the Gilles Street level crossing in Warrnambool. The Minister has asked me to respond on his behalf.

I acknowledge Warrnambool City Council's ongoing interest in reopening the Gilles Street level crossing. I also note Council's previous correspondence with V/Line representatives.

Safety is the utmost priority for the Victorian Government, the Department of Transport (DoT) and its operators. While the Gilles Street level crossing was closed and restricted to V/Line use due to safety concerns, DoT has since made a further assessment and determined a safe, interim solution.

The proposed interim solution would provide a temporary, passive crossing for pedestrians until a longer-term crossing is delivered as part of the Warrnambool Line Upgrade Stage 2.

This arrangement is subject to funding as well as Council entering into an interface agreement with V/Line, to ensure safety and accessibility requirements are met. I can assure you that DoT and V/Line look forward to progressing this work with Council.

I trust this information is of use. Thank you again for raising this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ian Cushion'.

Ian Cushion
Chief, Train Services

Date: 04/05/2021

Warrnambool City Council Cycling Reference Group: MINUTES

Wednesday 21 APRIL 2021

5.00-6.30 Reception Room (entrance via the external door)

AGENDA ITEM	DISCUSSION	ACTION ARISING
	<p>Apologies: Micheal Dean, Paul Cugley(WCC), Brendan McDonald (WCC), Luke Coughlan (WCC)</p> <p>Minutes passed onto: Alison Kemp (WCC), Lauren Edney (WCC)</p>	<p>Present: Helen Ryan, Ellen Troitzsh, Richard Adams, Jason Dart, Carla Mills Brendan Donhoo, Geraldine Rabie, Ian Bodycoat, Nicole Wood(WCC), Angie Paspaliaris (Councillor)</p>
Progress on Works Plan	<p><u>Work Plan</u></p> <p><u>Activity 1. Raise Awareness.</u> Reviewed current literature which has been developed by Council- update it. New graphics, less words, provide short messages.</p> <p><u>Activity 4. Identify Opportunities to promote cycling in Warrnambool</u> Documented current cycling events which occur in Warrnambool and new ideas for cycling events.</p> <p><u>Activity 5. Strategic Planning</u> LTS and PBN- held over-ran out of time.</p>	<p><u>Activity 1.</u> Take information from the Current Messaging Review and work with Graphic Artist to update material- group to review via Google Docs. NW</p> <p><u>Activity 4.</u> Events and new ideas passed onto Lauren from the Events Team for discussion next meeting. NW</p> <p>Vision to be reviewed by Group via Google Docs. NW</p>
Feedback on Council Projects	<p>Merrivale Drive- travel calming project, residents have identified speed as an issue.</p> <p>Pertobe/Merri Roundabout upgrade- Blackspot funding due to crashes at the location</p> <p>Edwards Bridge Upgrade- walkway both sides of bridge</p> <p>Draft Projects for next Budget (2021/22)/Travel in the City Centre- held over.</p>	<p>Merrivale Drive- Apply to VicRoads to Drop to 50km from 60km. PC</p> <p>Edwards Bridge Upgrade- Process, Design ect- will this be able to be replicated in other areas? Ie. Dennington/Allansford. PC</p>
Upcoming Events	<p>Melbourne to Warrnambool Cycling Classic- SATURDAY- May 1</p> <p>Have tried to incorporate a community event but there needs to be a way to get more people to participate.</p> <p>“Shine the Light” Moyne Warrnambool Road Share/VicPol/RTSS FRIDAY- May 21</p> <p>From the Victorian LAW is Bicycles:</p> <ul style="list-style-type: none"> • Must have bell • Must have at least one effective brake and working bell • Lights and reflectors at night or in reduced visibility. Lights must be visible from at least 200m away. This includes: <ul style="list-style-type: none"> ○ A flashing or steady white light at the front ○ A flashing or steady red light at the back ○ A red reflector clearly visible at the back of the bike from 50m 	<p>Shine a Light- Messages. NW</p> <p>Motorists- See and be Seen- encourage people to have their lights on when driving on ALL the roads.</p> <p>Bicycles- flashing light in town, bright clothing, tail light on 24/7</p> <p>#lightupthetown- prizes for a lights (Social Media)</p> <p>Investigate how to advocate for bicycles to have lights/bells. NW</p>

AGENDA ITEM	DISCUSSION	ACTION ARISING
Progress on Issues Challenges	<p>Access: Gillies St- letter to Minister of Transport. David Leahy (Director Infrastructure) has also emailed to follow up the letter from WCC CEO Viki King.</p> <p>Access/Safety: Dennington Bridge on Princes Hwy. Would a specific ped/cycling bridge be worth considering the upgrade cost.</p>	<p>Gillies St- Awaiting reply</p> <p>Dennington Bridge- investigation into status of bridge with VicRoads. PC</p> <p>If you meet at the Rotunda (Esplanade) there is No Right hand turn. (can you walk across double lines to get to the left hand side of the road to head to Port Fairy?) get feedback from Police. NW.</p>
Progress on Grants	VicRoads- Community Road Safety Grants (Safe to School/Cycling Intervention/Safer Drivers- vulnerable road user training)	Applied for April 2021. Keep the group update as to status. NW
Upcoming Grants	<p>TAC Community Road Safety Grants- for cycling education/messaging</p> <p>Rusty Riders checklist- expanded to wider community (Bike Ed 2 training)</p> <p>People come along to community bike= getting women riding event- Gold Coast free bike maintenance and community ride. Beginners ride. Intermediate ride. (leading ride is coaching them)</p> <p>Upgrade Safe Riding Tips Brochure</p>	Take the ideas discussed and create a template to collect feedback/ideas from group. Apply for funding May 2021. NW
Strategic Planning	STS, LTS and PBN update- held over	
New Business: Investigate how to review the speed limits in the city? NW		
1. Next Meeting = June 23rd 5.00.		



Bicycle Reference Group



2021

www.warrnambool.vic.gov.au

Works Plan- 30 min



Vision

Working Groups

1. Cycling Directory = utilising funding from Moyne Warrnambool RoadShare to update cycling documents.
 - *review current documents
 - *align with Two Way Street
 - *additional information from your networks?
2. Cycling Events= discussion with Events team on how to scope this
3. LTS and Principle Bicycle Network

Feedback on Council Projects

Merrivale Drive- externally funded project

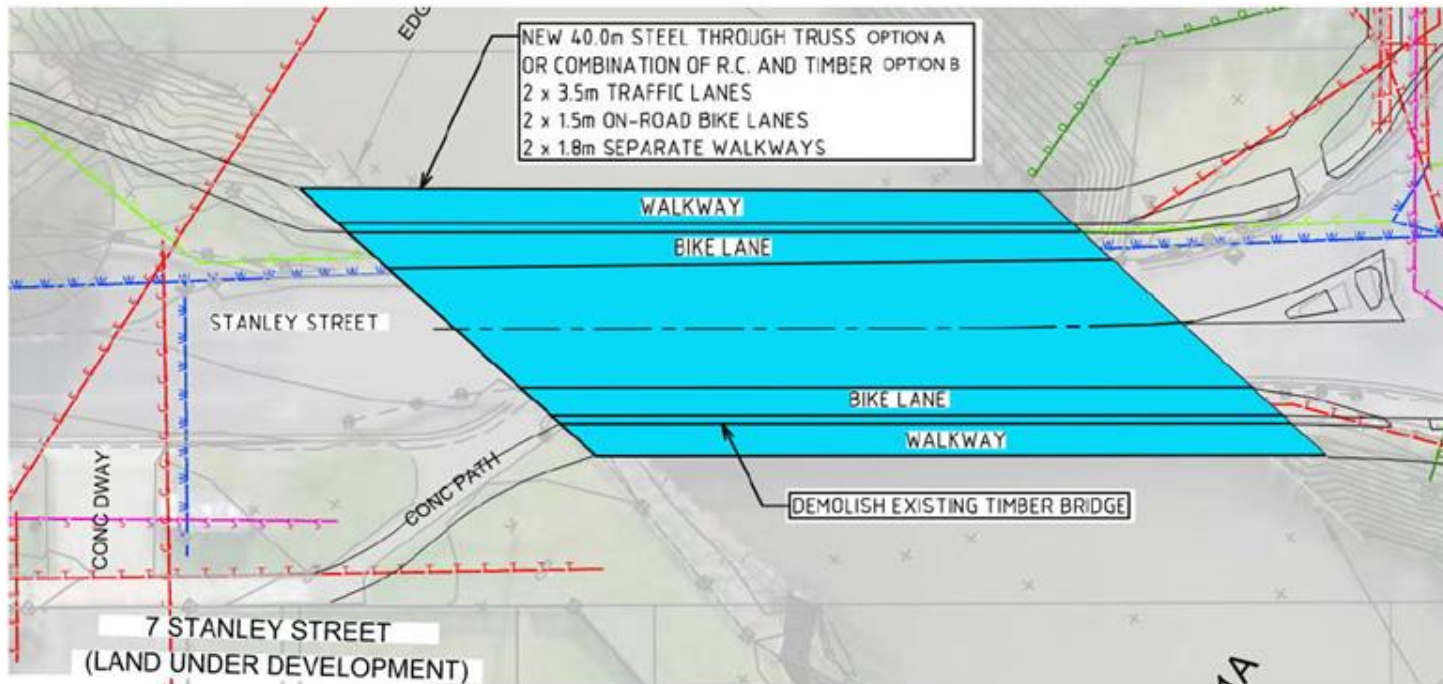


Worked with the Community to identify Cost Effective- on road infrastructure which would improve safety. DOT Safe Travel in Local Streets funded it. Should be completed by May 2021



2021

Edwards Bridge- partially externally funded project



Community has assisted in choosing design.

Feedback on Council Projects



Projects Commencing:

Pertobe Road/Merri St Roundabout- Blackspot funded. Strict criteria about what you implement- aims to slow traffic by extending kerb and widening the centre. Creating a more comfortable experience for people walking and cycling with children by widening the footpaths.



2021

Feedback on Council Projects



Projects Budget Bids- from the Principle Pedestrian Network- filling these gaps will enable more people to walk to activity points. These are the designs and the preliminary cost estimates.



Clinton Baulch Service Road (motel to Selby Road)
Preliminary Cost Estimate: \$420,000

Feedback on Council Projects

Projects Budget Bids



Foster St- Nicholson St to Holbrook West Side
Preliminary Cost Estimate: \$93,000

2021

Feedback on Council Projects



Projects Budget Bids



2021

Mortlake Road- in front of BP
Preliminary Cost Estimate: \$70,000

Projects Budget Bids



Hider St- Panorama Ave to Raglan Pde (West Side)
Preliminary Cost Estimate: \$31,000

2021

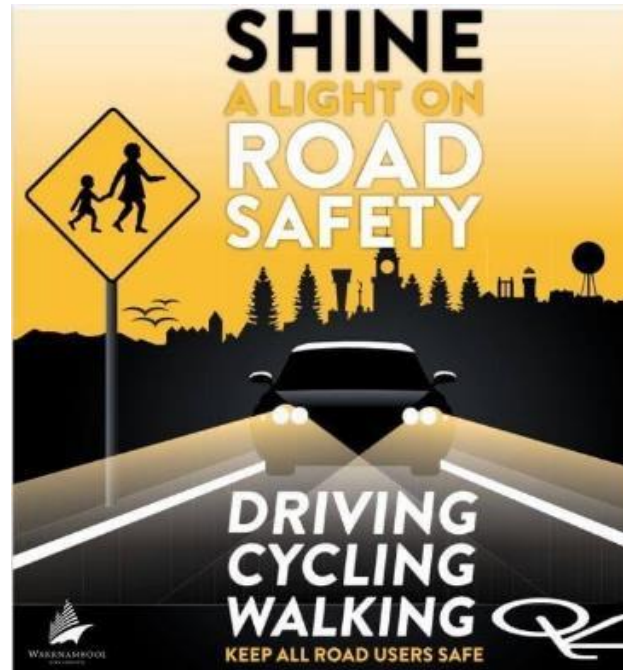


HEADLIGHTS

Friday 21 May 2021

Turn your headlights on

May 2021 and we will be shining a light on road safety during the week. This week is a reminder of the importance of safety for all our road users - because everyone has the right to get home safe. #shinealightonroadsafety3280



2021

Events



Melbourne to Warrnambool Cycling Classic May 1 2021

<https://www.melbournetowarrnambool.com.au/>



2021

Progress on Issues and Challenges- Gillies Street Crossing



Emailed to Minister Ben Carroll. (new Minister for Transport).

There had been some correspondence with the Minister Melissa Horne over 2 years (who is no longer in the role). However Council has not had not received any correspondence about Gillies St since May 2020.

Awaiting a reply.

7 April 2021

The Hon. Ben Carroll
Minister for Public Transport
Level 20, 1 Spring Street
MELBOURNE VIC 3000



Dear Minister

RE: GILLES STREET PEDESTRIAN CROSSING - GEELONG TO WARRNAMBOOL RAILWAY CORRIDOR

I refer to recent discussion regarding the Gilles Street Pedestrian Crossing on the Geelong to Warrnambool Railway corridor, between Council and the Hon. Melissa Horne office in 2019 and 2020.

Council wishes to reiterate its previous advice that the crossing provides a vital walking and cycling link between the CBD, Lake Pertobe precinct, South Warrnambool/Mentvale neighbourhoods and the Port Fairy to Warrnambool Rail Trail.

As Council was advised that the closure would be temporary the location has been identified in Councils Principle Pedestrian Network and Wayfinding Strategy with signage identifying this route placed along the Warrnambool Promenade.

The following correspondence about the Gilles Street Crossing since August 2019:

August 2019 - Agreement from Council to support the temporary closure of Gilles Street.

September 2019 - Objection from Council to Vlines proposal of permanent closure as it was presented to Council in August 2019 as a temporary closure.

January 2020- signage of the Interface Agreement where in response to Silvia Bradley "I am aware that we have still not resolved the Gilles St Pedestrian Crossing however there is a push from the National Safety Regulator to get the Interface Agreements sign off..... we can add in Gilles St once this crossing is opened." Council signed the agreements with the understanding Vline was committed to the reopening of the Gilles St pedestrian crossing.

May 2020- Letter to Hon. Melissa Horne - reiterating Council's strongest objection to action taken by Vline in this matter.

We have not received any correspondence to the letter dated May 7 2020, and look forward to working with you to resolve this important issue.

Yours sincerely

VIKKI KING
ACTING CHIEF EXECUTIVE OFFICER

Civic Centre 25 Liebig Street
Warrnambool Victoria Australia
PO Box 198 Warrnambool VIC 3200

Telephone (03) 5959 4000
Facsimile (03) 5959 4000

Website: www.warrnambool.vic.gov.au
ABN 44 504 264 321

2021

Progress on Issues and Challenges- Dennington Bridge (Princes Hwy)



No access point from Dennington

Counter intuitive
(cycling into on-coming traffic)

Share the space with
vehicles travelling
70km

1.5m width (approx.)

VicRoads Managed
Road

2021

Progress on Grants



CYCLING INTERVENTION

1. Provide local messaging around cyclist/motorist behaviours
2. Work with the Cycling Reference group (community cycling group) to align "It's a Two Way Street" and develop a message about the different "types of cyclists" in Warrnambool.
3. Co-design material based on the "Live, Drive, Ride like a local"
<https://www.amygillett.org.au/likealocal> project with local cyclists including road safety messages.
4. Partner with Deakin University to work with the international community to assist them to learn about local road rules and cultural norms (when cycling) develop a local Safe Cycling video with subtitles.
4. Evaluate impact via social media, intercept surveys and feedback from the Bicycle Reference Group

Progress on Grants



SAFER DRIVER and PASSENGER <https://www.amygillett.org.au/sharing-roads-safely-pilot>

The Victoria Police are keen to pilot this program and we will use our extensive community network to find participants. The partnership with Amy Gillett Foundation will:

1. Work with local people to modify the Vulnerable Road Users awareness training for local conditions and include drivers not just heavy vehicle drivers.
2. Include an audit of a local cycling route which can be used in training new cyclists in Warrnambool
3. Include training of a local person to be able to be facilitator

The 3 modules in the Vulnerable Road User Awareness Training reach people who:

- may not be considering cyclists when driving
- be unaware of the vulnerability of cyclists
- The course includes includes a cycling activity;
- Recent studies have found a person is more aware of cyclists if they themselves cycle or know someone who does

Up Coming Grants



Must be linked to Road Safety
Must have community support
Must be evidence based
Must be in May 7

*** Up to \$30,000 must be delivered within 12 months.**

2021

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.

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]

MOVED: CR BEN BLAIN

SECONDED: CR DEBBIE ARNOTT

That the record of the Informal Meetings of Council held on 24 June, 12, 19 and 26 July 2021, be received with a correction to the commencement time for the 19 July 2021 meeting.

CARRIED - 7:0

Informal Meeting of Council Record		
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)	
Date of Meeting:	24 June 2021	
Time Meeting Commenced:	4.00pm	
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris (departed 2:40pm returned 3:06pm) Cr. M. Taylor Cr. R. Ziegeler	
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Bree Ryan, General Counsel, Strategy & Procurement	
Other persons present:		
Apologies		
Matters Considered:	<ul style="list-style-type: none">▪ Staffing matter.▪ Confidential legal matters.	
Other Matters Considered		
Councillor Conflicts of interest Disclosures:		
Councillor's Name	Type of Interest	Item
Meeting close time:	5.45pm	
Record Completed by:	Bree Ryan, General Counsel, Strategy & Procurement	

Informal Meeting of Council Record		
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)	
Date of Meeting:	12 July 2021	
Time Meeting Commenced:	3.00pm	
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris arrived 4:45pm Cr. M. Taylor Cr. R. Ziegeler	
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Jodie McNamara, Manager City Strategy & Development David Leahy, Director City Infrastructure Luke Coughlan, Manager Infrastructure Services Vanessa Gerrans, Director, Warrnambool Art Gallery Robert Crack, Manager Economic Development & Tourism Nicole Wood, Travel Smart Officer Aaron Huttig, Manager Facilities and Projects Ashish Sitoul,a Manager Strategic, Community Planning & Policy Rod Sanderson, Acting Manager Leisure and Culture Sally Conheady, Revenue coordinator Val Attrill Revenue, Coordinator	
Other persons present:	Simon McArthur, SMA Tourism – Virtual attendance Maudie Palmer AO, Virtual attendance Adam Pustola, Lyons Architects Terry Maguire, Valuer General's Office Barrie Walder, Valuer General's Office Julian Wilson, Preston Rowe Patterson Tim Gleeson, Preston Rowe Paterson	
Apologies	Nil.	
Matters Considered:	<ul style="list-style-type: none">• Warrnambool Art Gallery Strategic Plan 2021-2024• Valuations• Economic Development and tourism• City Centre roundabout community evaluation• Warrnambool Planning Scheme Amendment C204warr – Sign Policy• Related Party Declarations• Edwards Bridge Reconstruction	
Other Matters Considered	<ul style="list-style-type: none">• Progress of meeting of Council and DWELP• Council housing provision• Harrington road civil works on private land• Progress of Saleyards rectification works	
Councillor / Officers Conflicts of interest Disclosures:		
		Item
Meeting close time:	8:00pm	
Record Completed by:	Peter Utri Director Corporate Strategies	

Informal Meeting of Council Record		
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)	
Date of Meeting:	19 July 2021	
Time Meeting Commenced:	3.00pm	
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris Cr. M. Taylor Cr. R. Ziegeler	
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Manager City Strategy & Development James Phillips Coordinator Statutory Planning Lauren Schneider, Co-ordinator Natural Environment Dr Sally Jenson, Alliance Establishment Officer	
Other persons present:		
Apologies	Nil.	
Matters Considered:	<ul style="list-style-type: none">• Vegetation Management Framework• Barwon South West Climate Alliance Establishment Project• Planning Application 70 Younger Street, Warrnambool•	
Other Matters Considered	<ul style="list-style-type: none">• Vaccination registers• Target shooting club facility issues• Big business grant opportunities	
Councillor Conflicts of interest Disclosures:		
Councillor /officer Name	Type of Interest	Item
Jodie McNamara	Close personal association	70 younger street planning application
Meeting close time:	5:25pm	
Record Completed by:	Peter Utri Director Corporate Strategies	

Informal Meeting of Council Record		
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)	
Date of Meeting:	26 July 2021	
Time Meeting Commenced:	3.00pm	
Councillors in Attendance:	Cr. V. Jellie AM, Mayor Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris Cr. M. Taylor Cr. R. Ziegeler	
Council Officers in Attendance:	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Richard Stone Acting Director Community Development Jodie McNamara, Manager City Strategy & Development	
Other persons present:	Bryan Roberts, DELWP	
Apologies		
Matters Considered:	<ul style="list-style-type: none">• Vegetation management• Proposed amendment to the Warrnambool Planning Scheme – Deakin University• Warrnambool Planning Scheme Amendment C204warr – Signs policy• Domestic Animal Plan• Road Management Plan Review 2021• Dobson Way Residence infrastructure changes (confidential item)• Archie Graham Community Centre Café• Mayoral Diary Update	
Other Matters Considered	<ul style="list-style-type: none">• Glass collection timing• Impacts of lockdown 5.0 on operations• Steam weeding options• Sale yards update on rectification works	
Councillor Conflicts of interest Disclosures:		
Councillor /officer Name	Type of Interest	Item
Meeting close time:	4.50pm	
Record Completed by:	Peter Utri Director Corporate Strategies	

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.

REPORT

Date	Location	Function
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.

MOVED: CR DEBBIE ARNOTT
SECONDED: CR ANGIE PASPALIARIS

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

CARRIED 7:0

8. NOTICE OF MOTION

Nil.

9. GENERAL BUSINESS

9.1 CR. BEN BLAIN

- I would like to take my hat off to the traders and the Warrnambool community for their spirit over the lockdown 5.0; it's been hard on businesses and employees especially those that had to shut down and I would just like to encourage everyone to remember to keep shopping local, get vaccinated and with a bit of luck we will be able to stop having these lockdowns and finally start living with the virus.
- Just a quick question "on the intersection of Japan and Merri Streets, what works is Council doing?" I had a call about it late this afternoon, it was described we were doing some line marking then had them removed, what's going on there?

The Director City Infrastructure took the question on notice.

9.2 CR RICHARD ZIEGELER

- Would like to mention the petition that has been raised for the area between Hopetoun Road and King Street which brings a lot of focus on the dangers to pedestrians for that section of the highway and perhaps signal that we should be starting to look at that with a bit more urgency.

The Director City Infrastructure advised that a meeting had been arranged with the Regional Director of Regional Roads Victoria on 26 August and we will be looking at a whole series of different arterial route issues; Mortlake Road being another one just to start to push these up their radar.

9.3 CR MAX TAYLOR

- I raised this same question several weeks ago at a Council meeting as to when the free 1 hour car parking is to be introduced into the CBD. At the moment I can't see any evidence of it being introduced.

The Director City Infrastructure advised that there had been a fair bit to do to co-ordinate the meters, co-ordinate the app, we have had to purchase a couple of hundred signs and stickers to go over signs, there is line marking to do; there has been a lot of work that has gone on in the background and we have also had to negotiate with a couple of privately owned car parks where Council manages them. We are hopeful that in the early stages of next week that the final tinkering with the meters will be complete, but effectively the instruction has been provided to all of the Council officers that patrol, is to enable 1 hour free parking at least.

9.4 CR. VICKI JELLIE, AM

- I would like to reiterate what Cr Ziegeler said about along Raglan Parade. I witnessed a couple of weeks ago; I went out there and stood in the middle with some other people and the person that is co-ordinating the main part of this; and did witness children trying to cross the road there and it is a very difficult area right along there and I will acknowledge that there were Council staff out there counting students and people trying to cross the road and how busy it was. Our officers are absolutely on to it and I know Director Leahy has definitely been in meetings and been very open with anything that he has got to be able to pass on and I am very hopeful that something will happen there, but it is great that there is meetings happening and I think the community are really looking at that area, I know Emmanuel College are because it is mainly their students trying to cross the street there. As a person myself trying to cross that road it is difficult; it's great that we are looking at that and working together with Transport Victoria.

10. URGENT BUSINESS

Nil.

11. CLOSE OF MEETING

The meeting closed at 6.43pm.

CHAIRMAN