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**WARRNAMBOOL**  
CITY COUNCIL

## **CHIEF EXECUTIVE OFFICER EMPLOYMENT AND REMUNERATION POLICY**

APPROVAL DATE: December 2021  
REVIEW DATE: December 2023

## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

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### DOCUMENT CONTROL

<b>Document Title:</b>	<i>Chief Executive Employment And Remuneration Policy</i>
<b>Policy Type:</b>	<i>Council</i>
<b>Responsible Branch:</b>	<i>Governance &amp; Property</i>
<b>Responsible Officer:</b>	<i>Manager Governance, Property, Projects and Legal</i>
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<b>Review Date:</b>	<i>December 2023</i>

## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY



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## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

### 1. INTRODUCTION

#### 1.1. PURPOSE

The Council is responsible for the appointment of the Chief Executive Officer ('the CEO'), determining the CEO's Performance Plan, assessing the CEO's performance against that plan and determining the remuneration of the CEO.

This policy has been developed to assist Council in fulfilling its responsibilities relating to the Chief Executive employment and performance matters and to fulfil the requirements of the Local Government Act ('the Act').

This policy, in accordance with section 45 of the Local Government Act 2020, provides for:

- The recruitment and appointment of the Chief Executive Officer;
- Provisions included in and approval of the Contract of Employment entered into between the Council and the Chief Executive Officer;
- The monitoring of the Chief Executive Officer's performance both ongoing and the annual review;
- The appointment of an Acting Chief Executive Officer for periods over 28 days;
- The provision of independent professional advice in relation to matters dealt with in the Policy;
- Determining the Chief Executive Officer's remuneration.

The Council recognises the importance of having sound governance practices and systems for the employment of a CEO so as to apply good governance, transparency and fairness in all matters relating the employment, management and remuneration of the CEO.

#### 1.2. SCOPE

This policy applies to the employment of the CEO, including activities involving the Chief Executive Officer Employment Matters Advisory Committee and any independent consultation undertaken in relation to matters dealt with under this policy.

In the event of any inconsistency between this policy and the CEO's Contract of Employment, the provisions of the Contract of Employment shall prevail to the extent of the inconsistency.

In accordance with section 45(3) of the Local Government Act 2020, the Council has given regard to any Determination that is currently in effect under section 21 of the Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 relating to remuneration bands for executives employed in public service bodies in the development of this Policy.

#### 1.3. DEFINITIONS

Term	Definition
Act	Local Government Act 1989 and/or the Local Government Act 2020
CEO	Chief Executive Officer
CEEMAC / Committee	Chief Executive Officer Employment Matters Advisory Committee
Council	Warrnambool City Council

## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY



<b>Observer</b>	Observers may be at a meeting "in attendance", or "by invitation". As they are not Committee members, observers do not have voting rights and do not normally have speaking rights (though the Chair may invite them to speak in appropriate circumstances).
<b>Recruitment Consultant</b>	Consultant with specialist expertise in sourcing and evaluating candidates for senior executive roles

### 1.4. REFERENCES

Category	Document
<b>Legislation</b>	Local Government Act 2020 Improving Parliamentary Standards Act 2019
<b>Australian Standards / Guidelines</b>	Victorian Government Public Entity Executive Remuneration Policy (PEER policy)
<b>Related Policies/Procedures</b>	CEO Employment Matters Committee – Terms of Reference.

## 2. POLICY

### Principles

The Council will carry out its functions relating to the appointment, remuneration and performance appraisal of the CEO in accordance with a number of leading practice principles:

- Decision-making processes that are fair, accessible and applied consistently in comparable circumstances;
- Decision-making criteria that are relevant, objective and transparent;
- Decisions and actions that are conducive to ongoing good governance;
- Documentation that is sufficiently clear and comprehensive to render decisions transparent and capable of effective review;
- Employment decisions, including the reappointment of the incumbent CEO under a new Contract of Employment, that are based on the proper assessment of an individual's work related qualities, abilities and potential against the genuine requirements of the role;
- Decisions to appoint a new CEO are based on competitive selection and open processes;
- Remuneration that is fair, reasonable and competitive having regard for market forces and Council's financial position.

The responsibility for assisting the Council with its obligations regarding CEO employment and performance matters shall be delivered through the establishment of a CEO Employment Matters Advisory Committee and supported by the Manager Governance, Property, Projects and Legal.

### CEO EMPLOYMENT MATTERS ADVISORY COMMITTEE

The Council shall establish an Advisory Committee to be known as the CEO Employment Matters Advisory Committee (the Committee).

## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

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### Role

The Committee's role is to assist and advise the Council on matters including:

- Recruitment of the CEO;
- Determining the Performance Plan of the CEO;
- Monitoring the CEO's achievement of the Performance Plan; and
- Preparing an Annual Review Report on the CEO's performance and key terms of employment.

### Membership

The membership of the Committee will comprise an Independent Chair, the a majority of Councillors, as determined by the Council in accordance with the Committee Terms of Reference.

### Observers

Any Councillor who is not a member of the Committee, may, subject to the consent of the Independent Chair, attend a meeting of the Committee as an Observer.

## CEO RECRUITMENT AND APPOINTMENT PROCESS

### Recruitment of CEO

Where a recruitment process is to be undertaken, the Council shall:

- a) Engage a recognised Recruitment Consultant to run the recruitment process, on Council's behalf.
- b) Agree on the general framework for the terms of employment of the CEO.
- c) Give final approval for the recruitment process to proceed having considered any advice from the Committee and the Recruitment Consultant.
- d) Identify suitable candidates for appointment and conduct interviews.

### Appointment of CEO

In accordance with section 44(3) of the Local Government Act 2020, the Council will consider the option of extending an offer of re-appointment under a new Contract of Employment to the incumbent CEO approximately six (6) months before the conclusion of their current Contract of Employment.

Where the Council go out to recruit a CEO, the Council will authorise the implementation of the recruitment process and subsequently conduct interviews with selected candidates.

The Council must decide on a preferred candidate and negotiate the Contract of Employment within the general framework for the terms of employment as agreed by the Council.

The appointment of the CEO must be made by a resolution of the Council.

### Contract of Employment

The following provisions must be included in the Contract of Employment:

- a) Term of employment – no greater than five (5) years;

## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY



- b) The responsibilities and duties of the position including compliance with the Act and the Code of Conduct;
- c) Total Remuneration Package (including salary, cost to employer of motor vehicle, superannuation and other employment benefits, including associated fringe benefits tax);
- d) Additional expenses payable by Council;
- e) Annual review of performance;
- f) Annual review of the Total Remuneration Package;
- g) Leave entitlements;
- h) Ownership of intellectual property;
- i) Performance criteria;
- j) Conduct matters;
- k) Suspension, redundancy and termination of contract provisions;
- l) No compensation for termination of a contract beyond pay in lieu of notice and accrued leave;
- m) Employment notice provisions; and
- n) Dispute resolution procedure, to deal with disputes arising out of the contract

### Total Remuneration Package

In determining the CEO's Total Remuneration Package, on appointment and in subsequent reviews, the Council must have regard to the principles in the Government of Victoria's Policy on Executive Remuneration in Public Entities.

### CEO PERFORMANCE PLAN AND MONITORING

The Council shall:

- a) Engage a Facilitator to assist the Committee to develop and monitor the CEO Performance Plan.
- b) Approve the CEO's annual Performance Plan (which shall contain Performance Objectives and appropriate Measures of Achievement).

The Committee's role is to:

- a) in consultation with the Council, identify key performance indicators and activities that the CEO should work towards achieving over a 12-month period
- b) ensure that the CEO is consulted on during the development of the Performance Plan and advised of the process
- c) Recommend a final draft annual Performance Plan to Council for Council's consideration.
- d) ensure that the CEO is given the opportunity to present their self-assessment to the Council in regard to the Performance Plan
- e) inclusively have the opportunity to provide comments of appraisal on the CEO performance
- f) provide the collection and collation of feedback in relation to the CEO performance as measured against the Performance Plan to Manager Governance, Property, Projects and Legal.
- g) Where deemed necessary, seek expert advice on facilitation and criteria for the preparation and ongoing management of the Performance Plan and its review.
- h) Regularly monitor the CEO's performance against the Act and the Performance Plan.



## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

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### Annual Review

The Council shall:

- a) Make a final assessment of the CEO's annual performance against the Performance Plan upon receiving Annual Review Report from the Committee.
- b) Review the CEO Total Remuneration Package.
- c) Advise the CEO of the outcomes of the annual review process.

The Committee's role is to:

- a) Conduct an annual review of the CEO's performance.
- b) Submit an Annual Review Report to the Council, including recommendations on:
  - i. Whether the CEO meets the Performance Plan criteria;
  - ii. To vary any Performance Plan criteria;
  - iii. To vary the Total Remuneration Package; and/or
  - iv. Other terms and conditions of the contract.

The Council must receive and consider the Committee's Annual Review Report recommendations within 3 weeks of the anniversary date of the CEO's date of commencement of employment.

Within one month of receiving the Committee's Annual Review Report the Council must complete:

- a. The review of the Total Remuneration Package.
- b. Setting the Performance Plan for the next 12 months.
- c. Agree on a Professional and Personal Development Plan, where necessary.
- d. Address and any other matters referred by the Committee.

Written notification from the Mayor to the CEO on the outcome of the Council's resolution on the Annual Review must be sent within one week after the Council meeting at which the decisions of the Council are made.

### CEO LEAVE AND APPOINTMENT OF ACTING CEO

#### Leave approval Chief Executive Officer

An application for annual leave, long service leave, personal leave or an extended absence made by the CEO is to be approved by the Mayor on behalf of Council.

#### Appointment of a person as Acting CEO

If the period of leave is 27 days or less, then the CEO is able to make the appointment under delegation.

If the period of leave is to exceed four weeks in a continuous period, then Council must appointment the Acting CEO by formal resolution.

Council could appoint either of the following to the position of Acting CEO:

- one of the Directors of Council
- a suitably qualified and experienced individual as a short term contract.



## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY



### PROVISION OF INDEPENDENT ADVICE

In accordance with section 45 of the Local Government Act 2020, this policy must provide for Council to obtain independent professional advice on relation to the matters dealt with in this policy.

These matters include:

- Recruitment and shortlisting of CEO candidates
- conducting psychometric testing
- CEO Contract of Employment and remuneration
- the preparation of a CEO Performance Plan, performance monitoring and management
- Any other matter dealt with under this policy.

Where in direct relation to the above, the Manager Governance, Property, Projects and Legal will engage the professional advice in accordance with the support role in CEO employment matters.

Where in accordance with this policy, but not included for directly by this policy, a resolution of Council approving the independent advice will be required.

### Integrity of the Processes

All information relating to the recruitment, selection and review processes must be kept strictly confidential.

Councillors and staff involved in the processes must take all reasonable steps to maintain confidentiality and respect the privacy of all persons involved.

Any breaches of confidentiality may constitute a breach of the Councillor or Staff Code of Conduct.

## 3. GOVERNANCE

### Owner

The Manager Governance, Property, Projects and Legal shall monitor the currency and viability of this Policy regularly and where appropriate make recommendations to the CEO Employment Matters Committee to amend the policy.

### Review

This policy shall be reviewed, in consultation with the CEO Employment Matters Advisory Committee, at least every two (2) years.

### Compliance Responsibilities

#### *Council*

- (a) Appoint/reaffirm the Councillor members of the Committee in November each year.
- (b) Read Committee Meeting minutes upon their presentation to Council through a Council Meeting agenda, and to consider and make decisions on any recommendations of the committee made to the Council.

#### *Chief Executive Employment Matters Advisory Committee*

## CHIEF EXECUTIVE EMPLOYMENT AND REMUNERATION POLICY

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- (a) To make recommendations to Council on contractual matters relating to the Chief Executive Officer or the person appointed to act as the Chief Executive Officer including the following—
  - I. the appointment of the Chief Executive Officer;
  - II. remuneration and conditions of appointment of the Chief Executive Officer;
  - III. any extension of the appointment of the Chief Executive Officer
- (b) To conduct performance reviews of the Chief Executive Officer including:-
  - i. Conduct an annual review of the performance of the CEO.
  - ii. Participate actively and in good faith in the process of reviewing the performance of the CEO, ensuring that the CEO is both consulted and advised of the process.
  - iii. Recommend to Council on the annual Draft Performance Plan. Take into account feedback from the CEO on the previous year's review and to what extent former recommendations have been acted upon.
  - iv. Ensure that recommendations are in accord with Council's Council Plan and other strategic plans.
  - v. Ensure that all Councillors are invited to provide written comments of appraisal of the CEO's performance to the Panel and that sufficient time is allowed for members to provide such comments to the Panel.

### ***Independent Chairperson***

- (a) Chair all meetings of the Chief Executive Employment Matters Committee.
- (b) Convene meetings of the Committee throughout the appraisal process.
- (c) Report to Council at appropriate intervals during the process.
- (d) Ensure records of meetings are true and correct.

### ***Mayor***

- (a) Meet with the CEO informally at least once between each formal review to discuss targets and any issues, and present a brief report to Committee.

### ***Chief Executive Officer***

- (a) Participate actively in the review process as required by the Committee.
- (b) Make use of constructive feedback from Councillors and the Committee.

### **Charter of Human Rights Compliance**

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).



# CEO Employment Matters Advisory Committee

**Responsible Officer:** Manager Governance, Property, Projects and Legal  
**Due for Review:** November 2022

## 1. Function/Purpose

The Chief Executive Officer Employment Matters Advisory Committee (the Committee) is established in accordance with the CEO Employment and Remuneration Policy.

The membership of the Committee and these Terms of Reference will be approved by resolution of the Council.

The purpose of the Committee is to assist and advise the Council on matters related to the recruitment; employment; performance planning, management and assessment; and remuneration of the Chief Executive Officer ('CEO')

In carrying out its role, the Committee must have full regard for the directions set out in the CEO Employment and Remuneration Policy.

## 2. Role

The Committee's role is to assist and advise the Council on matters including:

- Recruitment of the CEO or the person to act as the CEO;
- Assisting with the development of the CEO Performance Plan;
- Monitoring the CEO's achievement of the Performance Plan;
- Assisting the Council with any formal performance management discussions needed; and
- Preparing an Annual Review Report on the CEO's performance and key terms

## 3. Powers and Responsibilities

The Committee is advisory in nature and hold no delegated power or decision making authority. The Committee may make recommendations to the Council for consideration.

## 4. Membership

The Committee shall be comprised of:

- Independent Chair; and
- A majority of Councillors, being a minimum of half plus one of the total number of Councillors of the Council, equating to at least four Councillors.

Councillor membership of the Committee will be determined annually by Council resolution.

Any Councillors who are not appointed to the Committee may attend Committee meetings as an observer. In this case, they are not to participate in the meeting unless called upon by the Chair.

### Appointment of the Chair

An expression of interest recruitment process will be undertaken every four years to attract suitable candidates for the position of Independent Chair.



Key competencies for the appointment of the Independent Chair include:

- Demonstrated human resource management skills, senior business experience and/or local government experience and/or employment law background;
- Demonstrated ability in relation to performance management and development of executive level staff; and
- Previous experience working with executive, governance bodies, boards or committees in a membership or facilitation capacity.

An Independent Chairperson will be appointed to the Committee by Council Resolution and may be appointed for a period of up to 4 years.

## **5. Role of Individual Members**

The role of the individual member of the Committee includes:

- Appreciation of the significance of the role as a member of the Committee.
- A broad understanding of role of the Committee and the responsibilities of members.
- Where sought, active participation in any CEO recruitment process and development of the annual Performance Plan.
- Reviewing the progress of the Performance Plan by the CEO.
- Commitment to, and active involvement in, the development of the Annual Performance Report.
- Ensuring the requirements of section 46 of the Local Government Act 2020 are being met by the CEO.
- Consideration of ideas and issues raised by the CEO, the Chair and other Committee members
- Contributing the time needed out-of-session to study and understand the papers provided
- Applying good analytical skills, objectivity and good judgement
- Expressing opinions frankly and asking questions that go to the fundamental core of any relevant CEO employment matters.
- Respecting the confidential nature of information discussed and provided by:
  - Maintaining the confidentiality of the information to which members have access and taking reasonable precautions to prevent its unauthorised dissemination or use.
  - Not using any confidential information for the purposes other than those necessary to performance of the Committee membership role, and, not allowing any other person access to the confidential information.

## **6. Decisions**

The Committee is an advisory body to Council in management of CEO employment matters. A key function of the Committee is to provide advice and feedback on a variety of issues affecting the management of CEO employment matters. It is not necessary that consensus be reached by Committee members on all matters. Where Committee members hold a range of perspectives on a particular issue, the different viewpoints will be noted and taken into consideration by Council in any subsequent deliberation that may be required. Where information of a more technical nature needs to be provided to the Committee, independent experts may be invited to present or participate at a meeting.

## **7. Convenor/Chair**

The Independent Chair shall convene the Committee meetings utilising a pre-determined schedule for meetings where possible. The Committee meetings will be chaired by the Independent Chair.

If the designated Chair is not available, then the Committee Meeting will be rescheduled, or where rescheduling is not possible a vote will be taken at the beginning of the meeting of the members present with one being selected to be responsible for convening and conducting that meeting. Where a vote is required, the vote will be conducted by the Officer supporting the Committee.

## **8. Frequency and Attendance at Meetings**

The Committee shall meet at least quarterly or as agreed from time to time.



Meetings will take no longer than three (3) hours unless otherwise agreed to by members.

Additional meetings may be convened as required with members being provided with at least two (2) weeks' notification of meeting where possible.

Attendance at meetings may be completed by teleconference.

## 9. Minutes and Meeting Papers

The Manager Governance, Property, Projects and Legal will coordinate the preparation and distribution of minutes of each Committee meeting.

Minutes will be taken by Manager Governance, Property, Projects and Legal at each meeting. Copies of the minutes will be distributed to all members by email and issued to a subsequent Council Meeting.

## 10. Committee Support

Support for the Committee is assigned to the Manager Governance, Property, Projects and Legal. The function includes providing:

- Information and any necessary training for members in relation to their responsibilities under the Terms of Reference and the Act;
- Preparation of meeting agendas and minutes;
- Advice in respect to matters before the Committee; and
- Secretarial and logistical support to the Committee.

## 11. Invitees

In addition to the Committee members, other people can be invited as guests to attend and/or report to meetings as required. These may include the CEO, consultants or contractors.

## 12. Quorum

Quorum is considered to be one half of the total number of members plus one.

If a quorum is not present within 20 minutes of the time appointed for the commencement of the meeting, the meeting shall lapse.

Business that is unfinished at the completion of a meeting may at the discretion of the Chair be referred to the next meeting of the Committee.

## 13. Conflicts of Interest

If a member of the Committee has a conflict of interest relating to any item on a meeting agenda, the member must disclose the type and nature of the conflict of interest immediately before consideration of the matter in question.

Where a Committee member has declared a conflict of interest, they will need to leave the meeting for the duration of discussion on that matter.

The conflict of interest declaration will be detailed in the minutes of the meeting.

## 14. Term

Individual terms of members are outline in section 4.

## 15. Document History

Version	Document History	Approved by – Date
1	Template created	November 2021

ADVISORY BODY/EXTERNAL COMMITTEE	MEETING FREQUENCY	COUNCILLOR REPRESENTATIVE(S) 2021/22	OFFICER MEMBERSHIP/ ATTENDANCE
<b>NATIONAL / STATE /REGIONAL BODIES</b>			
a) Great South Coast Board	Bi-monthly	<b>Mayor</b>	CEO
b) Municipal Association of Victoria	Twice yearly	<b>Mayor</b>	CEO
c) Regional Cities Victoria	Bi-monthly	<b>Mayor</b>	CEO
d) Regional Capitals Australia	Monthly	<b>Mayor</b>	CEO
e) Barwon South West Waste & Resource Recovery Group		<b>Cr. Ziegeler</b>	DCI MCA SWMO
f) Alliance of Councils for Rail Freight Development	Quarterly	<b>Cr. Akoch</b>	Manager Economic Development
<b>CORPORATE / GOVERNANCE COMMITTEES</b>			
a) Audit & Risk Committee	Quarterly	<b>Cr. Blain Cr. Paspaliaris</b>	CEO, DCS, MFS, Internal Auditor
b) Chief Executive's Employment Matters Committee	As required	<b>All Councillors</b>	CEO MGPP
c) Closed Additional Meetings of Council	As required	<b>All Councillors</b>	Senior Officers
<b>COUNCIL LOCAL ADVISORY COMMITTEES</b>			
a) Community & International Relations Advisory Committee	Quarterly	<b>Cr. Akoch - Chair</b>	DCG, MVE
b) Economic Development and Tourism Advisory Committee	Quarterly	<b>Cr. Arnott - Chair Cr. Taylor</b>	DCG, MTS, MVE
c) Environment & Sustainability Advisory Committee	Quarterly	<b>Cr. Arnott - Chair</b>	DCG, MCS
d) Planning Advisory Committee	Quarterly	<b>Cr. Paspaliaris - Chair</b>	
e) South West Victorian Livestock Exchange Advisory Committee	Quarterly	<b>Cr. Blain – Chair Cr. Jellie AM</b>	DCS, SS

ADVISORY BODY/EXTERNAL COMMITTEE	MEETING FREQUENCY	PROPOSED COUNCILLOR REPRESENTATIVE(S) 2021/22	OFFICER MEMBERSHIP/ ATTENDANCE
<b>OTHER COMMITTEES – COUNCIL FACILITIES/SERVICES</b>			
a) Municipal Emergency Planning Committee	Twice yearly	<b>Cr. Jellie AM</b>	CEO, DCI, DCD, MHLL, MIS
b) Bicycle Users Reference Group	Quarterly	<b>Cr. Paspaliaris</b>	DCI
c) Warrnambool Airport Reference Group	Quarterly	<b>Cr. Taylor</b>	DCI
d) Learning & Library Hub PCG		<b>Cr. Jellie AM</b>	DCD
e) Middle Island Reference Committee		<b>Cr. Ziegeler</b>	DCG
f) Harbour Reference Group		<b>Cr. Ziegeler - Chair</b> <b>Cr. Blain</b> <b>Cr. Taylor</b>	DCI
g) CCTV Steering Committee		<b>Cr. Arnott</b> <b>Cr .Paspaliaris</b>	DCI
h) Reid Oval PCG		<b>Cr. Arnott - Chair</b>	DCI

**Notes:**

- Whenever a Council representative fulfils a role of a director of a company or member of the executive committee for an incorporated association, the relevant articles of association should be obtained to ascertain the duties/responsibilities involved, also to ensure there is not likely to be any possible conflict of interest.
- This schedule does not necessarily include all project steering committees or working groups (however named) which typically operate on a “sunset” basis. In addition, this schedule does not show the names of community members on various advisory bodies or committees; such appointments typically do not correlate with the Council year and are the subject of separate, specific Council decisions.
- Legend, Officer Titles: CE (Chief Executive), DCS (Director Corporate Strategies), DCD (Director Community Development), DCG (Director City Growth), DCI (Director City Infrastructure), MHLL (Manager Health & Local Laws), MFS (Manager Financial Services), SS (Saleyards Superintendent), MIS (Manager Infrastructure Services), MCS&D (Manager City Strategy and Development), MCA (Manager City Amenity), MR&C (Manager Recreation & Culture), MOD (Manager Organisation Development), MCD (Manager Community Support), MFS (Manager Family Services), MTS (Manager Tourism Services), FPO, Manager Economic Development (MED), (Fire Prevention Officer), DDE (Design Development Engineer), MVE (Manager Visitor Economy), DAG (Director Art Gallery), SWMO – Strategic Waste Management Officer







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2. A safer Port of Warrnambool
  - a. Breakwater repair
  - b. Safer boat launching
3. Warrnambool Surf Life Saving Club
4. Rail – faster, more frequent, more accessible
5. Flagstaff Hill – future directions
6. Warrnambool Art Gallery
7. Brierly Park
8. Bushfield-Woodford Structure Plan
9. Small Town Sewerage Upgrades
10. Raglan Parade Pedestrian Safety

## Delivering major projects

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## Council commitment to advocacy

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Under the Local Government Act 2020 Council must give effect to a number of governance principles including:

- achieving the best outcomes for the community;
- promoting the economic, social and environmental sustainability of the municipality; and,
- pursuing innovation and continuous improvement.

Council is cognisant of these principles and has prepared this Advocacy Plan in line with meeting these obligations to our community.



.....  
**Warrnambool is a thriving city of 35,500 people and growing.**  
.....

The municipality of 120 sqkm is situated within Victoria's most productive farming region and also contains the small towns of Allansford, Woodford and Bushfield.

Aboriginal people have lived in Warrnambool and the South West for more than 40,000 years while archaeological evidence at Moyil/ Point Ritchie suggests this connection to Country could have endured for more than 80,000 years. In 1918 Warrnambool was declared a city.

In recent years Warrnambool's population has grown rapidly. Warrnambool City Council is planning for a population that could

reach 50,000 by 2036. In 2020/21 Warrnambool reported unprecedented levels of residential building activity broadly double the historical annual average with latent demand for more housing. These indicators suggest a further rise in Warrnambool's population growth in coming years. Warrnambool has more than 2,800 registered businesses and significant employment sectors commensurate with a growing regional city which include health and social assistance (19.69 per cent of those employed), retail (14.23 per cent), education and training (10.07 per cent), accommodation and food services (9.2 per cent) and construction (7.75 per cent).

There are 16,653 jobs in Warrnambool and the municipality's annual economic

output is \$4.7 billion. The Construction industry sector makes the greatest contribution to economic output in the region, which at \$599.5 million accounts for 12.82% of total output. Source: REMPLAN, September 2021.

Warrnambool is a major employment base for the food and fibre sector with significant dairy and meat industries along with an extensive supply chain which services agricultural enterprises.

Tourism is another major driver of the city's economy with the city positioned within the Great Ocean Road region and home to the award-winning Flagstaff Hill Maritime Village. Pre-pandemic Warrnambool hosted more than 700,000 visitors annually. Tertiary education providers Deakin University and South West TAFE have

campuses in Warrnambool which, along with bringing students to the city, provide local people with opportunities to pursue education and vocational training without having to leave the region.

Warrnambool City Council is a major employer and provides a range of community services and also owns and manages community assets including the aquatic centre AquaZone, Warrnambool Art Gallery, Warrnambool Stadium, the Lighthouse Theatre, Surfside Holiday Park and major tourist attraction Flagstaff Hill Maritime Village. Each year Warrnambool City Council manages operating budgets of between \$85 million and \$95 million, depending on the capital works projects being undertaken.

## Warrnambool by numbers

Population: **35,000**

Area: **120sqkm**

Rivers: **the Hopkins and the Merri**

Tertiary education: **South West TAFE and Deakin University**

Health: **Warrnambool Base Hospital, Warrnambool Cancer Centre**

Businesses: **2,800-plus**

Unemployment rate: **3.9% (as at June Quarter 2021)**

Distance from Melbourne: **270km**






**Transport infrastructure**

**Air:** Warrnambool Regional Airport

**Rail:** four daily return services to Melbourne

**Road:** Princes Highway



### Climate:

Statistics	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean maximum temperature (°C)	24.8	24.8	23.1	20.0	16.5	14.1	13.4	14.3	16.0	18.1	20.6	22.6	19.0
Mean minimum temperature (°C)	11.8	12.4	11.0	9.0	7.5	5.8	5.5	5.8	6.7	7.4	9.2	10.2	8.5
Mean rainfall (mm)	36.7	31.2	47.3	53.8	76.4	77.6	84.9	93.3	74.5	65.1	51.8	2	732.1
Mean number of days of rain ≥ 1 mm	4.9	4.6	6.8	8.3	12.8	12.0	15.1	14.8	11.9	10.7	7.7	6.9	116.5

## The region we service – South-West Victoria

**South-West Victoria covers 23,000sqkm and is home to more than 120,000 people.**

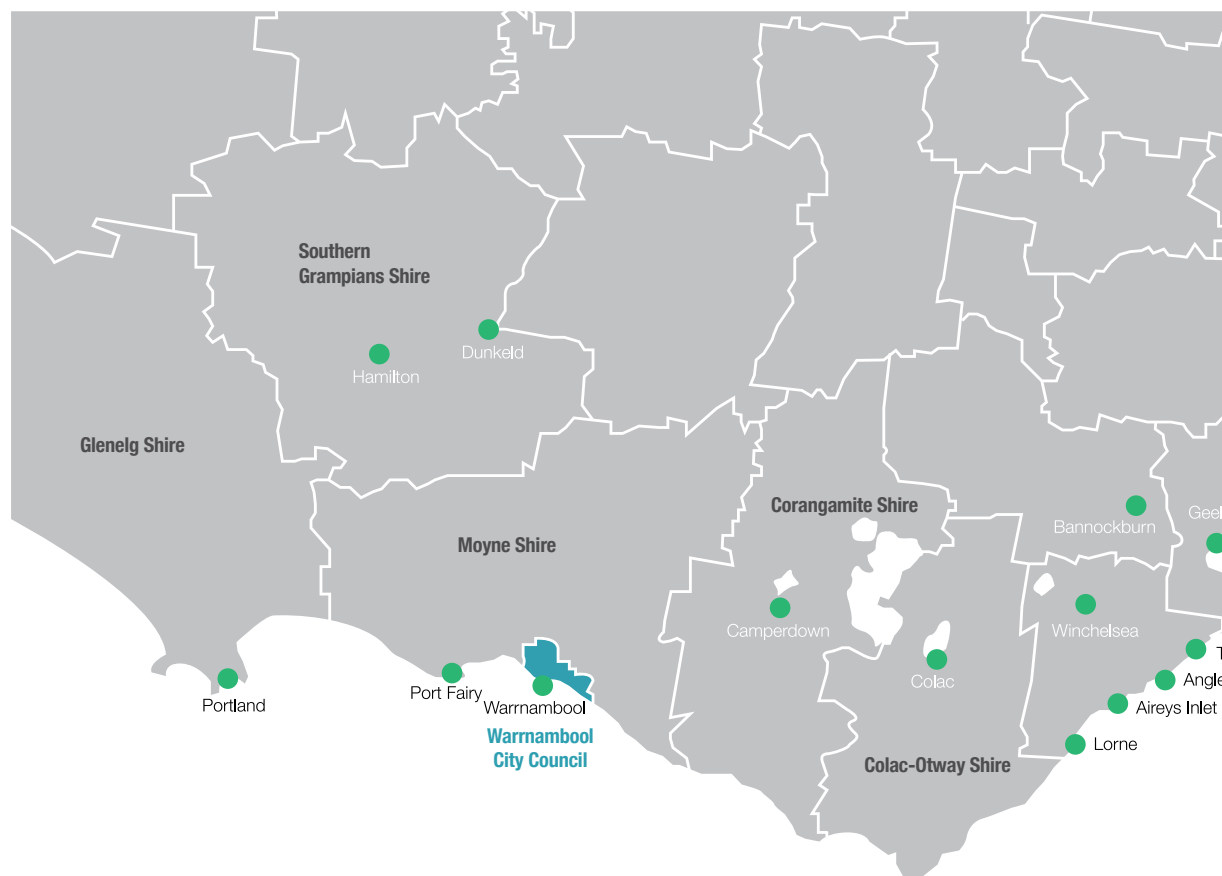
The region extends from Apollo Bay in the east to the South Australian border in the west and includes the municipalities of Corangamite, Moyne, Southern Grampians, Glenelg, Colac-Otway and Warrnambool. Key cities and towns include Warrnambool, Port Fairy, Portland, Camperdown, Colac and Hamilton.

The region is a major centre for traditional industries including agriculture (dairy, meat, wool and grain), fishing, forestry, mining and tourism, with emerging opportunities in energy production.

South-West Victoria is home to two of Victoria's iconic tourism assets, the Shipwreck Coast including the Great Ocean Road and Twelve Apostles, and the southern end of the Grampians. The Shipwreck Coast is Victoria's number one tourism destination and marketing icon, attracting more than five million visitors each year.

The region is also abundant in renewable energy assets (wind, geothermal, wave and natural gas reserves), and is becoming a major alternative energy hub.

In order to achieve and sustain future growth and maximise the region's potential, there is a need to expand the workforce, upgrade infrastructure and improve local services.



## South-West Victoria

Population: 120,000

Main centres: Warrnambool, Portland, Hamilton, Port Fairy, Camperdown, Colac

Iconic attractions: Great Ocean Road and the 12 Apostles, southern section of the Grampians





## Warrnambool, capital of the South West

### Warrnambool continues to record the fastest growth of towns and cities in the South West.

It is expected that this trend will continue and the city is in a position to continue to grow with structure plans having created a residential and industrial land supply that will last beyond the next two decades.

### The economy

The following sectors account for over two-thirds of employees whose place of work is located within Warrnambool: healthcare and social assistance; retail trade; education and training; accommodation and food services; construction and manufacturing.

Warrnambool is a popular and expanding tourism destination which draws around 700,000 visitors each year. Property and business services, Government administration and construction are also key growth sectors in the City.

**Employment:** 16,653 jobs  
**Gross regional product:** \$2.308 billion

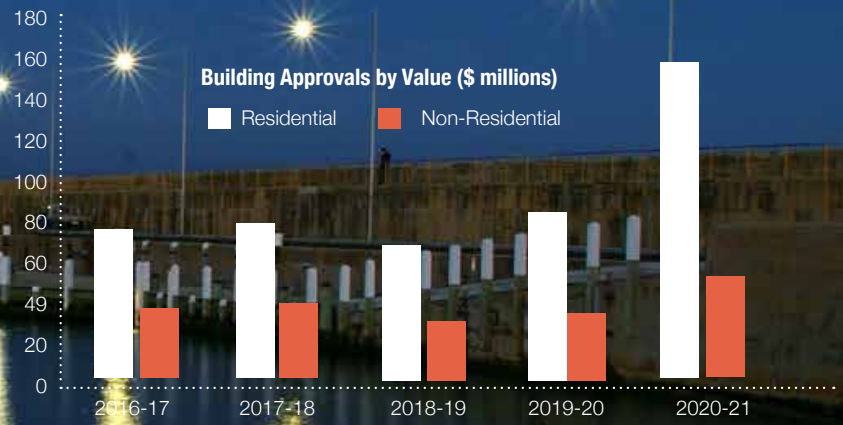
Industry	Jobs
Health Care & Social Assistance	3,279
Retail Trade	2,370
Education & Training	1,677
Accommodation & Food Services	1,532
Construction	1,290
Manufacturing	959
Public Administration & Safety	929
Professional, Scientific & Technical Services	752
Other Services	697
Wholesale Trade	586
Transport, Postal & Warehousing	556
Administrative & Support Services	518
Financial & Insurance Services	345
Electricity, Gas, Water & Waste Services	328
Arts & Recreation Services	260
Rental, Hiring & Real Estate Services	212
Agriculture, Forestry & Fishing	192
Information Media & Telecommunications	167
Mining	4
<b>Total</b>	<b>16,653</b>



Source: ABS Building Approvals Cat 8731.0

The table above illustrates the buoyant construction environment in Warrnambool with a sharp jump in housing approvals over 2020-2021 which included significantly more housing diversity than previous years.

**Note:** Other residential includes flats, units, apartment and townhouses.



Source: ABS Building Approvals, Cat. 8731.0

The table above shows the value of building approvals over the past five years.



# Future Warrnambool

**In 2017 and 2018 the Warrnambool community took part in a community engagement project that led to the development of a long-term community plan, Warrnambool 2040.**

That plan provides a strategic roadmap for the next two decades and describes where the community wants to go and how to get there.

Warrnambool 2040 considered a range of priority actions and aspirations in the key areas of people, place, environment and economy. In 2021 Council officially endorsed Warrnambool 2040.

## Warrnambool 2040 – long-term goals

<b>OUR PEOPLE:</b> Warrnambool will be a city where all people thrive	<b>OUR PLACE:</b> Warrnambool will be Australia's most liveable regional city	<b>OUR ECONOMY:</b> Warrnambool will be Australia's most resilient & thriving regional economy	<b>OUR ENVIRONMENT:</b> Warrnambool will be Australia's most sustainable city.
<ol style="list-style-type: none"> <li>1. A welcoming and inclusive city</li> <li>2. A safe and connected community</li> <li>3. Warrnambool's people are healthy</li> <li>4. Value local Aboriginal identity and culture</li> <li>5. A learning community</li> </ol>	<ol style="list-style-type: none"> <li>1. An affordable and accessible place to live for everyone</li> <li>2. Encourages and prioritises sustainable transport</li> <li>3. Well-connected outside the city</li> <li>4. Has accessible, high-quality public spaces and facilities</li> </ol>	<ol style="list-style-type: none"> <li>1. Embrace digital innovation and technological change</li> <li>2. Grow a resilient and diverse economy</li> <li>3. Foster a creative and collaborative culture</li> <li>4. Think globally</li> </ol>	<ol style="list-style-type: none"> <li>1. ZERO WARRNAMBOOL - innovative, solutions for zero net emissions</li> <li>2. ADAPTABLE WARRNAMBOOL - adapt to the impacts of climate change</li> <li>3. WISE WARRNAMBOOL - a wise city, that wastes not</li> <li>4. NATURAL WARRNAMBOOL - enjoy, love, respect and care for the natural environment</li> <li>5. BLUE WARRNAMBOOL - water for life</li> <li>6. GREEN WARRNAMBOOL - a city in nature</li> </ol>

# Our city and regional advocacy priorities

These priorities accord with the long-term community vision, Warrnambool 2040, and the Council Plan 2021-2025.

- Safer, more user-friendly boat launching at the Port of Warrnambool
- Restoration of the historic breakwater at the Port of Warrnambool.
- Upgrade of the aquatic centre and investigation into the viability of a multi-sport precinct.
- Modern facilities for the Warrnambool Surf Life Saving Club.
- Small town structure plan.
- Small town sewerage upgrades.
- A new Warrnambool Art Gallery building.
- Improved frequency, speed and accessibility of V/Line services.



# A new community aquatic and fitness centre

**The Warrnambool community is currently served by popular council-owned fitness and aquatic centre, AquaZone.**

AquaZone features a 50m outdoor pool (open seasonally), a 25m indoor pool, a shallow learn-to-swim pool and a toddlers pool (open year-round).

It also contains a spin cycle (exercise bike) space and a gymnasium able to accommodate people of all-abilities.

Although AquaZone has been refurbished over the years to maintain functionality and compliance, it now struggles to meet the demands of a growing community.

Pre-COVID-19 AquaZone recorded circa 200,000 visits annually. It is a facility that serves the region, with many clients coming from the surrounding Moyne Shire, which is without a comparable aquatic centre.

## Strategic alignment

The community, through the Warrnambool 2040 plan, aspires to have community, cultural and recreational facilities that support and encourage healthy lifestyles and that are accessible and available to all residents - particularly people who are vulnerable or disadvantaged.

Council's recreation strategy, Active Warrnambool, outlines a commitment to "undertake work to guide the future provision of aquatic facilities in the city post-2025."

The facility has limitations in terms of floor area, it also has challenges which relate to having a 50-metre outdoor pool that has served the community well but which, after nearly six decades, presents ongoing and costly maintenance issues.

In considering the provision of a new aquatic centre, Council is cognisant of the potential to achieve longer term operational savings through co-location with other key sporting and recreational facilities, including the Warrnambool Stadium and an athletics facility.

## What we are seeking

Council is proposing a rigorous evaluation this will include feasibility study that will consider several options including:

- Rebuilding of AquaZone at the current site;
- Rebuild of AquaZone at a new site;
- Co-location of sports facilities in a precinct that includes an aquatic centre, multi-sport stadium and athletics track.

**Funding for a feasibility study: \$200,000**



# A safer Port of Warrnambool

**Fishing has long been a favourite recreational pursuit among Victorians and South-West Victoria provides some of the state's most exciting and bountiful off-shore fishing.**

The Port of Warrnambool provides a launching place for commercial and recreational fishing vessels. The Port manager, Warrnambool City Council, is committed to providing safer boating facilities.

The Port of Warrnambool, constructed at the western end of Lady Bay, consists of a boat ramp, an historic 19th century breakwater and other facilities including a jetty, power and water supplies.

## Breakwater repair

The breakwater has, in recent years, shown signs of serious deterioration. The eastern or seaward end of the breakwater is particularly vulnerable and was closed to foot traffic following a severe storm in May, 2021, that lifted pavement, flicked stone capping into the ocean and ripped out safety railing.

The loss of pedestrian access has meant the loss of an important visitor attraction.

Council will advocate for the repair of this important, historic state-owned asset.

## The restoration has two aspects:

**Visitor amenity:** this includes repairs to breakwater pavement, railing and capping in order to restore access to the full length of the 400m breakwater.

**Breakwater integrity:** to prevent further deterioration of the structure significant rock armoury needs to be installed along the south facing side of the breakwater, the eastern end and a short span along the northern side.

## Better boat launching

Lady Bay is part of the Shipwreck Coast and faces the Southern Ocean. Conditions for launching boats are frequently challenging.

It is estimated that prevailing conditions mean it is safe to launch a boat less than 50% of the time.

Better Boating Victoria has provided \$3.5 million to upgrade the boat ramp at the Port. A new ramp will enable safer launching and retrieval of boats at Lady Bay, particularly in combination with a regular dredging schedule.

To protect the investment in the boat ramp, Council is seeking to implement a schedule of regular dredging. This will ensure the new boat ramp remains functional in the medium to long-term.

It is anticipated that the combination of an improved boat ramp and regular dredging will result in conditions that will enable safer boat launching about 70 per cent of the time.

## The benefits

The improved launching facilities will be used by recreational and commercial vessels along with the Warrnambool Coast Guard. Enhanced boat launching facilities align with the Victorian Government's plan to increase participation in recreational fishing.

The project also aligns with the objectives of the Boating Safety and Facilities Program, in particular:

- ensures safe access to waterways
- decreases boating incidents and fatalities
- improves boating facilities and the planning of these facilities
- promotes increased safety
- provides improved search and rescue services

Warrnambool Harbour Master Plan adopted in March 2018 identifies the historic Warrnambool Breakwater as a key structure at the Port of Warrnambool that requires ongoing maintenance.

## Strategic alignment

The long-term community plan Warrnambool 2040 contains an aspiration for Warrnambool to Australia's most liveable regional city with "accessible, high-quality public spaces and facilities". The Port of Warrnambool Master Plan also describes the works required at the port including safer boat launching and notes that the breakwater, which is under a heritage overlay, requires ongoing maintenance.



## What we are seeking

### Breakwater

Repair storm damage

- Permanently fencing the far end of the breakwater with an access gate \$4,600.
- Permanently fencing the far end of the upper walkway \$880.
- Replacing the dislodged seat capping including stainless pins \$9,600.
- Replacing the light at the boat ramp \$7,500.

### Breakwater upper walkway

Midsection concrete repairs: \$80,000.

Repair concrete seating, lower section, \$10,000.

End section concrete and handrail repairs: \$30,000 (concrete), \$20,000 (handrail).

**Total: \$140,000.**

### Construction of the rock armouring:

estimated cost \$8 million-plus.

### Dredging

Initial major dredging, \$850,000.

### Maintenance dredging

Interval for maintenance dredging is like to be two to three years.

Over a 10-year period this is estimated at \$2.4 million.



# Warrnambool Surf Life Saving Club – upgrade to a 21st century facility

## The home of the Warrnambool Surf Life Saving Club is approaching the end of its useful life.

The Warrnambool Surf Life Saving Club is a Life Saving Victoria club and operates as an emergency service under Emergency Management Victoria to deliver beach patrols, an after-hours response, surf sports training, Nippers (juniors) and public surf safety education programs.

The building occupied by the club, which dates from the 1950s, cannot accommodate the growing club membership and does not meet 21st century expectations and regulations for all-abilities access.

The building is Council-owned and situated on Crown Land. The Club is proposing that the current building be replaced with a modern facility. Preliminary plans for a new building achieve objectives of providing improved surveillance of the swimming area, greater accessibility, meeting rooms that can accommodate the club's growing membership and storage areas for surf boats and trailers. Plans also include dedicated training rooms, a First Aid room, modern changerooms, a patrol support and training room and storage for emergency response equipment.

It is also proposed that in keeping with current building any new facility would have a section leased out for a commercial restaurant business which would generate revenue to assist with building maintenance and other operating costs.

### Strategic alignment

The long-term community plan Warrnambool 2040 seeks to have public infrastructure that is accessible for everyone and encourages social connection by providing activities to suit all ages and abilities.

The plan also seeks to have facilities and activities that "support and encourage healthy lifestyles".

### What we will do

Council will continue to work with the Warrnambool Surf Lifesaving Club to develop a modern facility that enhances and provides for Beach and Water Safety for all, through volunteer lifesaving and that meets the needs of the Warrnambool community.

The Warrnambool Surf Life Saving Club building is no longer fit-for-purpose.







## Rail – more frequent, faster and more accessible

### Warrnambool, Victoria's largest coastal city outside Port Phillip Bay, is situated at the terminus of the South Western rail corridor.

The South Western rail corridor services a population, including Geelong, in excess of 350,000 people. Currently, four daily return services operate between Warrnambool and Melbourne.

Improved public transport means better social connectivity and improved two-way opportunities to conduct business, access sporting and cultural events, educational institutions and medical services.

Warrnambool has a Base Hospital which services Victoria's South West and south-east South Australia. It also has a Deakin University campus and the main campus for the South West Institute of TAFE. Along with Warrnambool's professional services these facilities contribute to our city being a regional destination with a growing population. The provision of reliable and regular rail services has proven to be a significant driver of growth in regional Victoria. This is evident along the rail corridors serviced by the VLocity trains: Geelong (51 Mon-Fri daily services), Ballarat (20 services), Bendigo (20 services) and the Latrobe Valley (19 services).

The rail services in these centres, and other Victorian regional cities, are complemented by dual carriageway roads.

Accessible, thriving regional centres help ease pressure on an ever-expanding Melbourne.

Council recognises the significant investment that has been made to improve the rail line and this critically important work is now under way.

Over time an upgrade of the ageing rolling stock is desirable. In recent years issues have arisen around some VLine carriages being inaccessible to wheelchair users. This is a deterrent to rail travel and in some instances has meant that VLine has had to subsidise taxi fares between Warrnambool and Melbourne for passengers using wheelchairs.

### Strategic alignment

The long-term community plan, Warrnambool 2040, contains an aspiration to have the rail trip between Warrnambool and Melbourne reduced to two hours by 2040.

An upgrade of the station would also assist with its function as an important regional hub

for the Hamilton and Portland communities whose residents come to Warrnambool for connecting train services and for educational, business and medical services.

Warrnambool City Council's desire to see the number of rail services increased is shared by the South-West Victorian group of Councils which include the municipalities of Moyne, Corangamite, Southern Grampians, Glenelg and Colac-Otway. Residents within these municipalities access the South Western Victoria rail line.

### What we are seeking

- Fifth weekday service which could be an express to Geelong, then express from Geelong to Melbourne.
- A long-term plan for the South Western Rail Corridor that considers replacement of ageing rolling stock, improved accessibility of the trains and the Warrnambool Station and shorter travel times.

# Flagstaff Hill - Future Directions

## Flagstaff Hill Maritime Village is a significant built visitor attraction in Warrnambool.

The village is situated on a prime central location on Crown land which overlooks the ocean. Each year more than 50,000 people visit the museum, recreated 19th century fishing village and a sound and light show which operates at night.

The village, alongside the Visitor Information Centre and a popular restaurant, requires a subsidy from Council each year. Council is looking at opportunities to maximise the benefits of what is a unique location with enormous potential.

This process has already received Victorian Government support in the form of a \$110,000 grant to progress a Flagstaff Hill master plan and business case. As part of the business case development, Council is engaging with stakeholders including the Great Ocean Road Parks and Coast Authority.

The master plan and business case will ultimately provide certainty over the type of development that could occur at the site.

### Strategic alignment

The long-term community plan Warrnambool 2040 includes an aspiration for the city to have "high-quality, regional-level arts, cultural and recreational facilities which are activated and programmed to meet the needs of the whole community and to attract visitors".

### What we are seeking

This is Crown land and any land use change will require the consent and endorsement of the Victorian Government.





## Warrnambool Art Gallery

**Operated by Council, the Warrnambool Art Gallery, known locally as the WAG, is a vitally important cultural institution that actively engages the local arts community, the Aboriginal community, students and visitors to Warrnambool.**

The WAG has reached the limits of its capacity to meet the growing needs of the arts community, the wider community and visitors to Warrnambool and the region.

The WAG can display only a fraction of its amazing permanent collection. The vast majority of its collection is in storage and unable to be viewed on a regular basis by the public.

The WAG's capacity to host new exhibitions is also limited. Equally significant are the challenges around climate control in the current building. Having the right environment within the gallery is of critical importance for the proper care of valuable and irreplaceable works of art.

The guiding vision for the future WAG is: "A new place that is more connected to the civic and natural setting of Warrnambool and which embraces local Indigenous culture".

WAG is exploring option which include a new building on the current site or a new building at nearby Cannon Hill. These options have been examined in a feasibility study produced by SMA Tourism on behalf of the WAG.

Council will ask the community for feedback on a preferred site.

Once a preferred site has been identified a

business case will be required for the long-term future of the WAG to be secured.

Funding for the business case is being finalised.

### Strategic alignment

The long-term community plan Warrnambool 2040 anticipates planning for a new gallery building to be under way.

### What we are seeking

Funding for the design and construction of a new WAG building pending the completion of the business case.





## Brierly Park

**Brierly Park is an important 12ha open space for the growing population in the northern area of Warrnambool.**

The park contains some sporting facilities including cricket ovals and related buildings. The population of north-east Warrnambool and the adjacent urban area known as North of Merri is 5,150. These areas are growing at a rate of about 1.6 per cent annually.

Council is updating a master plan that will guide improvements to the park and its infrastructure over the coming decade. An early master plan identified an opportunity for Brierly Park to accommodate a multi-purpose community building.

Following the updated master plan Council will prepare a business plan ahead of seeking funding for infrastructure improvements at Brierly Park.

### Strategic alignment

The long-term community plan Warrnambool 2040 includes an initiative to seek funding for implementation of the Brierly Park Master Plan.

### What we are seeking

Council will seek funds to implement infrastructure improvements following the completion of a business plan.

## Bushfield- Woodford Structure Plan

**Council received strong representations from the Woodford and Bushfield communities in 2021 during Council Plan consultation with items raised including a community hub, skatepark, traffic management and improvements to the Bushfield Recreation Reserve.**

Council has committed to further consultation with residents to better understand township priorities.

Council will also submit an application to the Victorian Planning Authority to fund a structure plan for the Bushfield-Woodford townships.

### Strategic alignment

The long-term community plan Warrnambool 2040 includes a goal to have all public spaces, infrastructure and facilities designed to be accessible for everyone and which encourage social connection.

### What we are seeking

Funding for the development of a Bushfield-Woodford Structure Plan.

## Raglan Parade Pedestrian Safety

**Council has received approaches from community members concerned about pedestrian safety along Raglan Parade. The concerns centre around the safety of students crossing Raglan Parade when commuter traffic is at its peak.**

Council is working with Regional Roads Victoria to consider treatments that would improve safety without the requirement to lower the speed limit. Outcomes will be aligned with the Botanic Local Area Traffic Management Plan.

### Strategic alignment

The long-term community plan, Warrnambool 2040, states that Warrnambool will be a city where all people thrive and which has a “safe and connected community”. By 2040 Warrnambool is to have an urban environment in which “most children walk or cycle to school daily” and “most adults walk or cycle for transport daily”.

### What we are seeking

Pedestrian safety measures to be introduced along Raglan Parade by Regional Roads Victoria.



## Small Town Sewerage Upgrades

**The Warrnambool municipality is growing at a steady pace and this growth extends beyond the main city of Warrnambool to the small towns of Allansford, Bushfield and Woodford.**

Residential growth in these towns is expected to grow however a constraint on that growth is the current sewerage system.

### What Council will do

Council will work with Wannon Water and the Glenelg-Hopkins Catchment Management Authority to ensure the effluent management needs are met.



## Delivering on investment

**Warrnambool currently has a strong investment pipeline with a large number of major projects at an advanced planning stage, with planning approval, or under construction.**

In aggregate these investments conservatively exceed \$600 million across many of our City's major employing sectors – health and social services, education, food and fibre, aged care, water, and tourism.

Warrnambool City Council's track record indicates a capacity to successfully deliver major projects that have attracted external funding.

These projects show the benefit of investment in Warrnambool and its people.





## City Centre Renewal

**The 2017-2018 \$18 million renewal of Warrnambool's main street and nearby key intersections was a once-in-a-generation project.**

The renewal transformed tired infrastructure into an inviting and accessible space that has a focus on people instead of cars. Activity nodes, wider footpaths paved with local basalt, feature lighting, new street furniture and the elimination of kerbs were among the changes. Below ground, ageing and failing drainage and service conduits were replaced.

The business support program, designed to attract customers to the city centre while the construction under way, went on to win the 2019 Economic Development Australia marketing and promotion award.

The project was funded by Council with an additional \$5 million from the Victorian Government and a further \$5 million from the Australian Government.



Now under way or  
recently completed





## Reid Oval Redevelopment

**This project positions Reid Oval as the region's premier sports ground.**

With support from the Victorian Government Council has:

- upgraded the playing surface on Reid Oval to a regional standard for AFL and cricket;
- upgraded lighting to allow night fixtures to be played;
- built modern player and umpire facilities that cater equally for male and female players and umpires;
- built spectator amenities; and,
- Improved cricket training facilities.

**Funding:**  
Victorian Government, \$10 million; Warrnambool City Council, \$3 million, Cricket Victoria \$200,000; AFL Victoria, \$250,000.

## Library and Learning Hub – a shared learning space with South West TAFE

**Warrnambool City Council and South West TAFE are building a new \$20.25 million shared library.**

Right: the library under construction at the South West TAFE campus, September 2021.

The library was made possible through a \$16.3 million contribution by the Victorian Government, \$3 million from Council, the provision of prime CBD land by SW TAFE and generous philanthropic support. The new library will be operated by the Warrnambool City Council for the benefit of both TAFE and Warrnambool communities.

The new building will have greater accessibility, more access to computers, improved study and meeting spaces, a vibrant children's library, generous collection spaces and room to expand for our growing community.





An aerial photograph showing the Lake Pertobe Adventure Park and its proximity to the Warrnambool foreshore. The park features a large body of water with several small islands connected by bridges, surrounded by lush greenery and trees. In the background, the ocean is visible with waves breaking on the shore. The sky is clear and blue.

## Lake Pertobe Adventure Park upgrade

**Lake Pertobe is a garden, park and series of playgrounds situated behind Warrnambool's foreshore.**

It is a major drawcard for visitors and residents and is undergoing a \$2.9 million upgrade.

The middle playground will receive a major overhaul with new features including a water play space, an indigenous play and soundscape area, all-abilities equipment, sensory games, an eight metre slide and south-west Victoria's largest climbing net.

Other upgrades include new paths between key areas in the park and a toilet toilet and change room facility to the south of Pertobe Road in McGennans Car Park.

These components were identified as part of the Lake Pertobe Master Plan, which was created based on extensive consultation with the community.

**Funding:** Australian Government, \$1.45 million; Warrnambool City Council, \$1.45 million.



WARRNAMBOOL  
CITY COUNCIL

## Complaints Policy

POLICY TYPE: COUNCIL

APPROVAL DATE: December 2021

REVIEW DATE: November 2025



## COMPLAINTS POLICY

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## DOCUMENT CONTROL

<b>Document Title:</b>	<i>Complaints Policy</i>
<b>Policy Type:</b>	<i>Council Policy</i>
<b>Responsible Branch:</b>	<i>Executive Services</i>
<b>Responsible Officer:</b>	<i>Manager Governance, Property, Projects and Legal</i>
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## COMPLAINTS POLICY



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## COMPLAINTS POLICY

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### 1. INTRODUCTION

#### 1.1. Purpose

The purpose of this policy is to deliver consistent and fair management and handling of complaints made to Council about decisions made, and actions or service delivery undertaken by Council staff, volunteers, contractors working on Council's behalf and Councillors.

The policy aims to:

- Inform customers about what to expect during the complaints handling process and how they can escalate their issue if they are not satisfied.
- Ensure that feedback is handled in a fair, unbiased and consistent way, allowing for corrective actions to be put in place where necessary.
- Consider and respect human rights.
- Provide opportunities for continually improvement to our customers' experience and satisfaction with Council services and programs.

#### 1.2. Scope

This policy applies to complaints made to Council about decisions made, and actions or service delivery undertaken by Council staff, volunteers, contractors working on Council's behalf and Councillors.

This policy does not apply to requests for service which would include items such as:

- Customer requests for service, including for works or repairs, the reporting of damaged or faulty infrastructure or hazards (i.e. potholes, fallen trees, etc.), information, support or assistance from relevant officers, etc.
- Requests for information about services, policies, procedures and/or records, including Freedom of Information requests.
- Reporting of a suspected breach of or complaint made under Council's Local Laws.
- Reporting of a suspected breach under certain statutory regulations or legislation such as planning, building and environmental health.
- Appeals against decisions made under certain statutory regulations or legislation such as planning, building and environmental health.
- Complaints and reporting about suspecting privacy breaches.
- Complaints alleging fraud, corruption or other criminal behaviour.
- Complaints made to external integrity agencies about Council for which Council is asked to provide information.
- Internal disputes between staff of a personal nature, or that are managed under human resource policies and procedures.

#### 1.3. Definitions

## COMPLAINTS POLICY



Term	Definition
Complaint	includes the communication to the Council by a person of their dissatisfaction with— (a) the quality of an action taken, decision made or service provided by a member of Council staff or a contractor engaged by the Council; or (b) the delay by a member of Council staff or a contractor engaged by the Council in taking an action, making a decision or providing a service; or (c) a policy or decision made by a Council or a member of Council staff or a contractor.
Council Staff	Is any person employed by the Council to carry out the functions of the Council, and the Council's CEO.
Council Contractor	Is any third-party engaged by the Council to carry out functions on the Council's behalf.
The Council	Means the body of elected Councillors
Frontline Staff	Staff who are forward facing and regularly provide direct customer service, or the Council staff directly involved with or responsible for taking the action, making the decision or delivering the service at the centre of the complaint
Customer Requests for Service	Are a request made by a customer for an action, decision or service which may relate to an activity or service provided by the Council.  Where a customer becomes dissatisfied with the action taken, decision made or service provided with respect to their customer service request, they may make a complaint to Council in accordance with this policy.  Customer requests for service are handled under the customer service charter and are not treated as complaints.

### 1.4. References

- Charter of Human Rights and Responsibilities Act 2006
- Freedom of Information Act 1982
- Information Privacy Act 2000
- Local Government Act 2020
- Public Interest Disclosure Act 2012
- Victorian Ombudsman Councils and Complaints – A Good Practice Guide

## 2. POLICY

This policy is created in accordance with section 107 of the Local Government Act 2020 and addresses the following:

- a process for dealing with complaints made to the Council; and
- a process for reviewing any action, decision or service in respect of which the complaint is made; and
- a discretion for the Council to refuse to deal with a complaint which is otherwise subject to statutory review.

The Warrnambool City Council complaints handling structure will include a process whereby Council:



## COMPLAINTS POLICY

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- enable complaints to be made;
- respond to complaints in a managed and consistent manner; and
- learn and improve service delivery through effective management and review of complaints data.

### 2.1. What is a complaint?

A complaint under this policy includes a communication to the Council which expresses dissatisfaction with:

- The quality of an action, decision or service provided by Council staff or a Council contractor.
- A delay in taking an action, making a decision or delivering a service by Council staff or a Council contractor
- A policy of, or decision made by the Council.

And, must be within this policy's Scope (clause 1.2) to be handled under this policy.

In accordance with s.107 of the Local Government Act 2020, complaints made under this policy can be received as communication by a person either orally or in writing.

Council accept anonymous complaints provided enough information is received in order to resolve the complaint, or undertake an internal investigation. Although Council may be able to review the subject matter of a complaint, an outcome or resolution of a complaint may not be able to be reached or communicated to an anonymous complainant.

### 2.2. Complaint Considerations

For a customer's expression of dissatisfaction to be treated as a complaint, complainants should be clear that they are making a complaint and seeking a resolution to that complaint.

Where possible, complainants should seek to raise their dissatisfaction with the Council staff or contractors involved in the matter in the first instance. Alternatively, information about how to make a complaint via other means is available below in the 'How to make a complaint' section of this policy.

Complaints should include information about:

- The specific action, decision, service or policy at the cause for the complaint
- What is the cause of or has resulted in the dissatisfaction
- Relevant details such as the dates, times, location, related documentation or references that support the complaint
- Outline any other action or communication you have had with Council staff, contractors, Councillors or external agencies with respect to your complaint
- What outcome you are seeking by making the complaint
- Any preferences or needs you have about communication with Council such as an interpreter or TTY, having someone act on your behalf in relation to the complaint, or a preference to have communication provided verbally.

## 3. PROCEDURE

## COMPLAINTS POLICY



### 3.1. How to Make a Complaint

A person can make a complaint in a number of ways.

Mail	<a href="#">PO Box 198, 25 Liebig Street, Warrnambool Victoria, 3280</a>
Telephone	<a href="#">1300 003 280 or 03 5559 4800</a>
Email	<a href="mailto:contact@warrnambool.vic.gov.au">contact@warrnambool.vic.gov.au</a>
In person	<a href="#">25 Liebig Street, Warrnambool, or the Council facility the complaint relates to.</a>
Fax	<a href="#">03 5559 4900</a>
Internet	<a href="https://www.warrnambool.vic.gov.au/">https://www.warrnambool.vic.gov.au/</a>

### 3.2. How a Complaint will be Handled

The council takes a four-tiered approach to complaint handling, as follows:

1. **Frontline resolution:** frontline staff receive the complaint and resolve it immediately.
2. **Escalation:** where frontline staff cannot resolve the complaint, they will escalate the complaint to their Coordinator/Service Manager/Team Leader for resolving.
3. **Internal Investigation:** if the complainant is not satisfied with the outcome or resolution of their complaint, they can request an internal investigation where a review of the complaint and decision will be undertaken.
4. **External Review:** if the complainant is not satisfied with the process or outcome of the internal investigation, they will be informed of any external avenues through which they can pursue their complaint.

#### 3.2.1. Frontline Resolution

Where possible, frontline staff will seek to resolve the complaint at the time of first contact by the complainant or within 10 business days of receipt of the complaint.

The frontline resolution process will be undertaken as follows:

- Where needed, frontline staff will seek to clarify the complaint and the outcome the complainant is seeking if not included in initial complaint
- Frontline staff will assess the complaint and, where possible, determine an outcome and respond to the complainant accordingly.
- Frontline staff will record the action they took to review the complaint and the outcome of the complaint and submit it to Records for recording the Records Management System.
- If it is determined by frontline staff that Council is not the right organisation to respond to the complaint, they will refer the complainant to an organisation that can help.
- If it is determined by Frontline staff that the complaint is not easily and quickly resolvable, they may escalate the complaint to a Coordinator/Team Leader/Service Manager.

#### 3.2.2. Escalation

Where Frontline staff are unable to quickly and easily resolve a complaint, the complaint may be escalated to a more senior staff member with knowledge of the service area or oversight of actions and decisions made within that Council service.



## COMPLAINTS POLICY



The Coordinator/Team Leader/Service Manager will acknowledge with the complainant that the complaint has been escalated to them with 2 business days of the escalation.

The process will be undertaken as follows:

- Where needed, the Coordinator/Team Leader/Service Manager will seek to clarify the complaint and the outcome the complainant is seeking if not included in initial complaint
- The Coordinator/Team Leader/Service Manager will assess the complaint and determine an outcome and respond to the complainant accordingly. Council will aim to complete a review and respond to the complainant with an outcome within 30 days.
- The Coordinator/Team Leader/Service Manager will record the action they took to review the complaint and the outcome of the complaint and submit it to Records for recording the Records Management System.
- If it is determined that Council is not the right organisation to respond to the complaint, they will refer the complainant to an organisation that can help.

### 3.2.3. Internal Investigation

If a complainant is dissatisfied with the outcome of their complaint, they are able to request an internal review of the complaint.

The internal review will be conducted by the Manager Governance, Property, Projects and Legal, or a senior officer who has not had any prior involvement with the complaint.

The complainant will be informed of the outcome of the internal review, with reasons given for any decisions made with 45 days of the internal review being received by the reviewing officer.

### 3.2.4. External Review

There are external integrity agencies available to investigate different types of complaints about Council.

Complainants can request an external review from the following organisations by contacting them directly.

Where a complaint made to Council leads to findings that may require external investigation by an integrity agency, Council will forward the necessary information to the appropriate external agency for further assessment.

Complaint	External agency to contact
External review of actions or decisions of a Council, Council staff and contractors.  <i>This includes failure to consider human rights or failure to act compatibly with a human right under the Charter of Human Rights and Responsibilities Act 2006 (Vic)</i>	Victorian Ombudsman <a href="http://www.ombudsman.vic.gov.au">www.ombudsman.vic.gov.au</a>
Breaches of the Local Government Act	Local Government Inspectorate <a href="http://www.lgi.vic.gov.au">www.lgi.vic.gov.au</a>
Breach of privacy or a complaint about a freedom of information application	Office of the Victorian Information Commission <a href="http://www.ovic.vic.gov.au">www.ovic.vic.gov.au</a>
Corruption or public interest disclosure ('whistleblower') complaints	Independent Broad-based Anti-corruption Commission

## COMPLAINTS POLICY



	<a href="http://www.ibac.vic.gov.au">www.ibac.vic.gov.au</a>
Discrimination	Victorian Human Rights and Equal Opportunity Commission <a href="http://www.humanrights.vic.gov.au">www.humanrights.vic.gov.au</a>
Council elections	Victorian Electoral Commission <a href="http://www.vec.vic.gov.au">www.vec.vic.gov.au</a>

### 3.3. Roles and Responsibilities

Role	Responsibility
Complainant	Be clear about what the complaint is, what and/or who it relates to, when it occurred and any related background and timeline information, and any additional information that may assist officers in quickly and efficiently reviewing and responding to the complaint.
Frontline Staff	<p>Frontline staff receive and assess complaints and if possible resolve the complaint at the point of contact, within the scope of their role.</p> <p>Where a frontline staff member requires assistance of a supervisor or the Manager Governance, Property, Projects and Legal, the supervisor or Manager will assist and investigate to enable the complaint to be resolved at the point of contact.</p> <p>Where a complainant requests a review of the decision made about their complaint by a frontline staff member, the staff member is to refer it to the Manager Governance, Property, Projects and Legal for internal investigation.</p>
Service Managers, Coordinators and Team Leaders	<p>Complaints that cannot be managed at first point of contact by Frontline Staff will be referred to the appropriate Coordinator/Service Manager/Team Leader for investigation and management of the complaint.</p> <p>Where a complainant requests a review of the decision made about their complaint by a Coordinator/Service Manager/Team Leader, the officer is to refer it to the Manager Governance, Property, Projects and Legal for internal investigation.</p> <p>Provide training and support to staff so that they understand the complaint handling process and are empowered to manage any referred complaints within the scope of their role.</p>
Managers and Directors	<p>Where a complainant requests a review of the decision made, refer it to the Manager Governance, Property, Projects and Legal for internal investigation.</p> <p>Provide training and support to staff so that they understand the complaint handling process and are empowered to manage any referred complaints within the scope of their role.</p> <p>Periodically review complaints data provided and apply findings to improve service delivery.</p> <p>Implement service delivery improvement opportunities identified through individual internal investigations upon their completion, where feasible.</p>

## COMPLAINTS POLICY



Manager Governance, Property, Projects and Legal	<p>Where a complainant requests a review of the complaints decision made in the first instance, the Manager Governance, Property, Projects and Legal will undertake an internal investigation.</p> <p>Present findings of any internal investigation to the appropriate Managers and Directors.</p> <p>Present findings of any internal investigation that uncover significant issues in the quality of, or delay in an action taken, decision made or service provided by a staff member or contractor to the Chief Executive Officer.</p> <p>Support staff in undertaking any complaints resolution process for which they seek assistance from the Manager Governance, Property, Projects and Legal.</p> <p>Where a complaint is assessed by the Manager</p>
Chief Executive Officer	<p>Establish an organisational culture where complaints are handled seriously and comprehensively.</p> <p>Promote positive behaviours and practices relating to enabling, responding to and learning from complaints</p> <p>Act on complaints reporting data and resolve any significant issues identified; and support service improvements that arise from complaints.</p> <p>Oversee complaints made against Directors or the Council.</p> <p>Receive and action internal investigation reports about complaints made against Directors or the Council undertaken by the Manager Governance, Property, Projects and Legal.</p>
Contractors	<p>Contractors are responsible for ensuring all complaints received from members of the community are issued to their Council staff member contact so they can be recorded in the CRM system for tasking to appropriate staff member.</p> <p>Implement service delivery improvement opportunities identified through individual internal investigations upon their completion, where feasible.</p>
All Council Staff	<p>Familiarise themselves with this policy and the Council's complaint process.</p> <p>Assist members of the public to make a complaint.</p> <p>Treat members of the public making a formal complaint with respect and professionalism.</p>
Councillors	<p>Councillors are responsible for ensuring all complaints received from members of the community are referred to Council staff to be dealt with in accordance with this policy.</p>

### 3.4. How Council learn from Complaints

## COMPLAINTS POLICY

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Complaints made by people who use or who are affected by Council services provide valuable feedback about the quality of the service and their customer experience. Council will analyse this complaint data to identify trends and potential issues that deserve further attention.

### 4. GOVERNANCE

#### 4.1. Owner

Manager Governance, Property, Projects and Legal.

#### 4.2. Privacy

Council will record and use personal information to respond to a complaint and may also analyse the information provided for the purpose of improving services that relate to the complaint. Where Council report any complaints data, personal information is removed. Personal information Council may seek as part of a complaint includes:

- name and contact details
- any communication or assistance needs that can be reasonably accommodated
- demographic information to help Council understand the needs of our community (if you consent to giving us this information)
- what the complaint is about and why the complaint arose
- what outcome the complainant is seeking

#### 4.3. Review

The Manager Governance, Property, Projects and Legal will review the policy for any necessary amendments no later than 4 years after its formulation or after the last review.

#### 4.4. Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights and Responsibilities Act (2006).

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

### 5. APPENDICES

Nil.

## COMPLAINTS POLICY

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WARRNAMBOOL  
CITY COUNCIL

## BORROWINGS STRATEGY

APPROVAL DATE: ~~June-XX 2017~~2021  
REVIEW DATE: ~~June-XX~~20232025



## BORROWINGS STRATEGY

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## BORROWINGS STRATEGY



### Background

Loan borrowing is a legitimate and responsible financial management tool when used to fund major projects, as it spreads the payments for such assets across the generations who benefit.

In developing ~~the Strategic Resource Plan (SRP) and the Councils~~ Long Term Financial Plan, borrowings have been identified as an important funding source for infrastructure necessary to support the new growth areas, provision of generational infrastructure assets and ~~to deal with the flattening of major generational infrastructure costs to invest in projects that provide an appropriate return on investment through income generation or cost savings.~~

~~Warrnambool Council has a history borrowed strongly to finance large infrastructure projects and the provision of drainage infrastructure to facilitate new development in the city was an exemplar of this direction. The updated SRP contains borrowings to fund the new infrastructure works necessary to facilitate development in the identified growth areas.~~

~~The debt reduction program likewise creates a future opportunity to revisit borrowings for projects and stay within appropriate prudential borrowing limits.~~

~~Loan borrowing is a legitimate and responsible financial management tool when used to fund major projects, as it spreads the payments for such assets across the generations who benefit.~~

### Purpose

The purpose of this strategy is to provide the appropriate parameters for the Council to undertake borrowings without compromising the application of sound fiscal management principals. The strategy allows the Council the flexibility to respond to funding requirements while minimising risk.

The strategy ensures that Council has a sound financial framework on which to:

- undertake borrowings;
- manage its loan portfolio; and
- adhere to the provisions of the Local Government 2020

### Legislative Framework

The Local Government Act 2020 (Section 104) gives Council the power to borrow funds provided it is included in the budget or the revised budget.

The Act introduces strategic planning principles for Victorian councils which include an integrated approach to planning, monitoring and performance reporting.

Part 4 of the Local Government Act 2020 requires councils to prepare the following:

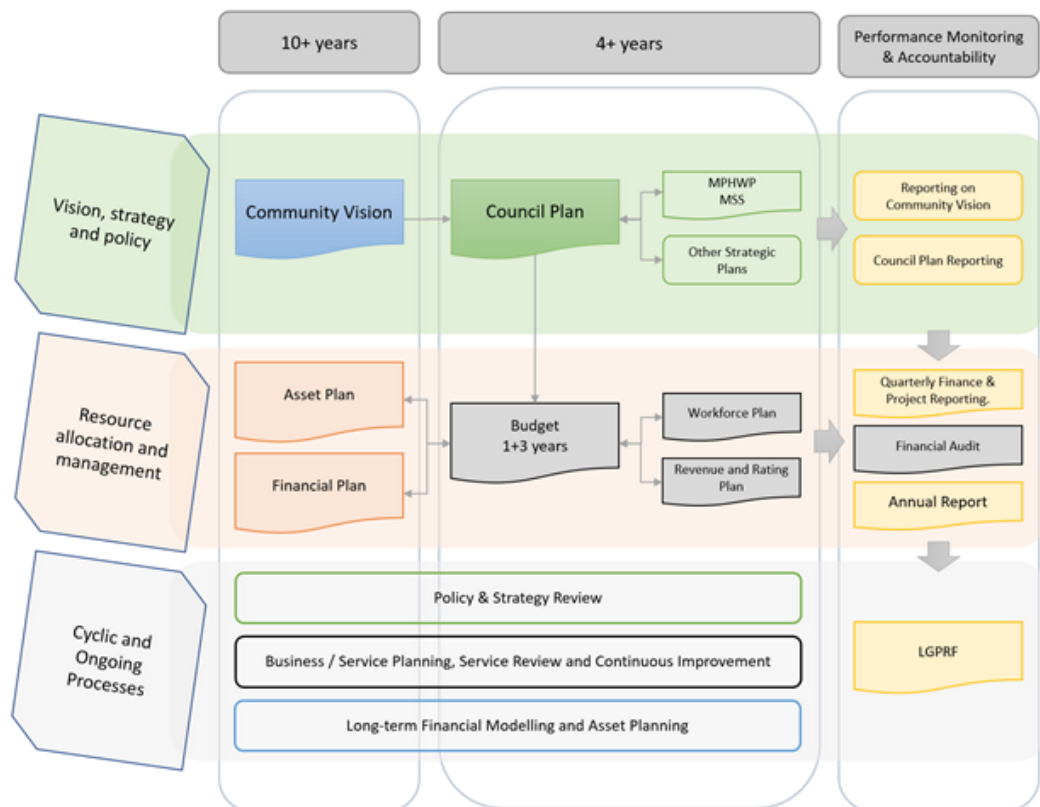
- A Community Vision (for at least the next 10 financial years);
- A Council Plan (for at least the next 4 financial years);



## BORROWINGS STRATEGY

- A Financial Plan (for at least the next 10 financial years);
- An Asset Plan (for at least the next 10 financial years);
- A Revenue and Rating Plan (for at least the next 4 financial years);
- An Annual Budget (for the next 4 financial years);
- A Quarterly Budget Report;
- An Annual Report (for each financial year);
- A Workforce Plan (including projected staffing requirements for at least 4 years); and
- Financial Policies.

The legislative timeframes for development, review and adoption of the elements of the Integrated Strategic Planning and Reporting Framework (ISPRF) and the time horizons for each element vary. However there are also many linkages, including the central importance of community engagement. It is therefore vital to recognise the relationships and degrees of integration between different elements. To aid this process, a visual representation of the ISPRF has been developed.



The borrowing strategy is an important financial strategy that will help to inform the key strategic documents of Council.

The Local Government Act 1989 (the Act) (Section 125) provides that Councils are required to develop Council Plans generally within 6 months of each general election. The Council Plan must document Council's strategic objectives and strategies for achieving those

## BORROWINGS STRATEGY



objectives at least over the next 4 years as well as indicators for monitoring the achievement of objectives. The Act (Section 126) requires the Council Plan to incorporate a Strategic Resource Plan.

The Strategic Resource Plan identifies resources required to achieve the strategic objectives for at least the next four years and in particular the financial resources which are set out in standard financial statement format.

While the Council Plan is set for a minimum four year period, good governance and planning processes would ensure it is based on longer term objectives in relation to Council services and infrastructure. These aspirations are then translated into the medium term goals set out in the Council Plan. Council has a number of processes through which long term service and infrastructure needs are identified. In particular, asset management and capital expenditure planning typically spans a 10 year or longer time horizon.

Changes mooted in the development of a new Local Government Act and work required to fulfil any submissions to the Essential Services Commission (ESC) must look at a longer 10 year plus horizon.

Part of any ESC review of rates is the effective utilisation of all available resources by a Council i.e. its current rating effort other recurrent revenue streams and the manner in which its borrowings regime is applied.

Under the Act (Section 127) a budget must also be prepared each financial year. The budget must be prepared in a standard format, describe the "activities and initiatives to be funded" and must also state "...how the activities and initiatives...will contribute to achieving the strategic objectives" Council.

The Act provides for Councils the power to borrow.

Section 144(1) of the Act states: 'Subject to the principles of sound financial management, a Council may borrow money to enable the Council to perform the functions and exercise the power conferred on the Council under this Act or any other Act.'

Sections 145 to 149 of the Act further specify the circumstances in which the power to borrow may be exercised, securities to be used for local government borrowings, and how the borrowings should be disclosed, etc.

In particular, Section 146 provides that 'A Council cannot borrow money for ordinary purposes or the purposes of municipal enterprises unless the proposed borrowings were included in a budget or revised budget.' Further 'If the proposed borrowings are to re-finance existing loans, the Council is not required to include the proposed borrowing in a budget or revised budget.'

Council Plans can be amended. The Act (Section 125(7)) requires that "...a Council must consider whether the current Council Plan requires any adjustment" and (Section 125(8)) that "...a Council may make any adjustment it considers necessary". Any such adjustments to the Council Plan must be advised to the Minister within 30 days of the making the adjustment (Section 125(10)).

Similarly, the Act (Section 128(1)) requires that a revised budget be prepared "...if circumstances arise which cause a material change in the budget and which affects the operations and position of the Council."

## BORROWINGS STRATEGY



~~Therefore the Act clearly provides for amendments to be made to the Council Plan (including the Strategic Resource Plan) and the Annual Budget.~~

~~In practical terms the Council Plan and Budget are subjected to review at least on an annual basis.~~

### Linkage to Council Plan

Council's strategic objectives are set out in the Council Plan whilst the ~~Strategic Resource Plan~~ 4 year budget and long term financial plan contains the financial resources to achieve these objectives. ~~it~~ These plans outlines the funding sources proposed to deliver on ~~its~~ the strategic objectives for ~~its~~ the community.

In seeking to remain financially sustainable, Council utilises a range of funding sources of which borrowings is one. It is acknowledged that Councils are generally infrastructure intensive as this is required to provide the extensive range of services to their communities much of which would not be provided for in any other form.

The Council Plan outlines the strategic intent of service provision and advocacy for ~~a~~ the local community.

### Principles of ~~Sound~~ Financial Management

The Victorian Local Government Act ~~1989-2020~~ (~~Section 136~~ Section 101) sets out the following principles of ~~sound~~ financial management:

(~~21~~) The principles of ~~sound~~ financial management are that a Council must –

- (a) ~~revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans; manage financial risks faced by Council prudently having regard to economic circumstances;~~
- (b) ~~financial risks must be monitored and managed prudently having regard to economic circumstances; pursue spending and rating policies that are consistent with a reasonable degree of stability of the rates burden;~~
- (c) ~~financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community; ensure that decisions are made and actions are taken having regard to their financial effects on future generations;~~
- (d) ~~accounts and records that explain the financial operations and financial position of the Council must be kept; ensure full, accurate and timely disclosure of financial information relating to the Council~~



## BORROWINGS STRATEGY



(32) For the purposes of the financial management principles, financial risk includes any risk relating to the following—~~The risks referred to in subsection (2)(a) include risks relating to—~~

- ~~(a) the financial viability of the Council; the level of Council debt;~~
- ~~(b) the management of current and future liabilities of Council; the commercial or entrepreneurial activities of the Council;~~
- ~~(c) the beneficial enterprises of the Council; the management and maintenance of assets;~~
- ~~(d) the management of current and future liabilities;~~
- ~~(e) changes in the structure of the rates and charges base."~~

### Strategy as Policy~~Strategic Intent:~~

Council is of the opinion that borrowings<sup>s</sup> are an acceptable source of funding. Council will plan to utilise this form of funding in future budgets and in its long term financial plan. Whilst understanding and adhering to the principles of sound financial management as set out in the local government act, Council must decide how this manifests itself in practical terms for the future and how it will utilise borrowings as such.

The principles outlined below in the strategy form the policy basis for Council Borrowings. The following principles codifies what process for decision making is to be applied when considering the use of borrowings for Warrnambool City Council.



## BORROWINGS STRATEGY

### Borrowing Policy Principles:

- No borrowings for operational purposes.
- Borrow for major infrastructure projects which have long useful lives thereby applying equity of burden across ratepayers of different generations who would enjoy the benefits of the asset.
- Consider borrowing for unforeseen one-off major impacts (i.e defined benefits superannuation calls, natural disasters) that may have a generational impact.
- Priority for projects with above loan repayment returns – These are projects which are capable of generating new cash inflows, or reduced cash outflows, which are greater than the principal and interest cash flows associated with a loan.
- Loan repayments of principal and interest to repay debt over its loan term.
- Maintain a prudential borrowing ratio (debt/rate revenue) of no greater than 50%.
- Maintain a debt servicing ratio (loan repayments/rate revenue) of no greater than 8%.
- All Victorian Auditor General Office VAGO Sustainability indicators relating to debt which a sustainable rating.
- Council will secure its loan funds through competitive tendering, either as a standalone tender or through collaborative tendering arrangements approved by the Minister for Local Government or directly with the Treasury Corporation of Victoria.

### Borrowing Arrangements

When entering into borrowing arrangements, Council will seek to minimise interest costs over the long term without introducing undue volatility in annual interest costs. Council's borrowings will be appropriately structured to constrain risk and will be consistent with the following parameters:

Council will consider the appropriateness of the various types of debt products available (including savings offset arrangements);

- The term of a loan will typically be 10 years, but no greater than the expected useful life of the asset being funded by the loan;
- Council intends to maintain a repayment schedule consistent with "principal and interest" repayment calculations. In the case of interest only borrowings, this will require an investment reserve to be established to hold funds equivalent to principal repayments;
- Loan repayments will be made in a regular schedule, such as quarterly, bi-annually or otherwise determined at the time of entering the loan agreement. Consideration should be given to efficiency of payment while minimising interest costs

### Period of policy currency and review

This policy will remain current until its review which will be scheduled for consideration in June 2023.

## **BORROWINGS STRATEGY**

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WARRNAMBOOL  
CITY COUNCIL

## Investment Policy

APPROVAL DATE: ~~03-August-2020~~

REVIEW DATE: ~~August-2024~~

## INVESTMENT POLICY

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## DOCUMENT CONTROL

<b>Document Title:</b>	<i>Investment Policy</i>
<b>Policy Type:</b>	<i>Council</i>
<b>Responsible Branch:</b>	<i>Financial Services</i>
<b>Responsible Officer:</b>	<i>Manager Financial Services</i>
<b>Document Status:</b>	<i><del>Adopted</del>Draft</i>
<b>Approved By:</b>	<i>Council</i>
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<b>Review Date:</b>	<i>August-2024</i>



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## INVESTMENT POLICY

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### 1. INTRODUCTION

The Local Government Act ~~1989~~ 2020 provides local Councils in Victoria with guidelines and restrictions as to the types of investments that they can make. The Warrnambool City Council has established an Investment Policy that specifies the framework within which investments will be made.

In developing the Investment Policy, Council has considered both ethical and environmental issues and given the scope of allowable investments contained within the policy, Council will not invest in any unethical or environmentally detrimental products.

#### 1.1. Scope

This policy applies to investments made by Council Officers (Finance) in accordance with the requirements of Section ~~143~~ 103 of the Local Government Act ~~1989~~ 2020 (the Act) and enhances the legislative requirements by providing additional requirements in managing Council's investment activities of its surplus funds. Council's objective is to maximise the return on surplus funds whilst maintaining the purchasing power that will be required to fund projects in the future.

#### 1.2. Definitions

Council – Warrnambool City Council, being a body corporate constituted as a municipal Council under the Local Government Act ~~1989~~ 2020.

Short term investment – For the investment market it is reasonable to consider short term to mean amounts invested less than 365 days

Long term investment – Any investment with terms greater than 365 days.

#### 1.3. References

- Councils Risk Framework
- Strategic Risk 440 – Councils Financial Sustainability. This policy provides controls to help mitigate the risks associated with the ongoing financial sustainability by ensuring investments are made within acceptable risk levels.

### 2. OBJECTIVES

- To maximise return on Council funds with a systematic approach while maintaining an acceptable level of risk.
- To ensure Council's investments are made in accordance with section ~~43~~ 103 of the Local Government Act ~~1989~~ 2020.
- To establish a formal policy that provides guidelines for making decisions with respect to Council funds.
- To ensure Council has sufficient levels of funds available to service its commitments as and when they fall due.

In order to meet the above objectives the following matters need to be considered:



## INVESTMENT POLICY

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- i. Cash flow
- ii. Credit Rating of Institution
- iii. Existence of Guarantee and Security
- iv. Interest Rate
- iv. Period of investment

### 2.1. Cash Flow

Prior to seeking quotes on investment options Council must consider its working capital requirements which will entail upcoming outgoings, including creditor payments, payroll and other liabilities against incoming monies such as rates, grants and cash contributions. If it is deemed that Council will have excess working capital for a sufficient period of time to invest then these funds may be invested to maximise return. Finance staff shall take a conservative approach in determining working capital requirements.

### 2.2. Credit Rating

Council shall consider the credit rating as set by Standard and Poor's (S & P) (or similar organisation) of a financial institution and/or product prior to investment. S & P have different ratings for short and long term investments and are conservative ratings (refer Appendix A).

Council shall only invest funds in short term investment products with a credit rating of **A3 or higher**. For long term investments Council will only invest in products with a rating of **BBB or higher**. The ratings of A3 and BBB are given to products where the financial institution is considered to have an adequate capacity to pay and are deemed appropriate across the industry.

### 2.3. Existence of Guarantee and Security

Council shall consider whether the investment is guaranteed by the institution. Commercial/Bank Bills although guaranteed, rank as an unsecured creditor in the event of winding up in comparison to bank accounts and term deposits which are ranked higher. Given the nature of Commercial and Bank Bills the ratings detailed in this policy must be adhered to so ensure Council funds are not exposed to unnecessary risk.

### 2.4. Interest Rate

Council shall consider all relevant investment products which fall within the relevant credit rating. Council shall consider all factors when deciding on an investment which may mean the highest rate is not always selected.

### 2.5. Period of Investment

The period of investment shall be determined following consideration of Council's cash flow requirements.

## INVESTMENT POLICY



For the purposes of the Warrnambool City Council short-term investments will be for a period of no longer than 12 months. All investments greater than 12 months will be considered long-term.

Some investments may be influenced by specific regulations or Council policy where Council is obliged to cash back a specific reserve. In this instance, Council shall consider when these specific funds are likely to be called upon and invest accordingly.

### 2.6. Spread of Investments

Council shall spread its investments to minimise its risk with any one bank. Council's short-term investments shall be spread the following way:

S&P Long Term Rating	S&P Short Term Rating	Investment Maximum in Portfolio	Investment Maximum in an Individual Institution
AAA	A1+	100%	40%
AA+ to AA-	A1	100%	40%
A+ to A-	A2	50%	20%
BBB+ to BBB-	A3	35%	10%

### 3. TYPES OF INVESTMENTS

Under section [143-103](#) of the Local Government Act [1989-2020](#) Council may invest in the following:

- in Government securities of the Commonwealth; and
- in securities guaranteed by the Government of Victoria; and
- with an ADI; and
- with any financial institution guaranteed by the Government of Victoria; and
- on deposit with an eligible money market dealer within the meaning of the Corporations Act; and
- in any other manner approved by the Minister, either generally or specifically, to be an authorised manner of investment for the purposes of this section.

### 4. INVESTMENT REGISTER

The Accountant shall be responsible for maintaining an Investment Register.

The Investment Register shall be updated following each investment and be reconciled to the ledger monthly as part of the Monthly Balance Sheet Reconciliation process.

The Investment Register shall include:

- Investment date.



## INVESTMENT POLICY

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- Type of investment.
- Maturity date.
- Period of investment.
- Financial institution.
- Amount invested.
- Interest rate.
- Interest received.

### 5. AUTHORITY TO INVEST

The Manager Financial Services shall be authorised to invest surplus funds on behalf of Council as contained within the Instrument of Delegation.

The Coordinator Financial Services or Accountant shall manage Council's cashflow and identify surplus funds available for investment and recommend investments to the Finance Manager for authorisation.

A minimum of three quotes will be sought from approved financial institutions before investing or re-investing funds.

The best possible investment rate must then be used subject to the spread of investments outlined within this Policy. These limits apply at the time of investment.

All quoted interest rates and actions taken must be recorded.

An evaluation of future cashflow needs and investment strategies will be completed prior to investing funds.

### 6. REPORTING

The Monthly Financial Report shall include a section addressing Treasury Reporting. This shall summarise the following:

- Total Cash Holdings (including totals of restricted cash balances).
- The Average Interest Rate held, with a comparison to the 90 Day Bank Bill Rate and the RBA Cash Rate.
- Total Investment Balances held each month end.

### 7. GOVERNANCE

#### 7.1. Owner

The Manager Financial Services will be responsible for this policy and for ensuring the policy is implemented, progress is monitored and the policy is regularly reviewed.

## INVESTMENT POLICY

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### 7.2. Review

This policy should be reviewed every four years or where there is a change to legislation or a significant change to investment market conditions.

### 7.3. Compliance Responsibility

- 7.3.1. *Executive Management Team (Chief Executive and Directors)*
- 7.3.2. *Managers and Supervisors*
- 7.3.3. *All Employees*

### 7.4. Charter of Human Rights Compliance

It is considered that this policy does not impact negatively on any rights identified in the Charter of Human Rights Act (2007).

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



## INVESTMENT POLICY

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### 8. APPENDIX A – STANDARD & POORS RATINGS LEVELS

The difference between short term and long term depends on the investment market. For the investment market it is reasonable to consider short term to mean anything less than 365 days.

#### Short Term

A1+	Extremely strong capacity to pay
A1	Strong capacity to pay
A2	Satisfactory capacity to pay
A3	Adequate capacity to pay
B	Speculative
C	Currently vulnerable to non-payment
D	Payment on an obligation due date is not made

#### Long Term

AAA	Extremely strong capacity to pay
AA	Very strong capacity to pay
A	Strong capacity to pay
BBB	Adequate capacity to pay
BB	Uncertainties or adverse conditions could lead to inadequate capacity to pay
B	Adverse conditions likely to impair capacity to pay
CC	Vulnerable to default
C	High risk to default
D	Default



## Warrnambool City Council Audit and Risk Committee

### 2021 Biannual Report of Activities July to December

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## 1. Introduction

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

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

The Committee is accountable to and reports directly to Council.

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

## 2. Authority

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

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

The Committee has the authority to:

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

## 3. Key Activities and Recommendations

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

- Approve the annual work plan to assist the committee in discharging its responsibilities set out in the Charter.
- Reviewed and resolved the 2020/21 financial statements and performance statements for signing by the Council.

- Presentation of the VAGO Management Letter and Closing Report following the completion of the external audit.
- Reviewed the Audit & Risk Committee charter.
- Received an update on the Business Continuity Plan (BCP).
- Reviewed the VAGO report for maintaining local roads and were given the opportunity to query management on the impacts to Council.
- Reviewed and endorsed the following policies:
  - Procurement policy
  - Asset accounting policy
  - Borrowing strategy
- Reviewed the effectiveness of the internal audit function.
- Approved the Audit and Risk Committee self-assessment tool for completion by members.
- Reviewed the gifts and benefits register.
- Received updates on Council's Workplace Health and Safety, including specific reports on relevant issues as they arose.
- Review of the Annual Risk Management Report analysing claims and premium history for all classes of insurance including Workcover as part of the regular Risk Adherence Report.
- Tabled and noted quarterly financial reports in accordance with statutory requirements.
- Noted CEO expenditure on a quarterly basis.
- Noted Councillor reimbursements on a biannual basis.
- Reviewed the findings of examinations by regulatory agencies (e.g. VAGO, IBAC), and any auditor (internal or external auditors) observations.
- Received updates from the VAGO sector director.

#### 4. Audit and Risk Committee Membership

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

The membership of the Committee is set out below:

##### 4.1 Independent Members

Mr Rob Wallis (Chairman)

Mr Dennis Farley

Mr Aswin Kumar

Two independent members are retiring, with Mr Rob Wallis finishing following the meeting on November 16<sup>th</sup> 2021 and Mr Dennis Farley following the meeting on March 8<sup>th</sup> 2022. As a result, two new independent members have been appointed and will attend meetings from November 16<sup>th</sup> 2021. These two new members are:

Ms Donna Porritt

Mr Leon Fitzgerald

##### 4.2 Council Representatives

Cr Angie Paspaliaris

Cr Ben Blain



## 5. Meetings and Attendance

There are a minimum of four scheduled meetings of the Audit and Risk which occur in March, May, August and November. If required special meetings will be conducted in addition to the scheduled quarterly meetings. At the August meeting the Committee will consider the Annual Financial Report and the Annual Performance Statement.

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

Attendee	Role	9/3/2021 Quarterly	18/5/2021 Quarterly	31/8/2021 Quarterly	16/11/2021 Quarterly
Mr Rob Wallis	Chair	Attended	Attended	Attended	Attended
Mr Dennis Farley	Member	Attended	Did Not Attend	Attended	Attended
Mr Ashwin Kumar	Member	Attended	Attended	Attended	Attended
Ms Donna Porritt	Member	N/A	N/A	N/A	Attended (non-voting)
Mr Leon Fitzgerald	Member	N/A	N/A	N/A	Attended (non-voting)
Cr Angie Paspaliaris	Councillor	Attended	Attended	Attended	Attended
Cr Ben Blain	Councillor	Attended	Attended	Attended	Attended

## 6. Internal Audit

### 6.1 Internal Audit Service Provider

The internal audit service providers, Crowe, continued to provide such services to Council in the 2021 calendar year. The current internal audit contract will conclude its initial three year term at the 31<sup>st</sup> December 2021 with options to extend the contract.

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

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

### 6.2 Strategic Internal Audit Plan

The 2021 strategic internal audit plan was presented to the Audit and Risk committee at the February meeting. The table below sets out the planned internal reviews for the year.

Internal Review Area	Planned Presentation to Audit Committee	Completed	Recommendations		
			High Risks	Medium Risks	Low Risk
Assurance Mapping	March 2022	No			
Tree Management	May 2021	Yes	0	3	3
Essential Safety Measures	August 2021	Yes	5	4	5
Payroll Management	November 2021	Yes	2	4	0

Human Resources – Workforce Development	March 2022	Draft	0	16	1
Project Management	March 2022	No			

Final internal audit reports are reviewed and discussed by the Committee at each of the scheduled meetings. The status of Internal Audit recommendations are reported to the Committee on a quarterly basis and the Committee discuss management progress in closing out open recommendations.

### 6.3 Oversight of Internal Audit Performance

A new assessment tool has been established to enable Council officers to provide feedback on the performance of the internal audit function. This has been completed by the relevant Council officers and the results from the assessment are as follows:

To be added subsequently.

### 6.4 Implementation of Audit Recommendations

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

A particularly focus of these reviews is to ensure that the high risk recommendations are closed out within appropriate timeframes. There are currently 5 high risk recommendations with 1 complete and 4 progressing, with all recommendations within the appropriate timeline.

## 7. External Audit

The Victorian Auditor General's Office (VAGO) has appointed a representative to conduct the 2020/21 external audit of Warrnambool City Council which is McLaren Hunt, with Chris Kol as a the lead partner.

McLaren Hunt presented the 2020/21 financial statements and performance statements for review and resolution from the Committee for signing by Council.

Following the completion of the external audit, McLaren Hunt issued VAGO's management letter and closing report. There were a number of recommendations on the management letter that will be actioned by the Council officers and monitored by the Committee.

VAGO has re-tendered the audit service provider contracts across the State and has appointed RSD Audit to conduct the audit for a minimum 3 year term.

The Committee wishes to express its gratitude to McLaren Hunt for their work, support and collaboration over the last 3 years.

## 8. Duties and Responsibilities

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

## 9. Audit and Risk Committee Performance Review

The Audit & Risk Committee has adopted the newly created Local Government Victoria template for the self-assessment of the committee's performance. The template is very detailed and over time will allow for some benchmarking within the sector.

The self-assessment was completed by the 3 independent members of the Committee that had been there for the full 2020 calendar year.

Overall, the responses showed that the committee was performing to a high standard and there was a good working relationship between the Committee and Council with support from the internal and external audit functions. The average score for the survey was 185 (out of 210) which equates to an 88% performance score. The survey did highlight a number of areas for future improvement and these include:

- Availability of training/professional development for the members
- Council's identification and management of risks
- The timing of the agendas

In response to the above improvement actions, the Committee is satisfied that these items are improving and will conduct the next iteration of the self-assessment which will be reported at the March 2022 meeting.

## 10. Conclusion

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

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

Mr Rob Wallis

Audit and Risk Committee Chair

Warrnambool City Council

## Andrew Nield

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**From:** Town Planning  
**Sent:** Tuesday, 26 October 2021 8:47 AM  
**To:** Julie Glass  
**Subject:** FW: WARRNAMBOOL PLANNING SCHEME AMENDMENT C209WARR Attention Julie Glass

### Town Planning | City Strategy & Development

Warrnambool City Council | 25 Liebig Street Warrnambool 3280 | P.O Box 198 Warrnambool 3280

T: 0355594800 | M: | F: | E: [planning@warrnambool.vic.gov.au](mailto:planning@warrnambool.vic.gov.au)

We value accountability, collaboration, respectfulness, progressiveness and wellbeing.

Council acknowledges the Traditional Owners and Custodians of the lands on which we live and work and pays respects to Elders past, present and emerging.

---

**From:** [REDACTED]  
**Sent:** Monday, 25 October 2021 5:03 PM  
**To:** Town Planning  
**Subject:** WARRNAMBOOL PLANNING SCHEME AMENDMENT C209WARR Attention Julie Glass

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 Julie

Thank you for your letter dated 20 October 2021 regarding Warrnambool Planning Scheme Amendment C209Warr.

We note that the Amendment is on exhibition for a reduced notice period between 21 October 2021 and 4 November 2021.

This reduced notice period makes it difficult for EPA to respond other than to advise of the following:

Council should seek to ensure that the land is suitable for the intended use and there is nothing to preclude use of the land for education having regard to the requirements of Ministerial Direction No. 1 Potentially Contaminated Land, and also the recommended separation distances for industrial residual air emissions as set out in EPA Publication 1518.

Council should take steps to ensure that the rezoning will not impact on existing land uses located within the Farming Zone land located to the east of the Warrnambool Campus.

We do not wish to be heard in support of this submission.

Kind regards  
Trisha Brice

**Trisha Brice** My personal pronouns are she/her  
Planning Team Lead - Strategic  
Major Projects & Planning  
200 Victoria Street, Carlton



[REDACTED] | [www.epa.vic.gov.au](http://www.epa.vic.gov.au)

Please note I work Monday to Thursday

**Victoria has new laws  
to prevent harm from  
pollution and waste.**

LEARN MORE

EPA acknowledges Aboriginal people as the first peoples and Traditional custodians of the land and water on which we live, work and depend. We pay respect to Aboriginal Elders past and present and recognise the continuing connection to, and aspirations for Country.





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15 November 2021

Andrew Nield  
Strategic Planner  
Warrnambool City Council  
25 Liebig Street, Warrnambool  
Warrnambool VIC 3280

By email only: [planning@warrnambool.vic.gov.au](mailto:planning@warrnambool.vic.gov.au)

Dear Andrew,

#### **WARRNAMBOOL PLANNING SCHEME AMENDMENT C209WARR – RESPONSE TO SUBMISSIONS**

We continue to act on behalf of our client 'Deakin University' having regard to the above matter. We write to you in response to email correspondence dated 27 October 2021 which communicated to us that a submission was received to Warrnambool Planning Scheme Amendment C209WARR by EPA Victoria.

To assist Warrnambool City Council in resolving this submission, this letter provides for a written response in the form of a site history review which has regard to the following:

- Potentially contaminated land matters.
- Separation Distance matters.

#### **Identifying potentially contaminated land**

##### Site History

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.

Deakin Warrnambool campus has long been used for educational purposes. The balance land currently within the Farming Zone has a demonstrated existing use right for the purposes of an 'education centre'. The primary uses of the land are all associated with Deakin University as an education centre. The proposed planning scheme amendment will not change this continued use - rather it seeks to further facilitate the expansion of the education centre and better align the zoning with the current use.

In August 2020, Planning Permit PP2020-0114 was issued for buildings and works associated with an education centre (hydrogen test pit).

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.

The subject site area to be rezoned comprises an irregular rectangular parcel totalling approximately 28.5 hectares in size. Lot 1 is 13.11 hectares in size and Lot 2 is 15.39 hectares in size.

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.

Myers Planning Group Pty Ltd  
ABN 53 253 414 622  
182B Lava Street,  
Warrnambool VIC 3280  
[www.myersplanninggroup.com.au](http://www.myersplanninggroup.com.au)

The site contains:

- 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.

As this is the area to be rezoned from Farming Zone to Public Use Zone - Schedule 2, this will be the area subject to a further site history analysis.



*Figure 1: Balance of property to be rezoned from Farming Zone to Public Use Zone – Schedule 2 – subject to further site history analysis (Source: Nearmap 2021)*

The site history overleaf includes information provided using Schedule B2, Section 3.3 of the National Environment Protection Measure (NEPM) as a guide.

#### Aerial photographs

A historical review of aerial photographs has been undertaken through online search using the Department of Environment, Land, Water and Planning's aerial photography library. The historic aerial photographs can be found at Appendix B. Observations are made below.

Year	Appearance and on-site changes	Off site changes
<u>1948</u>	The site appears to be largely vacant apart from established mature trees located within the centre of the site. Land likely to be used for grazing.	The lands in the south, west and east directions of the site appear to be used for agricultural grazing.
<u>1968</u>	No substantial change apparent.	No substantial change apparent.
<u>1969</u>	No substantial change apparent.	No substantial change apparent.
<u>1979</u>	A dwelling and associated agricultural outbuildings appear to have been developed within the south-eastern portion of the site. Access tracks connect the buildings and then continue east through adjoining land.	The Warrnambool Institute of Advanced Education (Deakin University) appears to be developed in the west direction of the site. No other significant changes apparent in all other directions.
<u>1986</u>	Construction of a new dwelling with connected access tracks. Growth of vegetation on the land within proximity to buildings.	Continued expansion of the Warrnambool Institute of Advanced Education (Deakin University).  No substantial change apparent in other directions.
<u>2003</u>	Further development of access tracks and growth of vegetation. The construction of two student accommodation buildings associated with Deakin University.	Continued expansion of Deakin University.  No substantial change apparent in other directions.
<u>2004</u>	Commencement of construction of TAFE and associated buildings.	No substantial change apparent.
<u>2011</u>	TAFE buildings established. Image shows silage rows.	No substantial change apparent.
<u>2014</u>	No substantial change	Continued expansion of Deakin University, including new buildings and student accommodation.
<u>2017</u>	No substantial change	No substantial change
<u>2019</u>	No substantial change	No substantial change
<u>2020</u>	No substantial change	No substantial change

Table 1: Summary of observations from Historical Aerial Photography

Previous owners and occupiers of the site

Historical Search Statements and the current and past Certificates of Title have been obtained and are summarised within the below table. The Certificates of Title can be found at Appendix A.

Start of title date	Vo/Fol	Registered Proprietor	Parent Title (s)	Details	Occupation	Land Use
06/01/1981	9415/537	John Francis O'Brien and Barbara Myrine O'Brien	8922/317	Joint proprietor	Teacher Married Woman	Not implied likely grazing
		Neville James North and Kay Frances North		Joint proprietors on 07/10/1988	Not implied	Not implied likely grazing
		Deakin University		Sole proprietor on 14/06/1991	Tertiary Education	University Campus
		Deakin University		Sole proprietor on 07/05/2010	Tertiary Education	University Campus
21/07/1972	8922/317	Scott Court Pty Ltd	8869/743 8178/192 4528/465	Sole proprietor	Not implied likely investment	Investment likely grazing
		James Rex Robertson and Nylma Joyce Robertson		Joint proprietors on 14/12/1978	Plumber Married Woman	Not implied likely grazing
		Deakin University		Sole proprietor on 26/06/1991	Tertiary Education	University Campus
		Deakin University		Sole proprietor on 07/05/2010	Tertiary Education	University Campus
03/05/1971	8869/743	The Equity Trustees Executors and Agency Company Limited and Peter Reginald Dawson	4528/465	Joint proprietors	Investment Company and Manager	Not implied likely grazing
06/02/1958	8178/192	Richard Charles Dawson	4528/465	Sole proprietor	Grazier	Likely grazing
12/08/1921	4528/465	Albert George Dawson, Reginald Stanley Dawson, Sylvester Richard Dawson and Dorothy Mary Sheahan	3348/549	Joint proprietors	Pastoralists Married Woman	Likely grazing
18/06/1909	3348/549	The National Trustees Executors and Agency Company of Australasia Limited	3329/729 3307/257 2355/994	Sole proprietor	Investment Company	Likely grazing
02/06/1891	2355/994	John Thomas Rothwell Bloomfield	2142/328	Sole proprietor	Grazier	Likely grazing
		Michael Dawson		Sole proprietor on 15/02/1899	Grazier	Likely grazing
13/05/1889	2142/328	William Rupert Rutledge	-	Sole proprietor	Grazier	Likely grazing
		John Thomas Rothwell Bloomfield		Sole proprietor on 02/06/1891	Grazier	Likely grazing

Table 2: Summary of Certificate of Title Information

Present owners, occupiers and current users of the site

Deakin University currently owns Lot 1 and Lot 2 on Lodged Plan 133034. The address is known as 10635 Princes Highway, Warrnambool. The land is used for an 'education centre'. The land is primarily used by Deakin University with some ancillary uses.

Zoning

The land is currently zoned Farming Zone. The former zoning of the land was the Rural Zone which transferred over into the new format Planning Scheme. Planning Scheme Amendment C37 on 17 August 2006 introduced the Farming Zone, rezoned all of the land within the Rural Zone to the Farming Zone. The Rural Zone was then deleted from the Scheme.

Previous activities/uses

Prior to the use of land for an education centre (Deakin University and the Warrnambool Institute for Advanced Education) it is likely that the land was used for grazing (agriculture) based on historical aerial photographs and information based on historical searches for certificates of title.

Previous and present building and structures

On the subject land to be rezoned the main structures which are present are associated with South-West TAFE. The buildings are located in a cluster within the northern part of the site with access extending from the west to 'Aitken Drive'.

A former dwelling (likely associated with former agricultural uses) was located in the south-east part of the site. This structure has recently been demolished.

There are other outbuildings scattered across the site associated with both current and former uses of the land.

There are also two student accommodation buildings located further south, which can be used for other University purposes pending number of student enrolments

Industrial processes carried out on site, products manufactured, raw materials used or intermediate products

Based on an understanding of previous activity, ownership and land use, there are no known industrial processes carried out or products manufactured on the subject site apart from any minor processes for the purpose of tertiary education entirely contained within the TAFE building on the land (constructed circa 2006).

Wastes produced

The activities on the broader site do not produce wastes. General waste in association with the TAFE and childcare buildings would be produced and are collected by a private contractor.

Waste disposal locations and imported fill

There is some waste collection associated with the TAFE buildings which is undertaken by a private contractor. Otherwise, the land does not require waste disposal. The land does not appear to contain any imported fill.



#### Discharges to land and water

A watercourse runs through the site approximately where the TAFE buildings are located through to the farmland further east. The land also has a slight slope to the south towards the Hopkins River. Other than stormwater there are no other types of discharges on site.

#### Product spills, losses, incidents and accidents (including fire)

The historical use of the site and observations from the site inspection found no evidence of product spills, losses and / or accidents on site.

#### Services to the property (including sewer and underground services)

Deakin University to the west is connected by reticulated water, sewer as well as power and gas. These connections generally continue through to the TAFE childcare centre buildings as well as the former student accommodation buildings.

#### Chemical storage and transfer areas

The historical use of the site and observations from the site inspection found no evidence of significant sources of onsite chemical storage and transfer.

#### Power generation

Deakin University and associated buildings include TAFE provide for the nearest connections to electricity transmission. There is now power generation within the subject site area to be rezoned.

#### Interview information

No additional anecdotal information has been provided by the current owner, Deakin University.

#### Earth moving activities carried out on the site.

Based on an understanding of previous activity, ownership and land use using historical imagery, there are no known instances of earth moving activities on site apart from localised minor earthworks recently to provide for the approved Hycel Sandpit Project as well as the TAFE building in the mid 2000s.

#### EPA Victoria Notices, Directions and Site Management Orders

Remedial notices or a direction are used to bring a duty holder into compliance and outline the steps to deal with the harm, waste or contamination. Remedial notices are issued if it is found that on reasonable grounds a duty holder, isn't complying with the Environment Protection Act 2017 (the Act), or waste or contamination is present that requires treatment.

A search of the available lists found that the property had not been issued with a Notice, Direction or Site Management Order at the time of assessment.

#### Dangerous Goods License

The Dangerous Goods Act 1985 sets out the general duties for the manufacture, storage, transport, transfer, sale and use of dangerous goods and the import of explosives into Victoria and enables regulations to be made about dangerous goods. The storage and handling of dangerous goods in Victoria is regulated by the Dangerous Goods (Storage & Handling) Regulations 2012.

An extensive search within the dangerous goods register was not undertaken on account of the unlikely nature of the existing use to store dangerous goods over the specified manifest quantities.

#### Victoria Unearthed

Victoria Unearthed brings together existing information about potential land and groundwater contamination as well as historical business listings.

Whilst Victoria Unearthed is not a definitive source of information about current contamination, it is noted that a search for the subject site has found that it is not associated with any known sources of contamination (eg: former landfill or a site which has been subject to environmental auditing). Refer to Appendix D for screenshot of the Victoria Unearthed mapping portal for the subject site.

#### **Separation Distances**

##### EPA Publication 1518 – Separation Distances

The separation distances and guidelines within EPA Publication 1518 provides recommended minimum separation distances between odour- or dust-emitting industrial land uses and sensitive land uses.

Accordingly, this guideline aims to:

- provide clear direction on which land uses require separation.
- inform and support strategic land use planning decisions and the consideration of planning permit applications.
- prevent new sensitive land uses from impacting on existing industrial land uses
- prevent new or expanded industrial land uses from impacting on existing sensitive land uses
- identify compatible land uses that can be established within a separation distance area.

The subject site is used for uses associated with an education centre (Deakin University). There are no separation distances applicable to the existing uses. The adjoining land is used for grazing and fodder purposes at this point in time.

For any future uses on either land, the rural method is likely to be used in consideration separation distances given the size of the land – which enables an activity boundary to activity boundary measure.

Warrnambool's settlement has many interfaces with farmland, including residential growth areas. Deakin University is within an existing rural setting and seeks to expand the Public Use Zone further east onto parcels of land which already have an established use right for education. On balance Council can be generally satisfied that the proposed zone is not expected to create an adverse amenity impact or create reverse amenity impacts from the adjoining farmland to the east.

#### Clause 53.10

Within the Warrnambool Planning Scheme, the purpose of Clause 53.10 is to identify those types of uses and activities, which if not appropriately designed and located, may cause offence or unacceptable risk to the neighbourhood.

The threshold distance referred to in the table to Clause 53.10 is the shortest distance from any part of the land to:

- land used for a hospital, an education centre or a corrective institution; or

A brief analyses of adjoining land uses identifies that there are no uses nearby which are for the purposes of uses listed within the table to Clause 53.10. Any new planning application which includes relevant planning permit triggers will be required to consider the relevant requirements of the Warrnambool Planning Scheme, such as Clause 13.07-1S Land Use Compatibility and Clause 53.10. The rezoning is not anticipated to have an adverse impact upon the adjoining farming land.

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.

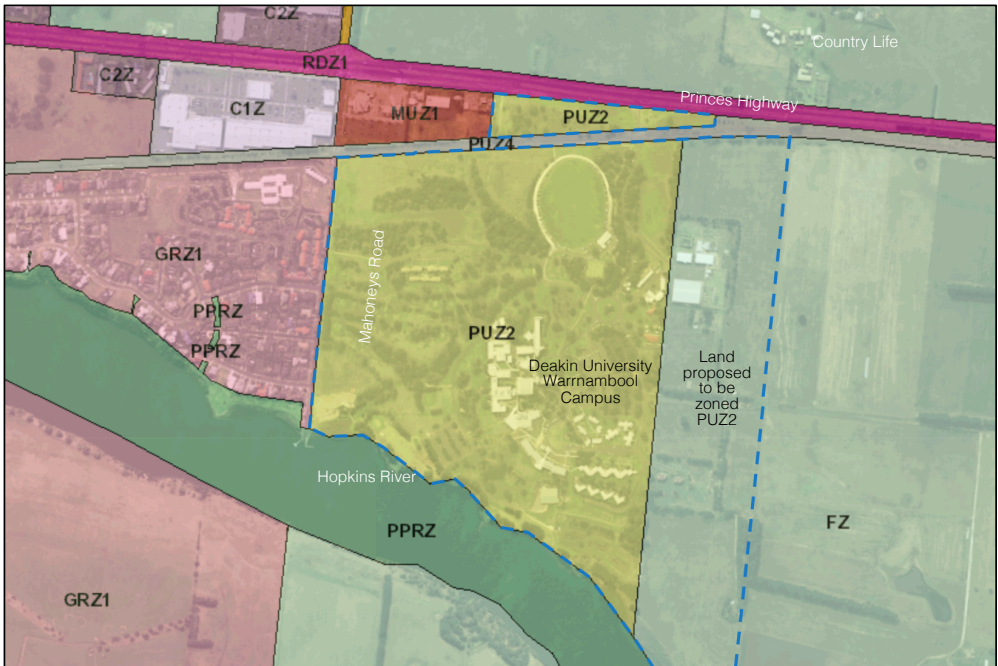


Figure 2: Surrounding zoning

Having regard to the considerations within the above desktop review there are no known events or activities which may have caused potential contamination to the land.

A brief analysis of the existing on site and surrounding land uses identified that there were also no outstanding matters relating to separation distances and that the zoning can be compatible with the adjoining Farming Zone.

I trust this response provides enough information to enable Council to proceed with the Planning Scheme Amendment process after having considered the EPA submission to be resolved.

If you have any questions, please contact me on telephone (03) 5562 9443 or email [admin@myersplanninggroup.com.au](mailto:admin@myersplanninggroup.com.au)

Yours sincerely,

A handwritten signature in blue ink that reads "Cameron McNeill". The signature is written in a cursive, flowing style.

Cameron McNeill  
Senior Planning Consultant

## **Appendix A      Certificates of Title**

**VIC LANDATA - Title History Historical Search**

VIC LANDATA - Title History

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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

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Volume 2142 Folio 328  
Folio Creation: Details Unknown

STATEMENT END

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Entered in the Register Book



Vol. 2142 Fol. 428328

VICTORIA.

# Certificate of Title,

UNDER THE "TRANSFER OF LAND STATUTE."

William Rupert Rutledge of Warrnambool in the County of Victoria Grazai is  
now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All that piece of Land, delineated and colored red, on the Map in the margin, containing thirty six acres and thirty perches or thereabouts being part of Crown Suburban Allotment three Section two Parish of Wangaroom County of Victoria Together as to land colored blue with a right of carriage way over the road delineated and colored brown on the said map —

ORIGINAL CERTIFICATE.  
Not to be dealt with outside the Titles Office.

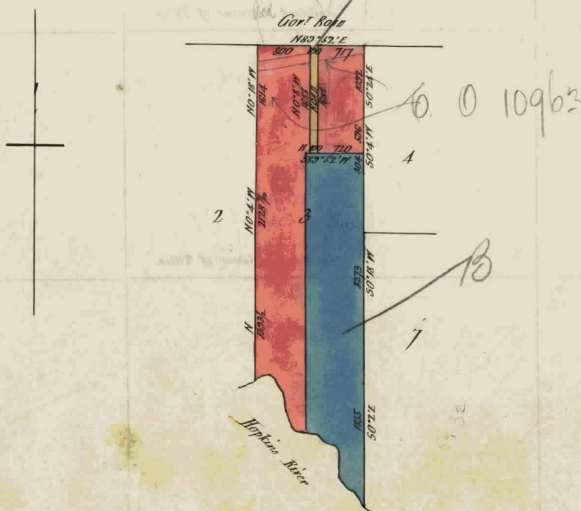
Dated the thirtieth  
eight hundred and eighty-nine.

day of May One thousand

*Asst Registrar*

Assistant Registrar of Titles.

ENCUMBRANCES REFERRED TO.



T02142-328-1-6

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Vol.	Fol.	Transfer	Application 24419
Nature of Instrument.	Day and Hour of its Production.	Names of the Parties to it.	Number or Symbol thereon.
<p>Transfer as to Part</p> <p><b>CANCELLED AS TO THE LAND IN CERTIFICATE OF TITLE VOL 2213 FOL 442446 AREA 2 AC. 1 RDS. 26 1/2 PER.</b></p> <p><i>ASST. REGISTR. OF TITLES</i></p>	<p>The 20th November 1889.</p> <p>4 p.m.</p>	<p>William Rupert Rutledge</p> <p>to</p> <p>The Victorian Railways Commissioners</p> <p><i>ASST. REGISTR. OF TITLES</i></p>	<p>207212</p>
<p>Mortgage</p> <p><i>5 1/2 withdrawn 19/2/88</i></p>	<p>The 28th June 1890</p> <p>at 9.30 am</p>	<p>William Rupert Rutledge</p> <p>to</p> <p>John Dower Mackenzie</p> <p><i>ASST. REGISTR. OF TITLES</i></p>	<p>113900</p>
<p>Transfer as to Balance</p>	<p>The 2nd of June 1891</p> <p>at 10 am</p>	<p>William Rupert Rutledge</p> <p>to</p> <p>John Thomas Gotherell</p> <p>Bloomfield</p> <p><i>ASST. REGISTR. OF TITLES</i></p>	<p>303804</p>
	<p>Vol 2355 To 470994</p>	<p><i>ASST. REGISTR. OF TITLES</i></p>	
		<p><i>ASST. REGISTR. OF TITLES</i></p>	
		<p><i>ASST. REGISTR. OF TITLES</i></p>	
		<p><i>ASST. REGISTR. OF TITLES</i></p>	
		<p><i>ASST. REGISTR. OF TITLES</i></p>	

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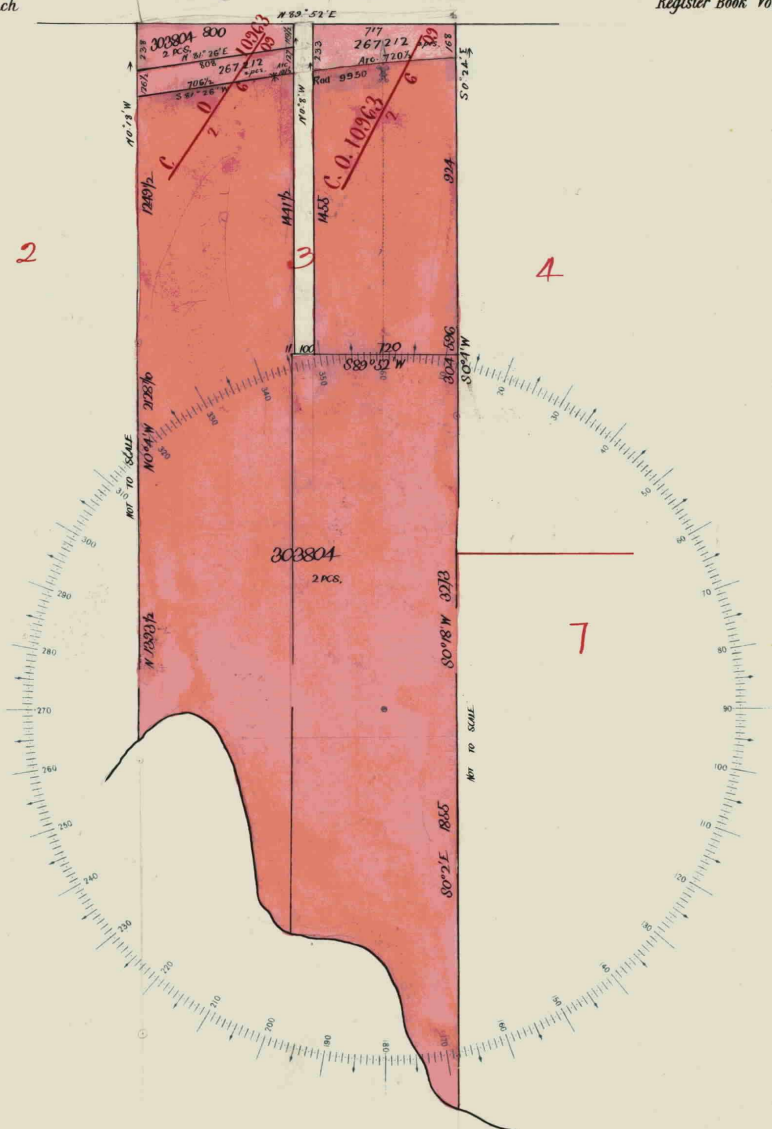
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5 chains to one inch

Govt. Road

Register Book Vol 2142 fol. 328



T02142-328-2-4

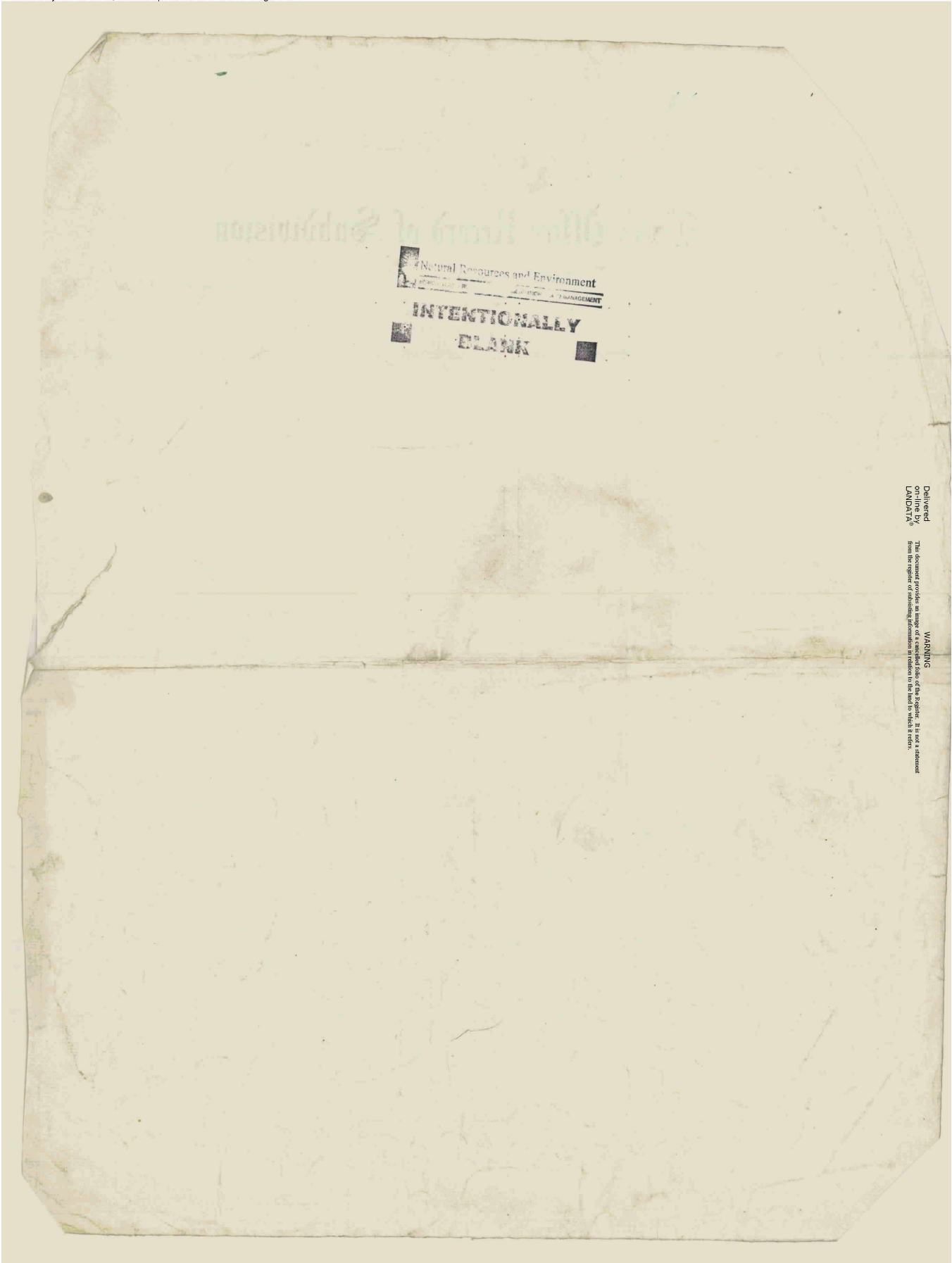
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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

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Volume 2355 Folio 994  
Folio Creation: Details Unknown  
Parent title Volume 02142 Folio 328

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Entered in the Register Book

Vol. 2355 Fol. 470994

VICTORIA.

# Certificate of Title,

UNDER THE "TRANSFER OF LAND ACT 1890."

*John Thomas Rothwell Bloomfield of Sherwood near Warrnambool Grazier is*

now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All those pieces of Land, delineated and colored red and blue on the Map in the margin, containing ninety three acres and <sup>two</sup> thirds three perches and one half of a perch or thereabouts being parts of Crown Suburban Allotment three Section two Parish of Wangoom County of Villiers As to the land colored blue Together with a right of carriage way over the road delineated and colored brown on the said map—

Dated the second day of June One thousand eight hundred and ninety one.

*Assistant Registrar of Titles.*

ENCUMBRANCES REFERRED TO.

A Mortgage from William Rupert Rutledge to John Bower Mackenzie registered the 28<sup>th</sup> day of June 1890 and Numbered 113900 in the Register Book—

**CANCELLED**

DOES NOT NOW AFFECT TRANSFER by MORTGAGEE.

*Edw. Duncanson*

15<sup>th</sup> February 1897

ORIGINAL CERTIFICATE.  
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Fol.	Transfer	Application
2142	428328	303804
Nature of Instrument.	Day and Hour of its Production.	Names of the Parties to it.
<p><i>Michael Dawson of Sherwood near Warrnambool</i>  <i>grazier, is</i>  <i>now the proprietor of the within described Estate and Land by Transfer from the within</i>  <i>named John Bower Mackenzie registered on the 15<sup>th</sup> day of February 1899</i>  <i>at 3- o'clock in the afternoon, and Numbered 403141</i></p>		
		<p><i>E. J. Duncombe</i>  <i>Assistant Registrar of Titles.</i></p>
<p><i>Memo No 28759</i>  <i>The National Trustees Executors and Agency Company of Australasia Limited, of 454 Collins</i>  <i>Street, Melbourne, is registered proprietor of the within-described land as Executor to whom probate</i>  <i>of the will of Michael Dawson, (who died 8th March, 1902) was granted on the 5th May, 1902</i>  <i>Dated the 26th August, 1902.</i></p>		
		<p><i>E. J. Duncombe</i>  <i>Assistant Registrar of Titles.</i></p>
<p><i>SEE memo on face</i></p>		
<p><b>CANCELLED</b>  <i>SEE CERTIFICATE OF TITLE VOL 3348 FOR 669549</i>  <i>H. Hosten</i>  <i>ASSISTANT REGISTRAR OF TITLES.</i></p>		
		<p><i>Assistant Registrar of Titles.</i></p>
		<p><i>Assistant Registrar of Titles.</i></p>
		<p><i>Assistant Registrar of Titles.</i></p>
		<p><i>Assistant Registrar of Titles.</i></p>

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Volume 3307 Folio 257  
Folio Creation: Details Unknown


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Entered in the Register Book,  
Vol 3307 Fol. 661257

  
VICTORIA.

# Certificate of Title,

UNDER THE "TRANSFER OF LAND ACT 1890."

*Original*

The National Trustees Executors and Agency Company of Australasia Limited of N° 113 Queen Street Melbourne is now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All that piece of Land, delineated and coloured red on the map in the margin containing seventyfive acres two roods and thirtynine perches or thereabouts being parts of Crown portion two section two parish of Wangoom county of Victoria—

*Suburban Division 101st*

  
T03307-257-1-1

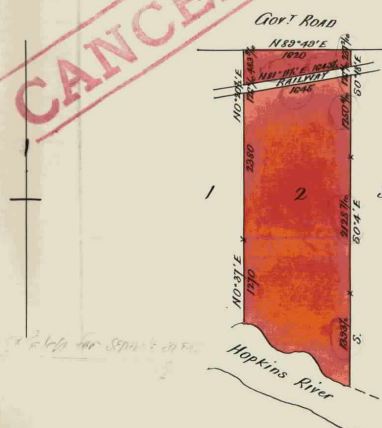
Dated the *twenty second* day of *December* One thousand nine hundred and *eight*.

*H. H. Harker*  
Assistant Registrar of Titles.

ENCUMBRANCES REFERRED TO.



**CANCELLED**



*11/11*

*RSR*  
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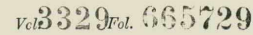
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Volume 3329 Folio 729  
Folio Creation: Details Unknown

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UNDER THE "TRANSFER OF LAND ACT 1890."

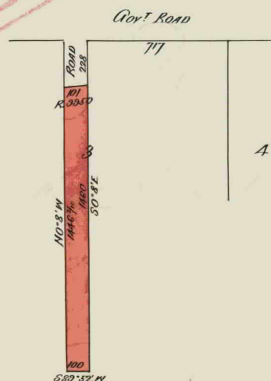
**ORIGINAL CERTIFICATE.**  
*Not to be dealt with outside the Titles Office.*

ENCUMBRANCES REFERRED TO.



(1) The rights of persons claiming under the Will of Michael Dawson who died 8<sup>th</sup> March 1902 and Probate of whose Will was on the 5<sup>th</sup> May 1902 granted to the abovenamed Company —

(2) A lease to Michael Francis Dawson for Seven years from 1<sup>st</sup> July 1904 entered in the Record Book of the Office of Titles Melbourne No 264257.



The Measurements are in *links*.

T03329-729-1-1



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Vol.	Fol.	Transfer.	Application 37095.
Nature of Instrument.	Day and Hour of its Production.	Names of the Parties to it.	Number or Symbol thereon.
<div><div>CANCELLED SEE CERTIFICATE OF TITLE VOL 3348 FOL 669549 H. Hooker ASSISTANT REGISTRAR OF TITLES.</div><div>Assistant Registrar of Titles.</div></div>			
Assistant Registrar of Titles.			
Assistant Registrar of Titles.			
Assistant Registrar of Titles.			
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Assistant Registrar of Titles.			
Assistant Registrar of Titles.			

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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

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Volume 3348 Folio 549  
Folio Creation: Details Unknown

Parent titles :  
Volume 02355 Folio 994                      Volume 03307 Folio 257                      Volume 03329 Folio 729

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37094

Entered in the Register Book,  
Vol. 3348 Vol. 669549

  
VICTORIA.

*Executors Dawson*  
*Michael Dawson*

**Certificate of Title,**

UNDER THE "TRANSFER OF LAND ACT 1890."

*The National Trustees Executors and Agency Company of Australasia Limited of 1713 Queen Street Melbourne*  
is now the proprietor of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All those pieces of Land, delineated and coloured blue and red on the map in the margin containing one hundred and Seventy acres three roods thirtyone perches and five tenths of a perch, or thereabouts being parts of Suburban crown allotments two and three Section two parish of Wangoom county of Elliers As to the land colored blue Together with a right of carriage way over the road colored brown on the said map —

**CANCELLED**

Dated the *eighteenth* day of *June* One thousand nine hundred and *nine* —

*H. H. Asher*  
Assistant Registrar of Titles.

ENCUMBRANCES REFERRED TO.  
*As to parts of the land*  
*A Lease to Michael Francis Dawson for Seven years from the 1st July 1907 entered in the record Book of the Office of Titles Melbourne N° 264257*

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2555 470994  
3307 667257  
Vol. 3329 Fols. 663729 Transfer 16343852 Application

Nature of Instrument.	Day and Hour of its Production.	Names of the Parties to it.	Number or Symbol thereon.
TRANSFER to <i>Albert George Dawson Reginald Stanley Dawson, Sylvester Richard Dawson and Dorothy Mary Sheahan</i> registered on 12th August 1921 and numbered 999888 Vol. 1528 Fol. 905465 CANCELLED See Certificate of Title <i>W. B. Blyden</i> Assistant Registrar of Titles.			
			Assistant Registrar of Titles.
			Assistant Registrar of Titles.
			Assistant Registrar of Titles.
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			Assistant Registrar of Titles.
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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

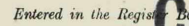
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Volume 4528 Folio 465  
Folio Creation: Details Unknown  
Parent title Volume 03348 Folio 549

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Register Book  
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Vol. 4528 Fol. 905465

VICTORIA.

19.2.22  
Mh

UNDER THE "TRANSFER OF LAND ACT 1915."

Albert George Dawson of Ocean View Warrnambool Reginald Stanley Dawson of ---  
Glenfyne near Camperdown and Sylvester Richard Dawson of Green Street ----  
Ivanhoe Pastoralists and Dorothy Mary Sheehan of Sydney Road Brunswick ---  
Married Woman are now the proprietors as tenants in common in equal shares - ---

And the proprietors of an Estate in Fee-simple, subject to the Encumbrances notified hereunder in All those pieces of Land, delineated and coloured red and blue on the map in the margin containing One hundred and seventy acres -- Three roods Thirty-one perches and five-tenths of a perch or thereabouts being -- parts of Suburban Crown Allotments Two and Three Section Two Parish of Wangoom -- County of Villiers - As to the land colored blue Together with a right of carriage way over the road colored brown on the said map - - - - -

ORIGINAL CERTIFICATE.

*Not to be dealt with outside the Titles Office.*

Dated the Twelfth  
thousand nine hundred and twenty-one.

day of August

*W Blaydon*  
Assistant Registrar of Titles.  
ENCUMBRANCES REFERRED TO

ENCUMBRANCES REFERRED TO



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WARNING

THE WHOLE / UN PAID OF  
THE WITHIN LAND HAS  
BEEN SUBDIVIDED SEE  
Unregistered Plan 9223  
Misc. Plan \_\_\_\_\_  
L. P. \_\_\_\_\_

91223

The Measurements are in *links*.



T04528-465-1-4



Delivered by LANDATA®, timestamp 27/08/2021 12:10 Page 2 of 6

Vol. 3348 Fol. 669549 Transfer. 998589 Application

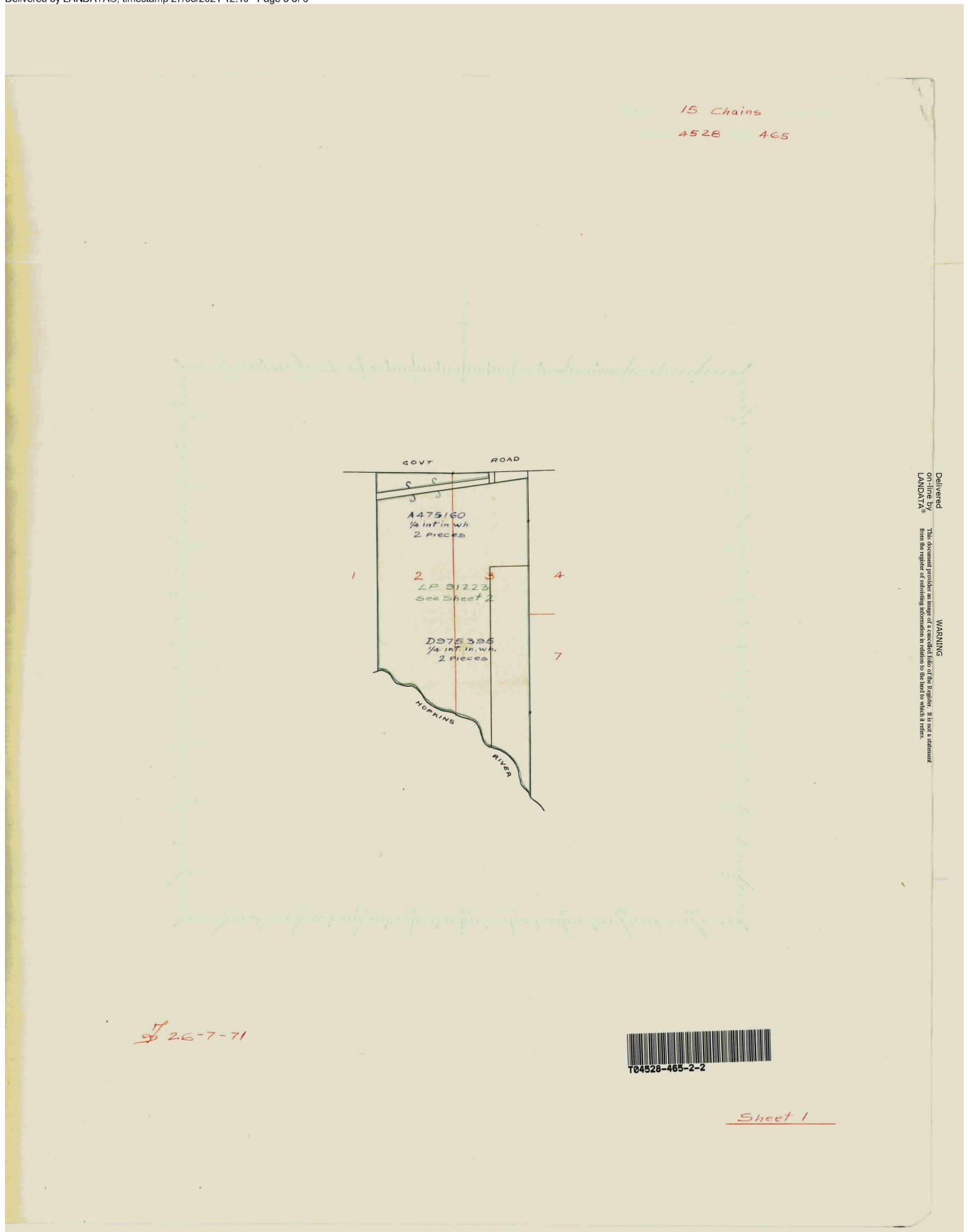
Nature of Instrument.	Time of its Production for Registration.	To whom given.	Number or Symbol thereon.
<p>Red Ink No. 3920160 As to the interest of Reginald Stanley Dawson who died on 8th April 1940 Probate of his Will has been granted to THE EQUITY TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 472 Bourke Street Melbourne and Albert George Dawson of Shipley Warrnambool Farmer Dated 14th March 1941. <i>W. J. J. J.</i> Assistant Registrar of Titles</p>			
<p>TRANSFER as to the interest of Sylvester Richard No. A475160 registered 6 February 1958 CANCELLED as to the said interest See Vol. 8178 Fol. 192 <i>J. J. J.</i> Assistant Registrar of Titles</p>			
<p>As to the interest of ALBERT GEORGE DAWSON who died on 15th August 1969 Probate of his Will has been granted to THELMA LINDLES PATRICK Widow and ALBERT WILSON RIENZI DAWSON Primary Producer both of "Shipley" Warrnambool Registered 29th April 1970 No. D701028</p>			
<p>THE EQUITY TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 472 Bourke Street Melbourne is now the SURVIVING PROPRIETOR of the interest formerly held by REGINALD STANLEY DAWSON Registered 23rd February 1971 No. D967589</p>			
<p>Transfer as to the interest formerly held by Reginald Stanley Dawson deceased. No. D 975395 registered 3rd March 1971 CANCELLED as to the said interest See Vol. 8869 Fol. 743</p>			
<p>TRANSFER AS TO PART No. registered 21st June 1971 CANCELLED AS TO PART See Vol. 8889 Fol. 646</p>	E 77748		
<p>TRANSFER AS TO BALANCE No. registered 21 July 1971 CANCELLED See Vol. 8922 Fol. 317</p>	E 108673		

**CANCELLED**


70<sup>th</sup> 1<sup>st</sup> 28<sup>th</sup> 10<sup>th</sup>  
+ 2

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 **Natural Resources and Environment**  
AGRICULTURE • RESOURCES • CONSERVATION • LAND MANAGEMENT

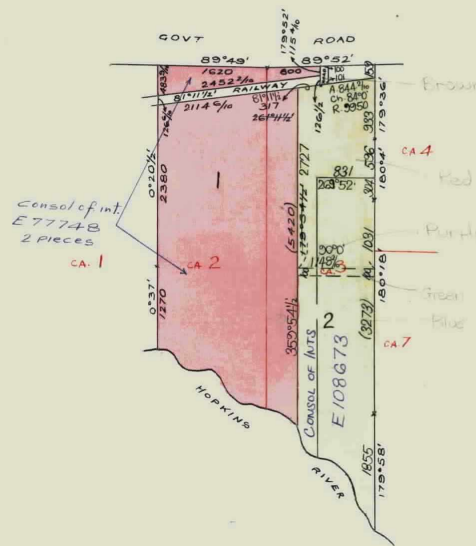
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15 Chqins  
4528 465 (1/2 int in wh)  
" 8178 " 132 (1/4 int in wh)  
" 8869 " 743 (1/4 int in wh)



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VIC LANDATA - Title History

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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

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Volume 8178 Folio 192  
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Parent title Volume 04528 Folio 465

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Vol. 4528 Fol. 465

Transfer 17475160

Application

TRANSFER AS TO PART No. E 77748

registered 21<sup>st</sup> June 1971

CANCELLED AS TO PART

See Vol. 8889 Fol. 646



TRANSFER AS TO BALANCE No. E 108673

registered 21<sup>st</sup> July 1971

CANCELLED See Vol. 8922 Fol. 317

70<sup>th</sup> 1<sup>st</sup> 28<sup>th</sup> 10<sup>th</sup>  
10<sup>th</sup> 2



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T08178-192-1-1

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VICTORIA

**CANCELLED**  
REGISTER BOOK

VOL. 8869 FOL. 743

# Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

743

8869  
VOL.  
FOL.

THE EQUITY TRUSTEES EXECUTORS AND AGENCY COMPANY LIMITED of 472 Bourke --  
Street Melbourne and PETER REGINALD DAWSON of 8 Munro Street East Kew  
Manager are now joint proprietors of an estate in fee simple subject to --  
the encumbrances notified hereunder in one equal undivided fourth part or --  
share of ALL THAT piece of land delineated and coloured purple and blue on--  
the map in the margin containing One hundred and seventy acres Three roods--  
Thirty-one perches and five-tenths of a perch or thereabouts being parts of  
Crown Suburban Allotments 2 and 3 Section 2 Parish of Wangoom County of--  
Villiers - As to the land coloured blue Together with a right of - - - -  
carriage way over the road coloured brown on the said map - - - - -

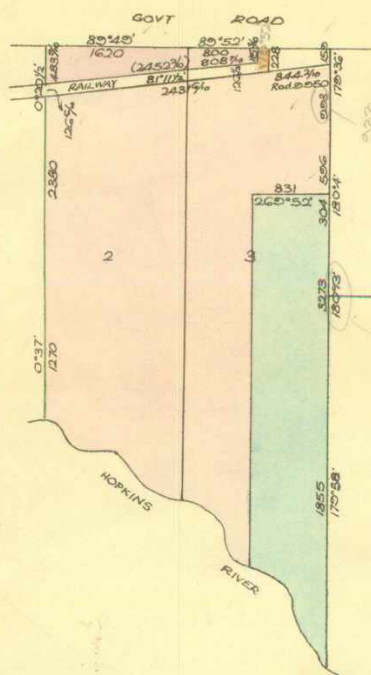
DATED the 3rd day of March 1971

*Walker*

Assistant Registrar of Titles



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THE WHOLE OR PART OF  
THE WITHIN LAND HAS  
BEEN SUBDIVIDED SEE

Unregistered Plan

Misc. Plan

L. P. 91223

MEASUREMENTS ARE IN LINKS

SEE SKETCH ATTACHED  
TO CT 4528/465

Derived from Vol. 4528 Fol. 465  
D975395.

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TRANSFER AS TO PART No. *E 77748*

registered

*21<sup>st</sup> June 1971*

CANCELLED AS TO PART

See Vol. 8889 Fol. *646*



TRANSFER AS TO BALANCE No. *E 108673*

registered

*21 July 1971*

CANCELLED See Vol. 8922 Fol. 317

*70<sup>th</sup>, R 2880<sup>P</sup>*

*Lot 2*



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T08869-743-1-2

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Volume 8922 Folio 317

Folio Creation: Created as paper folio continued as computer folio

Parent titles :

Volume 04528 Folio 465

Volume 08178 Folio 192

Volume 08869 Folio 743

THE IMAGE OF THE FOLIO CEASED TO BE THE DIAGRAM LOCATION ON 02/07/2007 08:17:54 AM

#### RECORD OF HISTORICAL DEALINGS

-----  
Date Lodged for      Date Recorded      Dealing                      Imaged      Dealing Type and  
Registration              on Register    Details

#### RECORD OF VOTS DEALINGS

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Date Lodged for      Date Recorded      Dealing                      Imaged  
Registration              on Register  
  
30/06/2007              30/06/2007              AF176683S              Y

#### RECTIFICATION DIAGRAM LOCATION

Previous diagram reference: 8922/317

New diagram reference: LP133034

SEE DIAGRAM ON IMAGED FOLIO VOLUME 8922 FOLIO 317 FOR FURTHER DETAILS AND BOUNDARIES

25/06/2020              25/06/2020              AT372679S              N

#### RECTIFICATION PROPRIETOR PROPRIETORSHIP

FROM:

DEAKIN UNIVERSITY

TO:

DEAKIN UNIVERSITY

RESULTING PROPRIETORSHIP:

Estate Fee Simple

Sole Proprietor

DEAKIN UNIVERSITY of 1 GHERINGHAP STREET GEELONG VIC 3220



AH206529Y 07/05/2010

STATEMENT END

Volume 08922 Folio 317

124022381284V  
Produced 30/06/2007 10:37 am

LAND DESCRIPTION

-----  
Lot 1 on Plan of Subdivision 133034.

PARENT TITLES :

Volume 04528 Folio 465      Volume 08178 Folio 192      Volume 08869 Folio 743  
Created by instrument E108673 21/07/1972

REGISTERED PROPRIETOR

-----  
Estate Fee Simple

Sole Proprietor

DEAKIN UNIVERSITY of PIGDONS RD GEELONG  
R406938L 26/06/1991

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

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VICTORIA

REGISTER BOOK

VOL. 8922 FOL. 317

# Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

VOL. 8922 FOL. 317

SCOTT COURT PROPRIETARY LIMITED of 104 Liebig Street Warrnambool is now the proprietor of an estate in fee simple subject to the encumbrances notified -- hereunder in ALL THAT piece of land delineated and coloured red blue green and purple on the map in the margin containing Seventy acres One rood Twenty eight perches and five tenths of a perch or thereabouts being Lot 2 on Plan of -- -- Subdivision No.91223 and being part of Crown Allotment 3 Section 2 Parish of Wangoom County of Villiers As to the land coloured blue and green -- -- Together with a right of carriage way over the road coloured brown on the said map -- --

DATED the 21st day of July 1972

*J. De Burgh*

Assistant Registrar of Titles

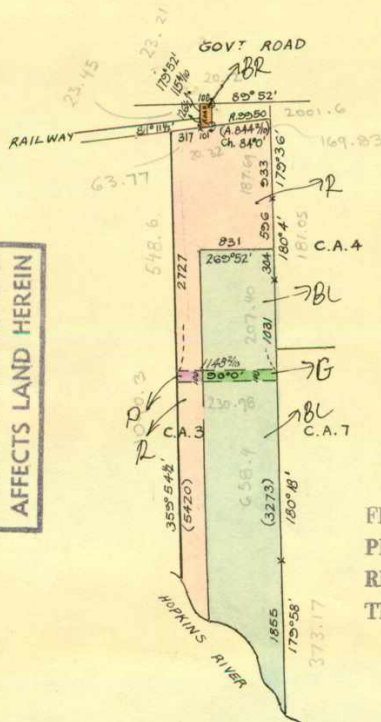


## ENCUMBRANCES REFERRED TO

As to the land coloured green and purple -- --

THE EASEMENTS (if any) existing over the same by virtue of Section 98 of the Transfer of Land Act -- --

PLAN 133034  
AFFECTS LAND HEREIN



FEE OF LOT ONE ON  
PLAN OF SUBDIVISION No. 133034  
REMAINS IN THIS CERTIFICATE OF  
TITLE. Is. DATE 27.2.81

Derived from Vols. 4528 Fols. 465  
8178 192  
8869 743

E108673

MEASUREMENTS ARE IN LINKS.

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JAMES REX ROBERTSON Plumber and NYLMA  
JOYCE ROBERTSON Married Woman both of  
741 Raglan Parade Warrnambool are now  
JOINT PROPRIETORS

Registered 14th December 1978  
No.H343843



**MODIFY**  
**DISCHARGE**

to DANIEL MADDEN

201 GEORGEY GLENVILLE SKEWES

Registered 14th December 1978  
No.H343844



TRANSFER AS TO PART No J295691

registered 6<sup>th</sup> January 1981

CANCELLED AS TO PART

See Vol. 9415 Fol. 537

Lot 2 Area 15.39 ha



**TRANSFER AS TO BALANCE**

PROPRIETOR

DEAKIN UNIVERSITY OF PIGDONS RD.

GEE LONG

REGISTERED 26/6/91

R406938L



**CREATION OF EASEMENT**

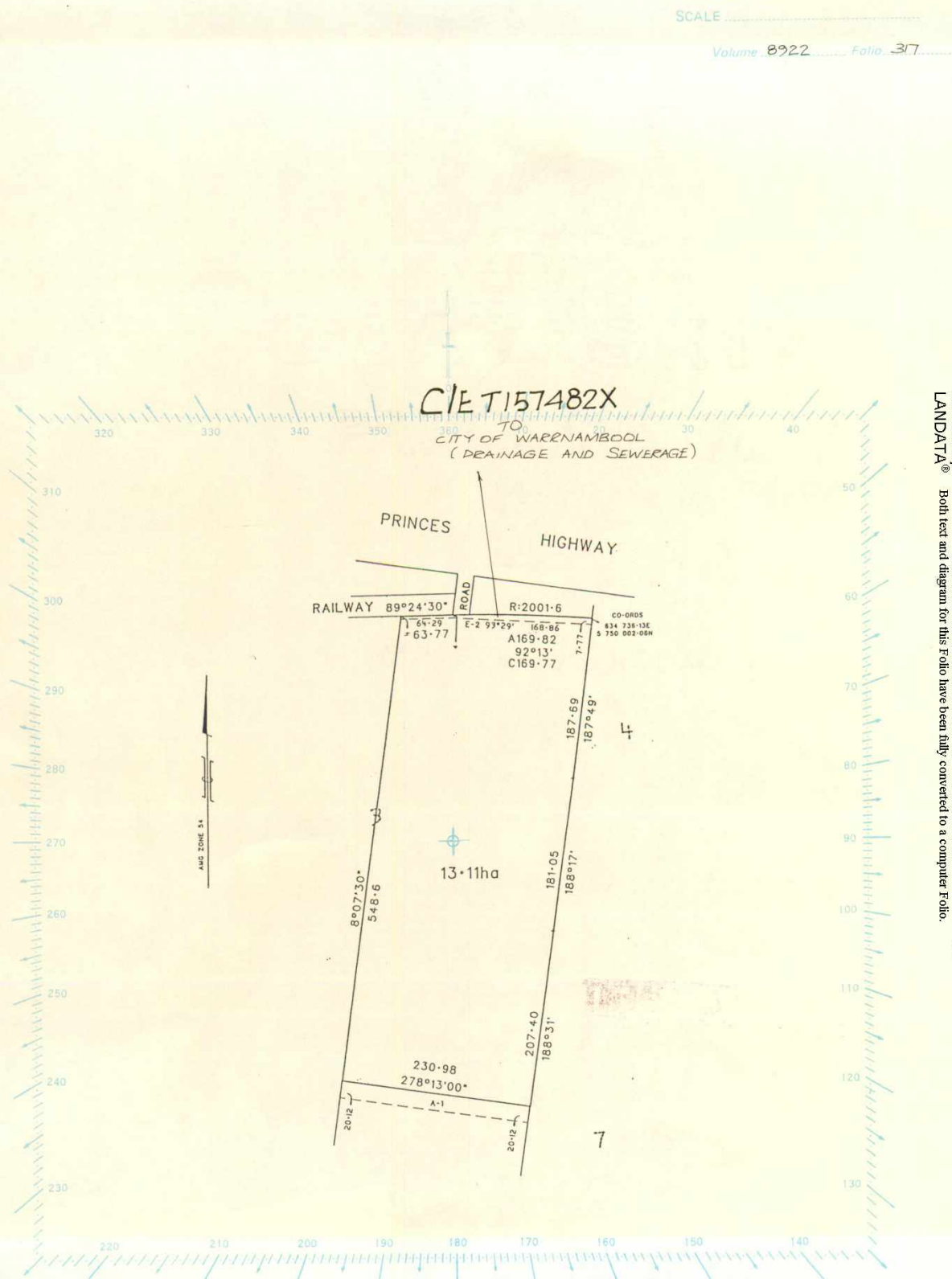
T157482X 23/6/94



T08922-317-1-3

V.8922

F.317



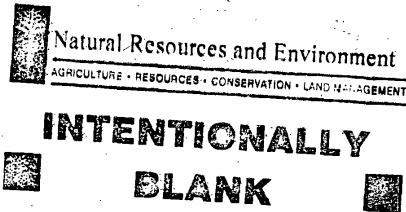
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STATEMENT END



Volume 09415 Folio 537

124024914550V  
Produced 07/02/2008 09:09 am

LAND DESCRIPTION  
-----

Lot 2 on Plan of Subdivision 133034.  
PARENT TITLE Volume 08922 Folio 317  
Created by instrument J295691 06/01/1981

REGISTERED PROPRIETOR  
-----

Estate Fee Simple  
Sole Proprietor  
DEAKIN UNIVERSITY GEELONG  
R386978R 14/06/1991

ENCUMBRANCES, CAVEATS AND NOTICES  
-----

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DIAGRAM LOCATION  
-----

SEE LP133034 FOR FURTHER DETAILS AND BOUNDARIES

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VOL. 9415 FOL. 537

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UNDER THE "TRANSFER OF LAND ACT"

**FOL.**

VOL.

DATED the 6th day of January 1981

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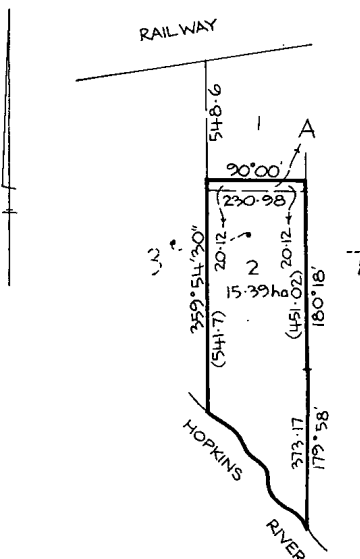
*W. H. C. W.*



Assistant Registrar of Titles

## ENCUMBRANCES REFERRED TO

As to the land shown marked A - - - -  
THE EASEMENTS (if any) existing over-  
the same by virtue of Section 98 of -  
the Transfer of Land Act - - - - -



AREA IS IN HECTARES (ha)  
MEASUREMENTS ARE IN METRES

Derived from Vol.8922 Fol.317  
J295691



T09415-537-1-4

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VOL. 9415 FOL. 537

INSTRUMENT

APPLICATION

20665/80-PL-6

**MORTGAGE**

to THE COMMISSIONERS  
OF THE STATE BANK OF VICTORIA

Registered 6th January 1981

No. J295692

DISCHARGED  
07 OCT 1988



JOINT PROPRIETORS

NEVILLE JAMES NORTH & KAY FRANCES NORTH

OF 17 MARY ST. BUNYIP

REGISTERED 7/10/88

N755744M



**MORTGAGE**

AUSTRALIA AND NEW ZEALAND BANKING GROUP

LIMITED

REGISTERED 7/10/88

N755745J

DISCHARGED  
14 JUL 1991



PROPRIETOR

DEAKIN UNIVERSITY GEELONG

REGISTERED 14/6/91

R386978R

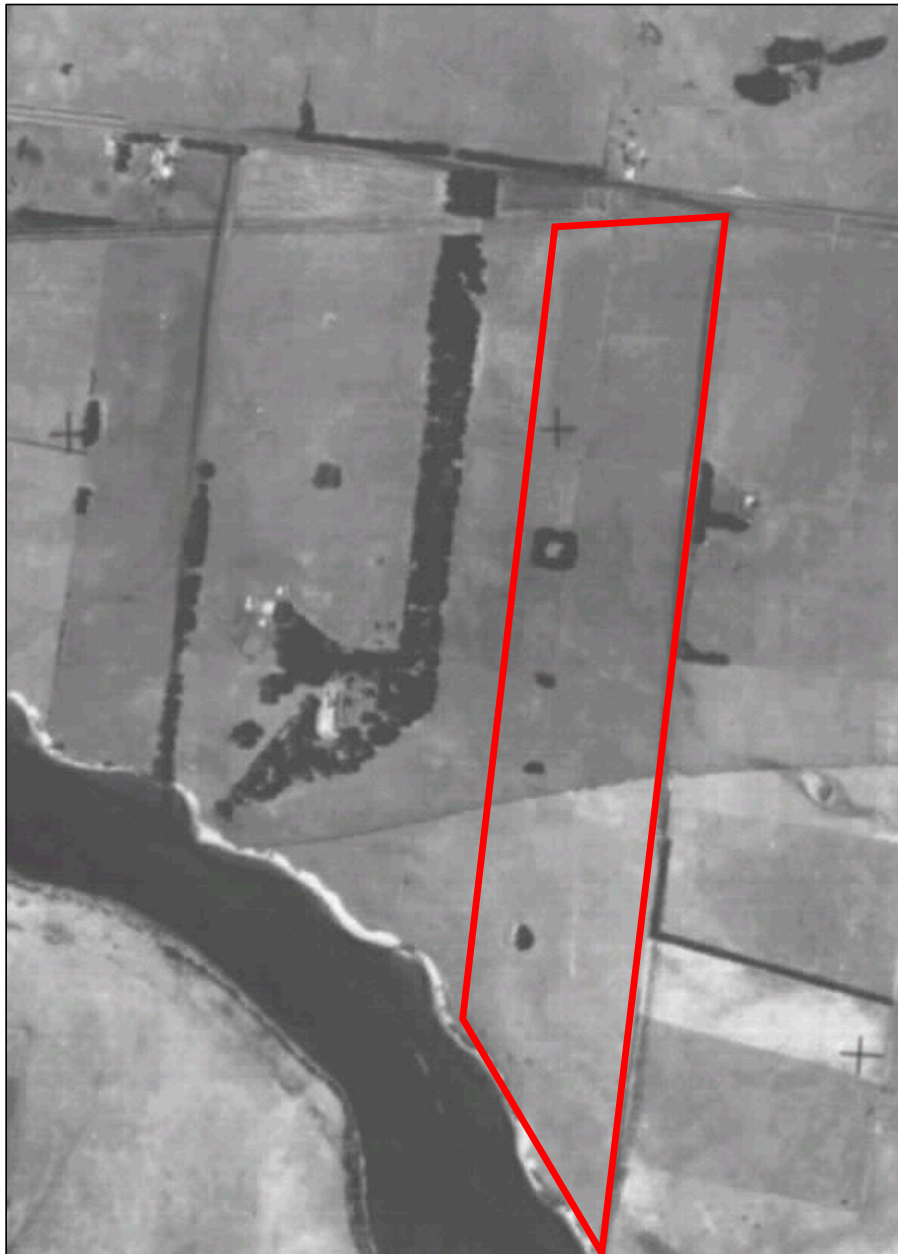



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## **Appendix B      Aerial Photographs**



**Figure 1**  
Historical Aerial Image 1948  
Source: Landata - DELWP – Aerial Photography Library  
Area of further investigation: 



**Figure 2**


Historical Aerial Image 1968 (partial site)

Source: Landata - DELWP – Aerial Photography Library

Area of further investigation: 





**Figure 3**  
Historical Aerial Image 1969 (partial site)  
Source: Landata - DELWP – Aerial Photography Library  
Area of further investigation: 




**Figure 4**

Historical Aerial Image 1979 (partial site)

Source: Landata - DELWP – Aerial Photography Library

Area of further investigation: 



**Figure 5**  
Historical Aerial Image 1986  
Source: Landata - DELWP – Aerial Photography Library  
Area of further investigation: 



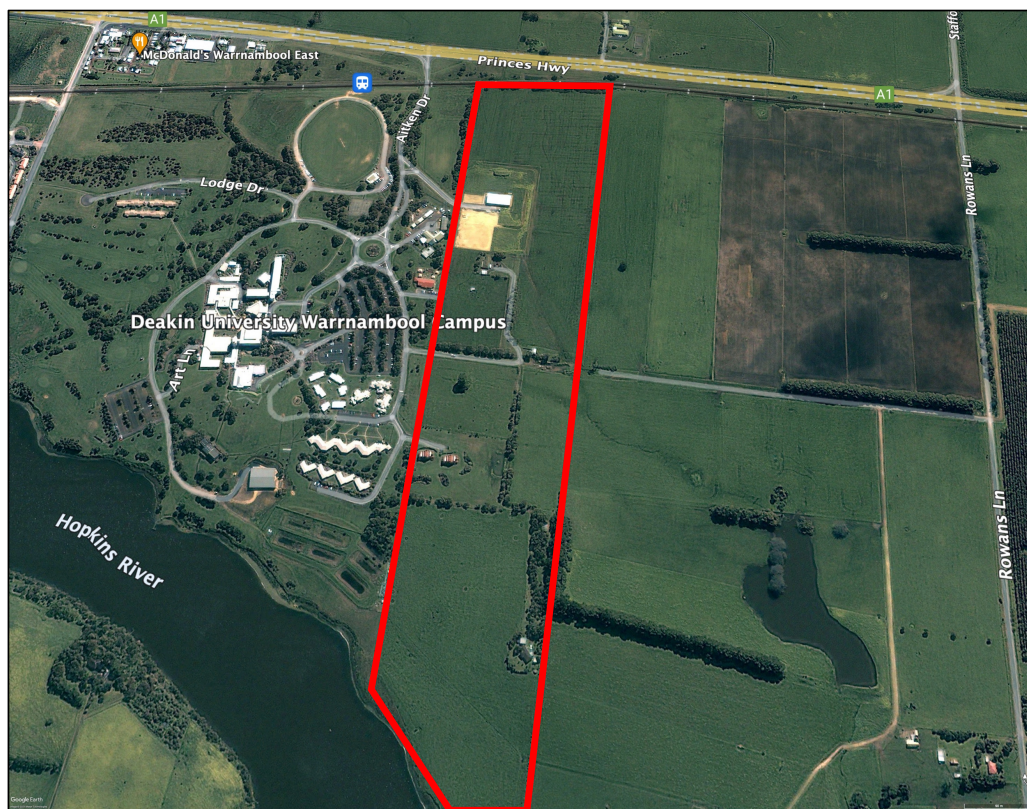


**Figure 6**

Satellite Image 2003

Source: Google earth aerial imagery

Area of further investigation: 



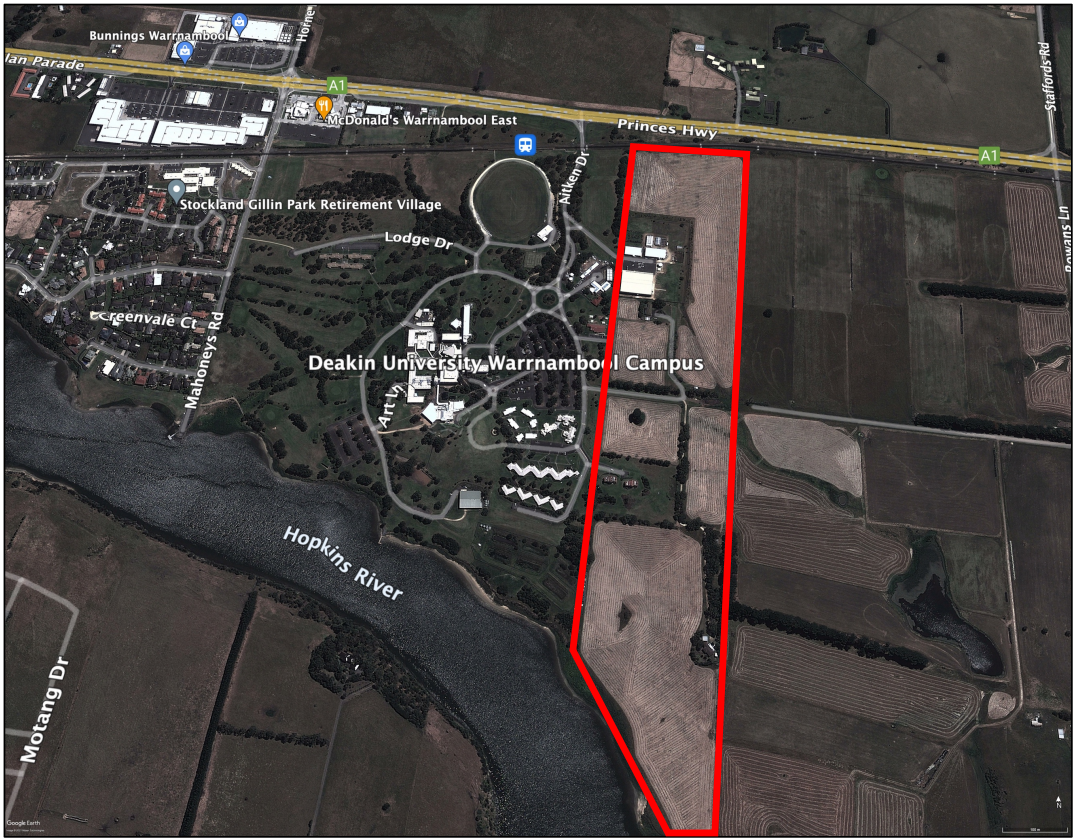
**Figure 7**

Satellite Image 2004

Source: Google earth aerial imagery

Area of further investigation: 





**Figure 8**  
Satellite Image 2011  
Source: Google earth aerial imagery  
Area of further investigation:





**Figure 9**

Satellite Image 2012

Source: Google earth aerial imagery

Area of further investigation: 



**Figure 10**

Satellite Image 2014

Source: Google earth aerial imagery

Area of further investigation: 






**Figure 11**

Aerial Image 2017

Source: Nearmap

Area of further investigation: 



**Figure 12**

Satellite Image 2019

Source: Google earth aerial imagery

Area of further investigation: 





**Figure 13**

Satellite Image 2020

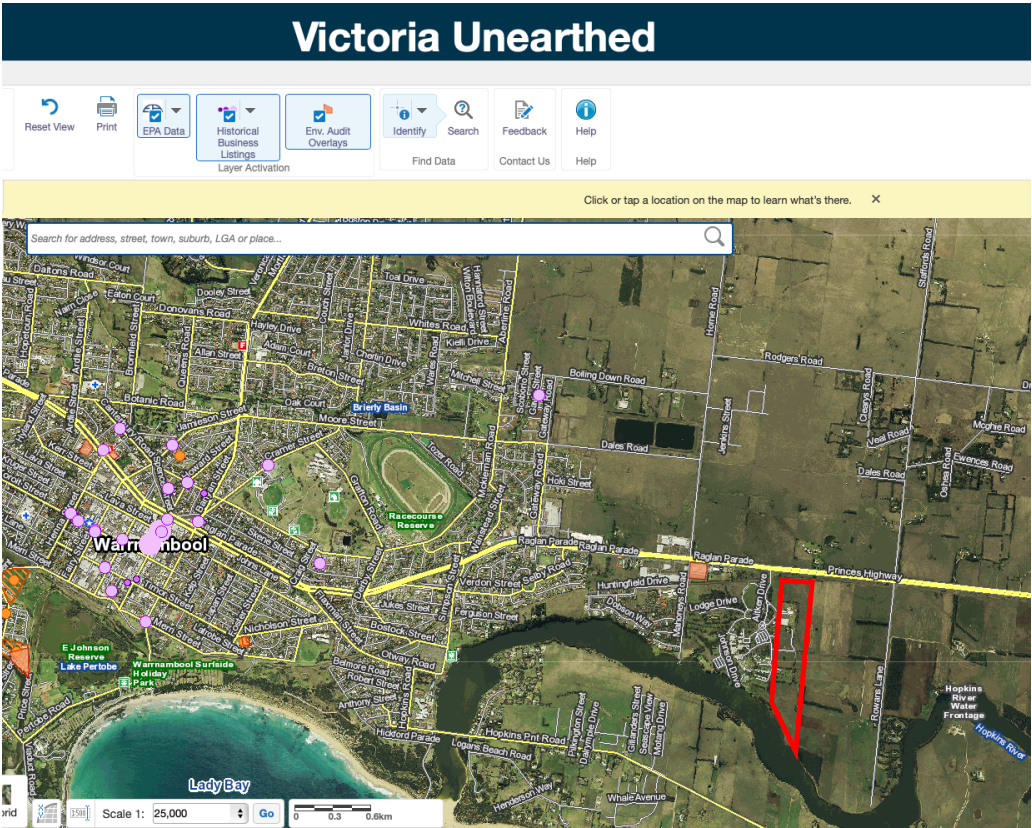
Source: Google earth aerial imagery

Area of further investigation: 

## **Appendix C      Site Photographs**



## **Appendix D     Victoria Unearthed**



Victoria Unearthed Portal 2021

Area of further investigation: 



# Planning Assessment Report

## Application Details:

<b>Application is for:</b>	Use of the land for host farm and development of land for a (replacement) dwelling	
<b>Applicant's/Owner's Name:</b>	Myers Planning Group 182B Lava Street (PO Box 207) WARRNAMBOOL VIC 3280	
<b>Key dates</b>	Received: 28 September 2020 Fees paid: 30 September 2020	Further Info Rec: 27 October 2020 Notice Period: 2 March 2021 for two (2) weeks
<b>Application Number:</b>	PP2020-0207	
<b>Land/Address:</b>	250 Hopkins Point Road, Warrnambool 3280	
<b>Zoning:</b>	Farming Zone (FZ)	
<b>Overlays:</b>	BMO (part of site) Environmental Significance Overlay – Schedule 1 (part of site) Heritage Overlay (part of site) Significant Landscape Overlay – Schedule 1 (SLO1) Cultural heritage sensitivity area Designated bushfire prone area	
<b>Under what clause(s) is a permit required?</b>	Clause 35.07 (Farming Zone) Clause 42.03 (Significant Landscape Overlay) Clause 44.06-2 (Bushfire Management Overlay)	
<b>Restrictive covenants on the title?</b>	Section 173 Agreement AT450584V that requires the owners of 250 & 260 Hopkins Point Rd to adhere to the approved Land Management Plan.	
<b>Current use and development:</b>	Use of land for agriculture, with a single heritage dwelling and associated outbuildings	

## Proposal

The proposal is for use of the land as a Host Farm and development of a (replacement) dwelling. The proposal includes:

- Adaptive re-use of the heritage dwelling (known as the Motang residence) for a short-stay accommodation experience (host farm);
  - The Motang residence is proposed to accept bookings for short-term rentals, accommodating up to 4 persons between 2 guest bedrooms (2 guests per room), with shared kitchen, living, and laundry spaces.



**Above: Image of existing Motang Residence,**

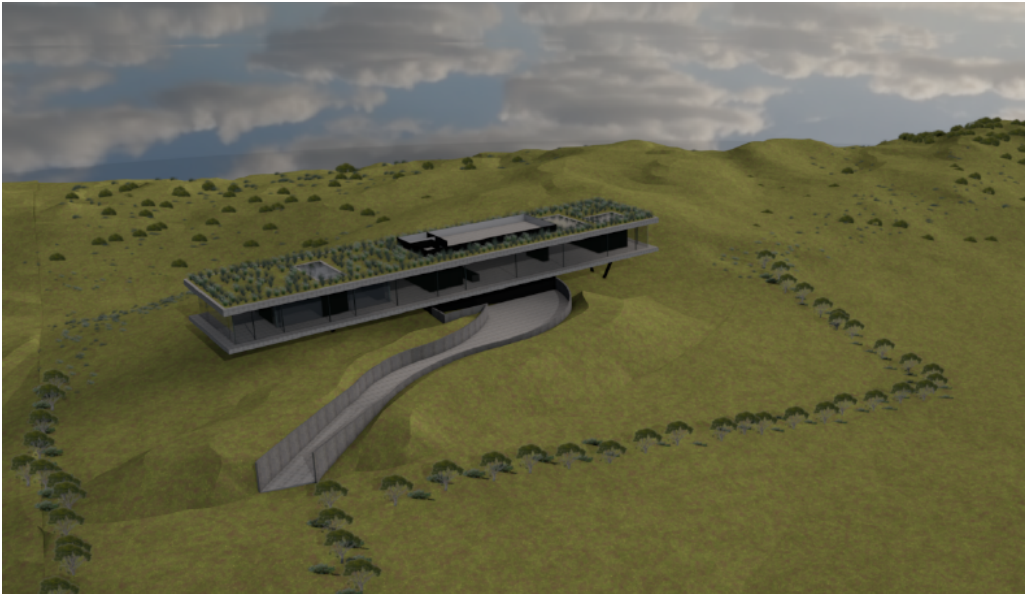
**2. Construction of a new (replacement) dwelling further south in the lot.**

- The dwelling would have a footprint 58m x 13m, elevated above natural ground level with steel columns.
- The dwelling would reach a maximum height of 32.7m AHD, compared to the dune at the rear which has a height of 30-32m AHD<sup>1</sup>
- External materials consist entirely of glazing and the dwelling would have a terraced green (landscaped) roof.
- The dwelling would have 5 bedrooms and is proposed to accommodate a land manager to implement the Integrated Land Management Plan (LMP).
- Access to the dwelling is via ground level garaging. There is also storage space, water tanks and paved outdoor areas on the north side of the dwelling.
- The dwelling is proposed with a setback of 150m from the southern title boundary being the high-tide mark, although would be required to be set back 164m to comply with FRV advice.

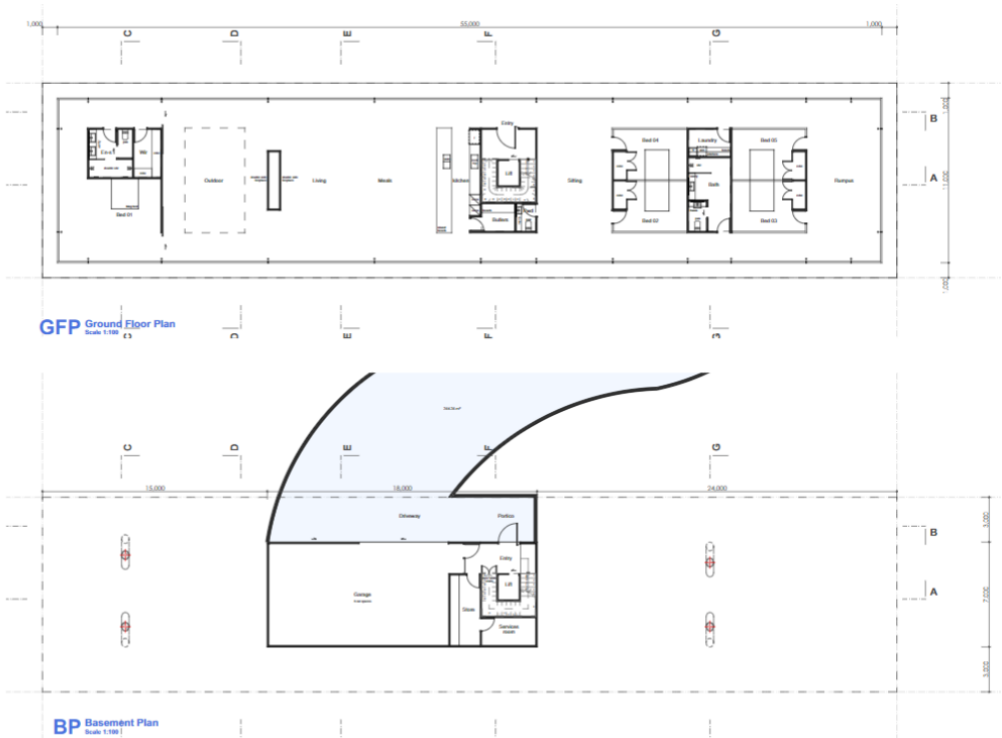
The proposed new dwelling, to replace the Motang residence, is intended to achieve the land management objectives of the LMP. The application indicates that the existing Motang residence would not meet the needs and expectations of a modern rural family and is therefore unsuitable as a residence for a permanent land manager.

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<sup>1</sup> Taken from information provided by the applicant in email dated 14/10/2020.

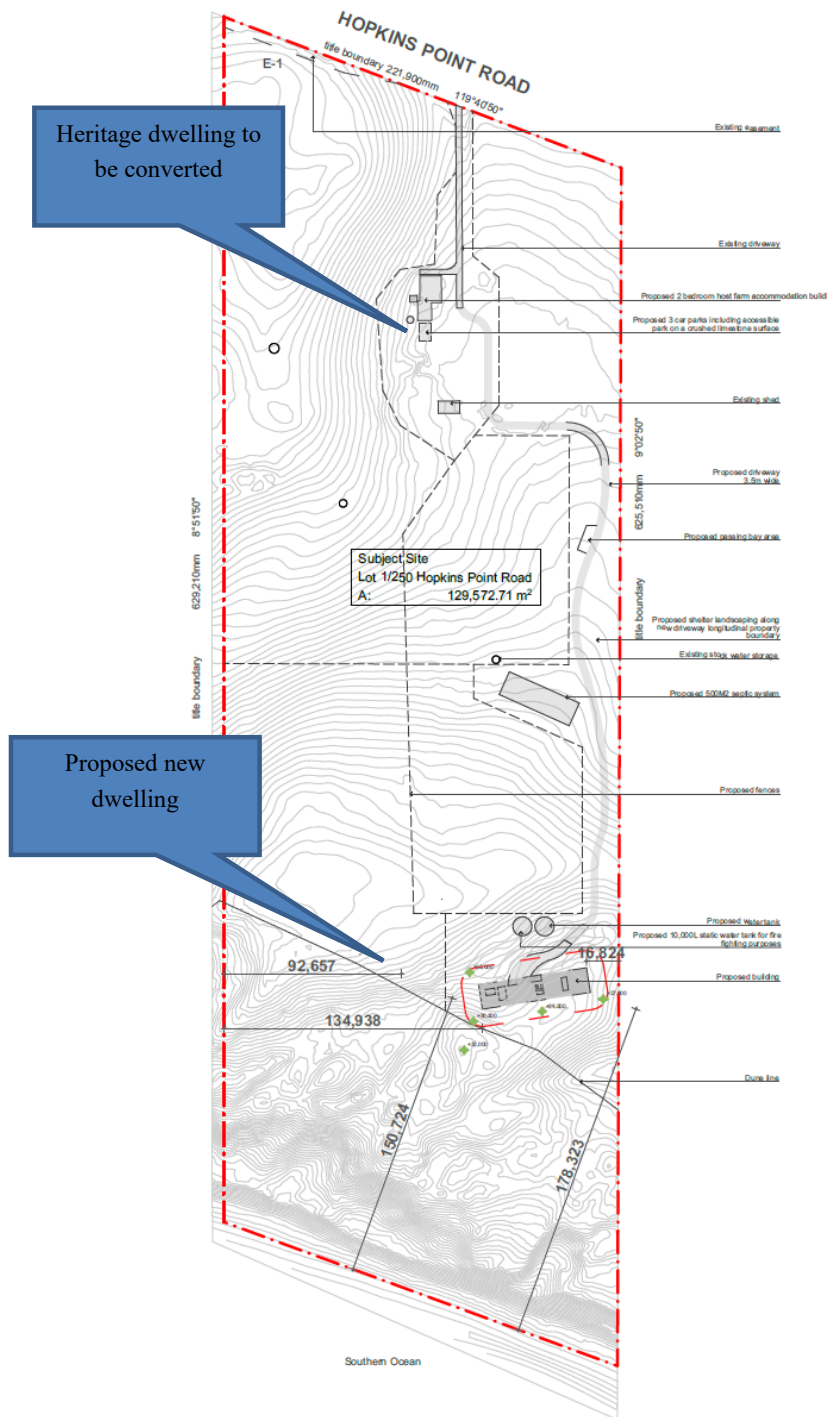


Above: 3D image of proposed new dwelling (view to south).



Above: Floor plans





**PSP** Proposed Site Plan  
 Scale 1:2000

The application is accompanied by the following:

- Planning Report prepared by Myers Planning (dated January 2021)
- A Land Management Plan prepared by Myers Planning dated October 2020.
- Replacement dwelling plans prepared by Designers by Nature
- Vegetation Assessment by Okologie Consulting dated November 2020
- Bushfire Management Statement prepared by Okologie Consulting dated November 2020
- Letter of advice from Rural Consulting Group dated March 2020
- Land Capability Assessment prepared by Greening Consultants dated July 2020
- Coastal Hazard Vulnerability Assessment prepared by Eco-tainable dated September 2020

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## Subject site & locality

The site has a total area of 12.9 hectares and is currently in agricultural use. A single heritage dwelling (referred to as the Motang residence) and associated outbuildings occupy the site.

As shown below, the subject site has a north-south orientation with beach access to the south and frontage to Hopkins Point Rd at the north. The properties surrounding the subject sites are generally in agricultural use and include rural dwellings of a small scale, with associated outbuildings.



Above: Subject site (Image source: Nearmap 2020)

The site is a highly sensitive landscape area that includes sand dunes and beach sand. Its topography is undulating, generally sloping down from the northern boundary to the southern boundary. The proposed dwelling is located at an elevation point on the site (of 7m AHD).

The nearest dwelling (as exists at the time of writing this report) from the new dwelling is that at 230 Hopkins Point Road approximately 300m to the north east. A dwelling has also been approved at 260 Hopkins Point Road and would be approximately 150m from the proposed new dwelling.

#### **Cultural Heritage Sensitivity Area**

The site is largely located within an area of cultural heritage sensitivity with the exception of the northeast corner of the site. The development of one or two dwellings are an exempt activity under the Aboriginal Cultural Heritage Regulations and as such a mandatory cultural heritage management plan is not required.

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## **Permit/Site History**

#### **Rezoning and Subdivision History:**

The site was recently part of a subdivision (PP2019-0115), whereby the parent Lot with an area of 23.68 hectares was permitted to be subdivided into two (2) lots with areas of 10.59 hectares and 13.17 hectares (minimum subdivision area in the Planning Scheme is 15 hectares). Approval was conditional upon both lots entering into an agreement under Section 173 of the *Planning and Environment Act 1987* that each continue to manage the use of the land in accordance with an endorsed 'Land Management Plan' (LMP).

An LMP was endorsed under the subdivision permit on 25/5/2020. Titles were created on 16 October 2020 (including for the subject land Lot 1).

For Lot 2 (260 Hopkins Point Road), permit PP2020-0076 has recently been issued for use and development of land for a dwelling. It is understood construction of the dwelling has yet to commence.

#### **Section 173 Agreement:**

The following restriction is registered on title and apply to the subject land:

##### Section 173 Agreement AT450584V

This Section 173 was created to register an LMP on the subject site. The LMP establishes a framework for land management to increase the long-term sustainability of the property. The LMP's objectives are:

- *To protect and enhance the native flora and fauna on the land;*
- *To increase the productivity of the cleared pastured areas;*
- *To rehabilitate natural features/risk areas on the land; and*
- *To increase the long term sustainability of the property.*

The current application proposes a (replacement) dwelling to be occupied by an on-site land manager who will carry out the objectives of the LMP, while the Motang residence will be used for a Host Farm.

The application justifies the replacement dwelling on the basis that the Motang residence would not meet the needs and expectations of a modern rural family and is therefore unsuitable as a permanent residence.

The existing LMP on title did not contemplate a second dwelling for the site; however, there is provision within the agreement to enable the proposed changes to the LMP.

The submitted updated LMP (dated October 2020) is intended to provide support for the construction of a replacement dwelling, nominating a 'building envelope' that 'avoids highly elevated land visible from key public viewing areas, and avoids areas of native vegetation. It's noted that the submitted LMP omits previously supplied advice from the 'Rural Consulting Group' and Bushfire Management Statement of June 2019.

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### **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 properties and a sign on site.

Five (5) objections were received, which raised the following concerns:

- *Proposal is not aligned to the PPF or Farming Zone*
- *Proposal threatens to compromise the viability of the rural land and scenic qualities of the coastline*
- *Intensification of the land as a 'host farm' and risk to agricultural and environmental values*
- *Increased traffic activity along Hopkins Point Road*
- *Impact on dune*
- *Impact on native animals and birdlife including the hooded plover*
- *The design is not appropriate and would impact on visual amenity*

The applicant provided a response to Council on 28 May 2021 which was forwarded to objectors. No submissions were withdrawn.

### **Response to objections**

- *Proposal is not aligned to the PPF or Farming Zone.*
    - An assessment of the proposal finds that the land will continue to be used for a single dwelling. Any impact on the productivity of the land as a result of the construction of the new dwelling would be able to be managed via conditions on a permit.
- The amended Land Management Plan (LMP) with the addition of an 'Operational Management Plan' (OMP) being endorsed under any permit, will ensure the use of Motang as a Host Farm advances the purpose of the Farming Zone and has strategic support in the Planning Policy Framework.

- *Proposal threatens to compromise the viability of the rural land and scenic qualities of the coastline*
  - The dwelling has been designed to have minimal impact on the landscape, incorporating an entirely glazed exterior with a green roof. The majority of the dwelling is elevated above natural ground level with landscaping proposed around many features at ground level to reduce the visual prominence.

Any impact on the viability of the rural land would be off-set by the intensification of the productive areas of the site and operation of the host farm. The scale of the host farm being comparable to a B&B but the intent of value-adding to the land and local tourism economy.
- *Intensification of the land as a 'host farm' and risk to agricultural and environmental values*
  - The LMP and OPM required as a condition of a permit will address the balance between the host farm activities and need to protect and enhance the environmental values of the site.

The proposal has been informed by a Vegetation Assessment.

Note that the areas identified in the Planning Scheme as being of environmental significance e.g Environmental Significance Overlay (ESO), are confined to within approximately 150m of the coast.
- *Increased traffic activity along Hopkins Point Road*
  - The increase in traffic as a result of the host farm is considered negligible. Note that a B&B would not require a planning permit and up to ten (10) non-resident persons could therefore also frequent the site.

Council's City Infrastructure Unit have been consulted as part of the assessment and no issues with regard to access have been identified.

Hopkins Point Road is a Road Zone (RDZ) Category 2 meaning that the road is designed for as a major route.
- *Impact on dune*
  - The impact on the dune is purported to have been a major factor considered by the designer, with the submitted proposal having minimal built footprint with the majority of the floor area supported by columns.
  - A Construction Environment Management Plan will be required as a condition of a permit which will ensure that during construction there will be minimal impact on the dune outside the footprint.
  - In response to the FRV's requirements, the building will be a further 14m away from the dune, in turn protecting the integrity of the sand feature.
- *Impact on native animals and birdlife including the hooded plover*
  - The subject land is freehold to the high-water mark. While the Environmental Significance Overlay is limited to approximately 150m of the shore it only triggers planning permission for certain forms of buildings and works. The location of the new dwelling is not within the area of mapped Environmental Significance.

The submitted Land Management Plan includes objectives around weed management, stock exclusion areas, enhancement of native vegetation, pest management and conservation techniques. Despite the presence of the new dwelling, the balance of the site will be required to be managed in a way that improved the environmental qualities of the area.



- *The design is not appropriate and would impact on visual amenity*
  - The dwelling has been designed to have minimal impact on the landscape, incorporating an entirely glazed exterior with a green roof. The majority of the dwelling is elevated above natural ground level with landscaping proposed around many features at ground level to reduce the visual prominence.

The Significance Landscape Overlay (SLO) is a relevant consideration in the assessment of the proposal and the design and location of the dwelling is considered acceptable having regard to the 'statement of significance' and objectives to be achieved.

The Planning Scheme seeks to provide for the 'sharing of views'. It is considered that while the siting of the new dwelling could be distracting as a result of its 'box like' form, reasonable efforts have been made to immerse the building into the dune. The new dwelling would not unreasonably impact on the overall views afforded from the relevant objector's properties.

### **External Referrals**

#### **Section 55 Referrals:**

FRV- No objection

- in their response of 27 October 2021 requested an updated Bushfire Management Plan to meet the requirements of clause 53.02 Table 2.
- An amended BMP was submitted 8 November 2021
- In the FRV response of 8 November 2021, they did not object subject to endorsement of the amended Bushfire Management Plan - V3<sup>2</sup>

#### **Section 52 Referrals:**

DELWP- no comments received at time of writing report.

#### **Internal Referrals:**

Council's Health Unit- No issues raised

Natural Environment- No issues raised

Standard conditions for this development area have been provided by Council's Infrastructure and Development Team in relation to vehicle crossings and stormwater management. These conditions will be included on the permit.

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<sup>2</sup> Note the amended BMP submitted to satisfy FRV refers to the new dwelling having a greater setback than that proposed in the application documents.

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## Assessment

### ZONING:

The subject site is wholly within the Farming Zone

### Clause 35.07 FARMING ZONE.

The purpose of this zone is:

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

A planning permit is required under the provisions of the Zone for use of the land for 'Host Farm'.

In the Planning Scheme definitions, a 'host farm' is defined<sup>3</sup> as "*an agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes.*"

A planning permit is also required under the provisions of the Zone for the construction of the new dwelling- on account of the buildings and works being associated with a Use in Section 2.<sup>4</sup>

Pursuant to Clause 35.07-2 (Use of land for a dwelling), a lot used for a dwelling must meet the following requirements:

- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

### Assessment

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<sup>3</sup> At Clause 73.03

<sup>4</sup> The lot size is less than 15 hectares – being the minimum area for which no permit is required to use land for a dwelling.

- The proposal meets the requirements under Clause 35.07-2. Access is provided via an existing vehicle crossing, and an extension is proposed to driveway, to the specifications of the CFA. The dwelling will be connected to a reticulated electricity supply. A new wastewater system is proposed for the new dwelling and no wastewater improvements are proposed to the Motang residence. The application proposes potable water for the proposed dwelling is to be provided via rainwater harvesting, with a static water supply provided for firefighting purposes.
- Assessment of applications to use land or construct a building or carry out works must also consider a number of decision guidelines. These are assessed in the table below.

Guideline	Assessment
General issues	
<ul style="list-style-type: none"> <li>• The Municipal Planning Strategy and the Planning Policy Framework.</li> <li>• Any Regional Catchment Strategy and associated plan applying to the land.</li> <li>• The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</li> <li>• How the use or development relates to sustainable land management.</li> <li>• Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</li> <li>• How the use and development makes use of existing infrastructure and services.</li> </ul>	<ul style="list-style-type: none"> <li>• The MPS and PPF, and Zone support use of the area for productive agricultural activities and seek to avoid non-agricultural uses, including second dwellings, from detracting from those agricultural uses. The application justifies the replacement dwelling on the basis that effective land management is necessary to comply with policy directions and the Motang residence is not fit for purpose for a permanent residence. The proposal does seek to use the Motang residence as a Host Farm. The proposal would provide a viable commercial use of the heritage asset at the property that would support its retention and is able to support a continued agricultural use of the site. Limited details of the proposed Host Farm use have been provided. An operation management plan is recommended to be secured by a permit condition.</li> <li>• The Glenelg Hopkins Regional Catchment Strategy 2013-2019 (GHRCS) applies to the subject site. The Strategy aligns with the Policy Framework, seeking to protect the coastal region of the catchment from pest plants and animals and encouraging restoration of coastal dune scrub. The proposed LMP is consistent with the objectives of the GHRCS.</li> <li>• The proposal has provided a supporting land capability assessment that proposes on-site</li> </ul>

	<p>wastewater treatment including an effluent field setback from the sensitive dune landscape and boundaries with neighbouring properties.</p> <ul style="list-style-type: none"> <li>The construction of the replacement dwelling on a site could give rise to reverse sensitivity impacts in an existing agricultural area. Given the size of surrounding parcels and the context of the area does not support intensive agricultural uses that are associated with significant off-site impacts, the replacement dwelling is considered unlikely to impact on the agricultural productivity of the surrounding area. The proposed Host Farm use of the Motang Residence is considered to be compatible with the surrounding land use.</li> </ul>
Agricultural issues and the impacts from non-agricultural uses	
<ul style="list-style-type: none"> <li>Whether the use or development will support and enhance agricultural production.</li> <li>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</li> <li>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</li> <li>The capacity of the site to sustain the agricultural use.</li> <li>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</li> <li>Any integrated land management plan prepared for the site.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed Host Farm use for the Motang residence will support the continued agricultural production of the site and surrounding area. The proposed replacement dwelling will reduce the amount of land for agricultural use on site; however, the proposed land management plan would ensure the agricultural potential of the site is maximised. On balance, the proposal is not considered to detract from the agricultural potential of the site or surrounding uses. Given the integrated nature of the proposal, and as the acceptability of the replacement dwelling is dependent on the Host Farm use of the Motang Residence, a permit condition is recommended to prohibit the use of the residence as a dwelling once the replacement dwelling has been constructed on site.</li> <li>The site is subject to an existing LMP which contains an objective to enhance the agricultural productivity of the land. The proposal also seeks to implement an updated LMP that would protect and enhance native</li> </ul>

	flora and fauna, increase the productivity of the site, rehabilitate risk areas and increase the long term sustainability of the site.
Dwelling issues	
<ul style="list-style-type: none"> <li>• Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</li> <li>• Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.</li> <li>• Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</li> <li>• The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.</li> </ul>	<ul style="list-style-type: none"> <li>• The site currently supports modest agricultural uses, and the proposed use of the Motang residence for a Host Farm would be consistent with policy objectives to support agricultural productivity as well as those of the LMP. The proposed replacement dwelling will reduce the amount of land for agricultural use on site; however, the proposed land management plan would ensure the agricultural potential of the site is maximised. On balance, the proposal is not considered to detract from the agricultural potential of the site or surrounding uses.</li> <li>• Most neighbouring lots are of a similar size and contain dwellings. Therefore to protect their own amenity are not promoting intensive forms of agriculture which have significant off-site impacts. The replacement dwelling is considered unlikely to be impacted by the surrounding uses.</li> <li>• The proposal would not result in an increase in dwellings on the lot and therefore not set a precedent or proliferation of residential development in the area.</li> </ul>
Environmental issues	
<ul style="list-style-type: none"> <li>• The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</li> <li>• The impact of the use or development on the flora and fauna on the site and its surrounds.</li> <li>• The need to protect and enhance the biodiversity of the</li> </ul>	<ul style="list-style-type: none"> <li>• The land capability report submitted in support of the application demonstrates the proposed replacement dwelling and host farm can be accommodated on site without impacting soil or water quality. In particular on-site effluent disposal arrangements are appropriate.</li> <li>• The proposal minimises the removal of any vegetation on site, through the placement of the replacement dwelling. No permit is triggered to remove the required largely</li> </ul>

<p>area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.</p> <ul style="list-style-type: none"> <li>• The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</li> </ul>	<p>exotic vegetation. The LMP also seeks to enhance the native flora and fauna on site.</p>
<p>Design and siting issues</p>	
<ul style="list-style-type: none"> <li>• The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.</li> <li>• The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.</li> <li>• The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.</li> <li>• The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.</li> <li>• Whether the use and development will require traffic management measures.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed replacement dwelling has been sited within a building envelope specified by the LMP. The dwelling is sited to take advantage of the views across the water and would generally be separated from boundaries with neighbouring sites.</li> <li>• The proposed replacement dwelling is large and would be visible from Hopkins Point Road and the coastal marine area. The lower level of the dwelling would be set into the natural ground level; however, the upper level would sit above ground level. The rolling topography of the site, the proposed perimeter planting and green roof would all soften the appearance of the dwelling from Hopkins Point Road, surrounding sites and the coastal marine area. The dwelling will largely sit below the dune line as viewed from Hopkins Point Road. An assessment against the Significant Landscape Overlay is outlined further in this report.</li> <li>• The proposed replacement dwelling would utilise a dark material palette that would minimise reflectivity.</li> <li>• The proposal is unlikely to have significant implications for traffic management in the area and the infrastructure required to support the proposal would have no</li> </ul>



	significant impact on the surrounding area.
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**OVERLAYS:**

All of the subject site is covered by the Significant Landscape Overlay (SLO), and parts of the site by the Bushfire Management Overlay (BMO), Heritage Overlay (HO) and Environmental Significance Overlay (ESO).<sup>5</sup>

**Clause 44.06 - Bushfire Management Overlay**

The land is partially affected by the overlay.

The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

A permit is required to construct a building or construct or carry out works associated with accommodation e.g a dwelling. The proposed replacement dwelling is located wholly within the overlay.

The schedule to the overlay specifies that the area is classified as BAL-12.5.

The application requires defendable space in the order of 9 metres to the south of the proposed dwelling. The area is already cleared of native vegetation, and therefore no native vegetation removal is required to meet bushfire objectives. A bushfire hazard assessment and management statement have been provided in line with the requirements of the provisions of the overlay.

A permit to construct a building or construct or carry out works must include the following condition:

*"The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed."*

Clause 53.02-4 applies to an application to construct a single dwelling in land zoned Farming Zone; the application must meet all of the approved measures in Clause 53.02.

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<sup>5</sup> The ESO and HO are not considered to trigger a permit based on the information provided in the application.

### Assessment

- Approved measures:  
The application must respond to the applicable objectives and approved measures at Clause 53.02. An assessment is provided in the table below.

Guideline	Assessment
Landscape, siting, and design objectives	
AM 2.1 - The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.	The assessment and management statement is considered to demonstrate that the bushfire risk to the development from landscape beyond the site can be mitigated to an acceptable level.
AM 2.2 - A building is sited to ensure the site best achieves the following: <ul style="list-style-type: none"> <li>The maximum separation distance between the building and the bushfire hazard.</li> <li>The building is in close proximity to a public road. Access can be provided to the building for emergency service vehicles.</li> </ul>	The building envelope is designated by the Land Management Plan. The proposed dwelling is located within this envelope and the bushfire threat from the scrubland vegetation to the south of the envelope can be suitably managed. The site has proximate access to public roads and a passing bay is proposed in accordance with the provisions of this control.
AM 2.3 – A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.	The replacement dwelling will be built to BAL-40 standards which responds to the landscape risk of bushfire identified by the Bushfire Management Statement.
Defendable space and construction objectives	
AM 3.1 - A building used for a dwelling (including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with defendable space in accordance with: <ul style="list-style-type: none"> <li>Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or</li> <li>If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.</li> </ul> The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.	The proposed building envelope achieves a BAL-29 defendable space and construction requirement which corresponds with this requirement. Defendable space is entirely within the property boundaries. The replacement dwelling would be constructed to BAL-40.
AM 3.2	N/A – building proposed is a dwelling
Water supply and access objectives	
AM 4.1 - A building used for a dwelling	The proposal will maintain a static water

(including an extension or alteration to a dwelling), a dependent person's unit, industry, office or retail premises is provided with:	supply and will provide vehicle access consistent with these requirements.
<ul style="list-style-type: none"> <li>A static water supply for fire-fighting and property protection purposes specified in Table 4 to Clause 53.02-5.</li> <li>Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.</li> </ul>	
AM 4.2	N/A – building proposed is a dwelling
Subdivision Objectives	
AM 5.1-5.5	N/A – no subdivision proposed

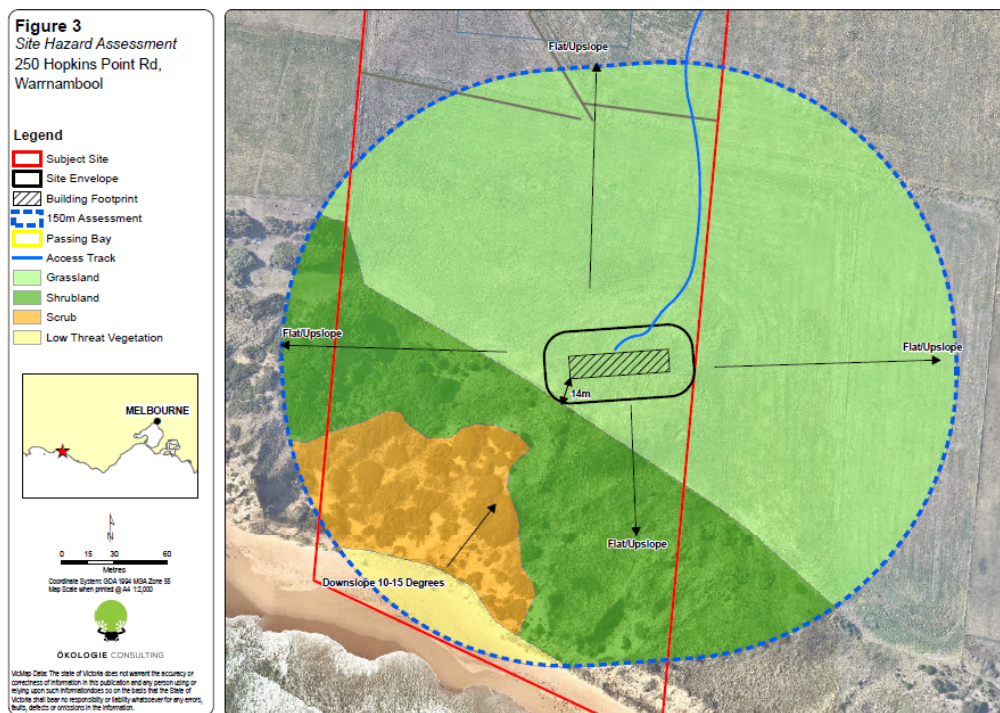
- Decision Guidelines: Assessment of applications to use or subdivide land or construct a building or carry out works must also consider a number of decision guidelines. These are assessed in the table below.

Guideline	Assessment
<ul style="list-style-type: none"> <li>The Municipal Planning Strategy and the Planning Policy Framework</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is generally in accordance with policy objectives which give priority to the protection of human life.</li> </ul>
<ul style="list-style-type: none"> <li>The bushfire hazard landscape assessment, the bushfire hazard site assessment and the bushfire management statement submitted with the application.</li> </ul>	<ul style="list-style-type: none"> <li>The bushfire hazard assessment and management statement are considered to meet the requirements of the provisions of the scheme and adequately demonstrate how the proposal can mitigate bushfire risk to an acceptable level.</li> </ul>
<ul style="list-style-type: none"> <li>The impact of any State, regional or local bushfire management and prevention actions occurring around the site and in the wider area on the bushfire hazard and the level of risk to the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>There are no current management or prevention actions occurring at the site or surrounding area.</li> </ul>
<ul style="list-style-type: none"> <li>Whether the proposed development meets the objectives of Clause 53.02-4 regardless of other measures which may be</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is considered to meet the objectives of Clause 53.02-4.</li> </ul>

available, including private bushfire shelters, community shelters and the presence of places of last resort.	
<ul style="list-style-type: none"> <li>Whether the proposed measures can be practically implemented and maintained in conjunction with the ongoing use of the land.</li> </ul>	<ul style="list-style-type: none"> <li>The management statement is considered to adequately demonstrate how the proposed measures can be practically implemented and maintained.</li> </ul>
<ul style="list-style-type: none"> <li>Whether the use of an alternative measure meets the relevant objective having regard to the bushfire hazard and the nature of any constraint that prevents the applicable approved measure from being implemented.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal does not rely on the use of alternative measures.</li> </ul>
<ul style="list-style-type: none"> <li>If one or more of the objectives in Clause 53.02-4 will not be achieved in the completed development, whether the development will, taking all relevant factors into account, reduce the bushfire risk to a level that warrants it proceeding.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is considered to meet the objectives of Clause 53.02-4.</li> </ul>
<ul style="list-style-type: none"> <li>Whether the risk arising from the broader landscape can be mitigated to an acceptable level or warrants the development not proceeding.</li> </ul>	<ul style="list-style-type: none"> <li>The bushfire risk arising from the broader landscape is not considered to warrant the development not proceeding – risk can be mitigated to an acceptable level.</li> </ul>

- The application is considered to adequately respond to provisions of the Bushfire Overlay; the bushfire hazard is demonstrated to be sufficiently managed through adherence to the recommendations of the management statement.

Note that the BMS submitted to address the initial concerns of the FRV was not deemed acceptable. Accordingly, to gain the support of the FRV, the BMS was amended, primarily to relocate the dwelling away from the Dune and away from 'un-managed' vegetation.



Above: Amended site plan advanced in response to FRV referral response.

A Heritage Overlay is applied to the site where the existing Motang residence is located.

### Clause 43.01 HERITAGE OVERLAY

The purpose of the Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To conserve and enhance heritage places of natural or cultural significance.
- To conserve and enhance those elements which contribute to the significance of heritage places.
- To ensure that development does not adversely affect the significance of heritage places.
- To conserve specified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.

The schedule to the Heritage Overlay identifies the impacted area as Heritage Place 202, 'Motang'. External paint controls apply.

A permit is not required for the proposed use of the existing heritage place as a Host Farm under the provisions of the Scheme. Given no alterations are proposed to the existing residence, no permit is triggered under the heritage overlay.



The entirety of the site is impacted by a Significant Landscape Overlay – Schedule 1 (SLO1).

#### **Clause 42.03 SIGNIFICANT LANDSCAPE OVERLAY**

The purpose of the overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Under Clause 42.03-2 a permit is required to construct a building or construct or carry out works.

Schedule 1 to the overlay designates this area as Coastal Hinterland Landscape Area. The key elements of this landscape include the Hopkins and Merri Rivers, and the coastal and coastal hinterland views of significance. The schedule specifies the following landscape character objectives to be achieved:

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

A permit application must, as appropriate, be accompanied by a site analysis and plan(s) of the proposal which depict topography, landscaping, elevations, and photographs of the site.

#### **Assessment**

Although the application includes comprehensive information depicting the site's topography and the visual appearance of the proposed replacement dwelling, the application does not include a comprehensive landscape and visual impact assessment.

Given the proposed Host Farm used does not proposal any alteration to the Motang Residence it does not trigger a permit under this SLO and will be excluded from this assessment.

Decision Guidelines: Assessment of the proposed new dwelling against the relevant decision guidelines of the overlay are provided below.

Guideline	Assessment
<ul style="list-style-type: none"> <li>The Municipal Planning Strategy and the Planning Policy Framework</li> </ul>	<ul style="list-style-type: none"> <li>The MSS and PPF recognise the importance of the views along the coastal hinterland area; however, they do not preclude buildings and works that are visible within these views. While the proposed new dwelling would be visible from Hopkins Point Road, neighbouring properties and from the coastal marine area, the design, placement, rolling topography and landscaping would minimise the impacts on this landscape.</li> </ul>
<ul style="list-style-type: none"> <li>The statement of the nature and key elements of the landscape and the landscape character objective contained in a schedule to this overlay.</li> </ul>	<ul style="list-style-type: none"> <li>The subject site is included within the coastal hinterland area which is recognised by the SLO. The location of the proposed replacement dwelling is visible from Hopkins Point Road, surrounding properties and the coastal marine area. The scenic qualities of the coastal hinterland area are specifically recognised by the SLO1.</li> <li>The submitted LMP proposes revegetation and weed management in areas of the site and this is considered to have a positive impact on the values of the area.</li> </ul>
<ul style="list-style-type: none"> <li>The conservation and enhancement of the landscape values of the area.</li> </ul>	
<ul style="list-style-type: none"> <li>The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.</li> </ul>	<ul style="list-style-type: none"> <li>The application requires minimal vegetation management to provide appropriate defensible space for the replacement dwelling.</li> </ul>
<ul style="list-style-type: none"> <li>The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed replacement dwelling is large and would be visible from Hopkins Point Road and the coastal marine area. The lower level of the dwelling would be set into the natural ground level; however, the upper level would sit above ground level. The rolling topography of the site, the proposed perimeter planting and green roof would soften the appearance of the dwelling from Hopkins Point Road, surrounding sites and the coastal marine area. The proposed replacement dwelling would utilise a dark material palette that would minimise reflectivity. The dwelling will largely sit below the dune line as viewed from Hopkins Point Road. The dune landscape would</li> </ul>

	<p>preclude any views from the beach area up to the dwelling.</p> <ul style="list-style-type: none"> <li>In this context, the proposal is considered to be consistent with the landscape objectives to protect the scenic qualities of the coastal hinterland, encourage development which does not intrude on views to the coast, prevent interruptions of views to the coast and discourage poorly designed development in prominent locations.</li> </ul>
<ul style="list-style-type: none"> <li>The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.</li> </ul>	<ul style="list-style-type: none"> <li>As outlined above, the proposed replacement dwelling would be of a design that sits well in the, topography, landscaping and materials to protect the existing character values of the area.</li> </ul>
<ul style="list-style-type: none"> <li>The impact of buildings and works on significant views.</li> </ul>	<ul style="list-style-type: none"> <li>As outlined above, the proposal would largely sit below the dune line as viewed from Hopkins Point Road. The design, siting, materials, topography and planting have been used to minimise the visual prominence of the area.</li> </ul>
<ul style="list-style-type: none"> <li>Any other matters specified in a schedule to this overlay.</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>

The entire site is impacted by an Environmental Significance Overlay – Schedule 1

#### **Clause 42.01 Environmental Significance Overlay (ESO1).**

The purpose of the overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- To identify areas where the development of land may be affected by environmental constraints.*
- To ensure that development is compatible with identified environmental values.*

The ESO applies generally along the dunes to a depth of circa 147 metres into the subject site. A permit is required to construct a building or construct or carry out works. The proposed replacement dwelling and the associated works are located outside of the ESO area and as such the proposal does not trigger a permit under this overlay.

#### **GENERAL PROVISIONS**

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

Decision Guideline	Assessment
The matters set out in section 60 of the Act.	All relevant matters under Section 60 of the Act have been considered by this assessment.
The Municipal Planning Strategy and the Planning Policy Framework.	On balance, the proposal is considered to be consistent with the provisions of the Municipal Planning Strategy and the Planning Policy Framework. The proposed host farm is consistent with objectives to retain and enhance the agricultural productivity of the site. While the replacement dwelling would occupy some of the productive land, the proposed LMP would maximise the productivity of the land. The proposal also represents the adaptive reuse of a heritage asset in a manner that supports the ongoing agricultural use of the site. The proposed replacement dwelling would be visible from surrounding vantage points; however, the rolling topography of the land, the proposed perimeter landscape planting and the proposed green roof would all soften the visual impact of the dwellings, while the dwelling itself would assist in achieving the LMP outcomes.
The purpose of the zone, overlay or other provision.	The proposal is considered on balance, to be consistent with the purpose of the Farming Zone, Bushfire Management Overlay, Significant Landscape Overlay and Heritage Overlay.
Any matter required to be considered in the zone, overlay or other provision.	The assessment has considered the relevant matters under the Zone, overlay, and other provisions.
The orderly planning of the area.	The proposal is considered to represent orderly planning of the area with appropriate landscaping.
The effect on the amenity of the area.	The proposal would minimise any amenity impact on the area.
The proximity of the land to any public land.	The proposed replacement dwelling would be sited within 150 metres of the coastal marine area. The replacement dwelling would not be overly visible from any public land and is considered to be appropriate on that basis.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality.	A Coastal Hazard Vulnerability Assessment is provided which is considered to sufficiently demonstrate that risk of coastal land degradation can be adequately managed through the implementation of a coastal erosion monitoring program with triggers a contingency plan for the site.
Whether the proposed development is designed to	Stormwater will be appropriately managed on-site.

maintain or improve the quality of stormwater within and exiting the site.	
The extent and character of native vegetation and the likelihood of its destruction.	The application includes an assessment of vegetation at the site. No removal, destruction, or lopping native vegetation is proposed. Defendable space requirements can be achieved by maintenance of the exotic grass surrounding the replacement dwelling.
Whether native vegetation is to be or can be protected, planted or allowed to regenerate.	As above.
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.	The coastal vulnerability assessment submitted in support of the application demonstrates the proposal has a low risk of erosion.
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.	Proposed access arrangements are considered satisfactory. The extension to the existing driveway is consistent with the access requirements of Clause 53.02-4.1.

## **Municipal Planning Strategy**

### **Clause 01 PURPOSES OF THIS PLANNING SCHEME**

- *To provide a clear and consistent framework within which decisions about the use and development of land can be made.*
- *To express state, regional, local and community expectations for areas and land uses.*
- *To provide for the implementation of State, regional and local policies affecting land use and development.*

### **Clause 02.02 VISION**

The Council Plan (2017-2021) sets out the following vision for Warrnambool:

A cosmopolitan city by the sea

The Council Plan identifies four objectives relevant to land use planning:

- *Sustain, enhance and protect the natural environment.*
- *Foster a healthy, welcoming city that is socially and culturally rich. Maintain and improve the physical places and visual appeal of the city.*
- *Develop a smarter economy with diverse and sustainable employment.*

### **Clause 02.03 strategic directions**

#### **Clause 02.03-1**

##### **Settlement Urban growth**

Warrnambool's urban settlement boundaries and growth areas are identified on the Warrnambool Strategic Framework Plan at Clause 02.04. Warrnambool is forecast to grow at 1.4 per cent per annum until 2040 requiring about 250 new dwellings per year to meet demand. Council has around 23 years supply of zoned residential land (2019). There is also sufficient commercial and industrial land available to meet forecast demand within the Warrnambool City Centre, activity centres and the Eastern Industrial Precinct.

Council's strategic directions for its growth areas are:

- *Directing urban growth to identified growth areas in order to protect productive rural areas and achieve a more compact sustainable urban area.*
- *Supporting increased residential densities in growth areas close to transport corridors, activity centres and open space.*
- *Facilitating infrastructure provision of roads, drainage, utilities and community infrastructure through structure planning and development contributions plans.*

#### **Clause 02.03-2 Environmental and landscape values Biodiversity**

The Warrnambool coastline supports an impressive range of environmental values. Areas of coastal vegetation provide wildlife habitat and corridors for vulnerable and threatened flora and fauna species. Warrnambool's coastline adjoins a number of ecologically important areas including the Southern Right Whale nursery and the Merri Marine Sanctuary.



Council's strategic directions for biodiversity are:

- *Protecting and enhancing sites of biodiversity conservation significance.*
- *Providing wildlife habitat and corridors for vulnerable and threatened flora and fauna species in coastal reserves.*
- *Arresting the decline and fragmentation of native vegetation to minimise land and water degradation issues.*

Significant environments and landscapes

Warrnambool is situated on one of the most spectacular sections of the southwest Victorian coastline. The coast has significant cultural values for both Aboriginal and European heritage and is also valued highly for its environmental, recreational and tourism aspects.

Council's strategic directions for significant environments and landscapes are:

- *Protecting coastal areas, waterways and sensitive ecosystems from the detrimental impacts of urban and rural development.*
- *Protecting significant landscapes and landforms from inappropriate development.*

Clause 02.03-3 Environmental risks and amenity

Climate change Climate change presents a threat to the natural and built coastal environment, to the community and to economic activity. The results of climate change, such as storm surge, inundation through sea level rise and temperature increase pose some of the most significant threats to Warrnambool's coastline.

Council's strategic directions for climate change are:

- *Adapting to the impacts of a changing climate. Planning for the risks associated with possible sea level rise in areas of known vulnerability.*
- *Ensuring that the risks of sea level rise are mitigated or avoided where possible*

Bushfire

There are a number of settlements that are at significant risk from bushfire, including Woodford and Bushfield, the coastal area of Warrnambool and the grassland interface of Warrnambool. Fires from inadequate separation between vegetation and powerlines also poses a risk.

Council's strategic direction for bushfire is:

- *Planning for and managing bushfire risk.*

Clause 02.03-4 Natural resource management Agricultural land

Council's strategic directions for agricultural land are:

- *Protecting rural areas to ensure agricultural uses remain viable.*
- *Ensuring the City's unique rural character is protected from urban development.*
- *Managing the urban-agricultural interface to protect farming operations.*
- *Maintaining a greenbelt around Warrnambool's settlement boundary.*
- *Limiting use or development that will be incompatible with the agricultural use of the land.*

#### Clause 02.03-5 Built environment and heritage

##### Sustainable development

Council's strategic directions for sustainable development are:

- *Creating a sustainable City that allows people to walk or cycle to access their everyday needs and contributes to social interaction, community building and wellbeing.*
- *Promoting ecologically sustainable development. Supporting development that reduces energy and greenhouse gas emissions.*

##### Urban design

View sharing is an emerging issue within the municipality. Views of the ocean, the Merri and Hopkins Rivers, inland hilltops and ridgelines, and surrounding rural areas are highly valued. The siting and design of development can have a critical impact on sensitive areas, views, liveability, safety and visual appearance.

....

The vision for a liveable city revolves around health and wellbeing and the social and physical attributes that contribute to this. The design of the built environment can also influence the incidence of crime and feelings of safety within the city.

Council's strategic directions for urban design are:

- *Protecting and enhancing the quality of the built environment.*
- *Facilitating the sharing, rather than protection, of views from the public realm and private areas.*
- *.....*
- *Promoting safety and the perception of safety in the design of buildings.*
- *.....*
- *Facilitating sensitive design solutions for Younger Street (west), Logans Beach, areas of South Warrnambool and the Coastal/Hopkins River Growth Area.*

#### Clause 02.03-7 Economic development

##### Agriculture

Agriculture is an important element of the regional economy especially the dairy industry. Sixteen per cent of the work force is employed within the agriculture, fishing and forestry sector.

Council's strategic directions for agriculture are:

- *Protecting the significance of agriculture in the local economy.*
- *Preserving agricultural land in large areas to support those industries that rely on agricultural products for processing.*
- *Avoiding development that may compromise the dairy industry and its processing facilities. Facilitating opportunities for agricultural diversity.*

##### Tourism

Tourism is a significant economic driver in the region. Natural and man-made tourism attractions include maritime and built heritage, the coast and beaches, the Great Ocean

Road, the Lady Bay area, the Southern Right Whale Nursery at Logans Beach and the Flagstaff Hill area.

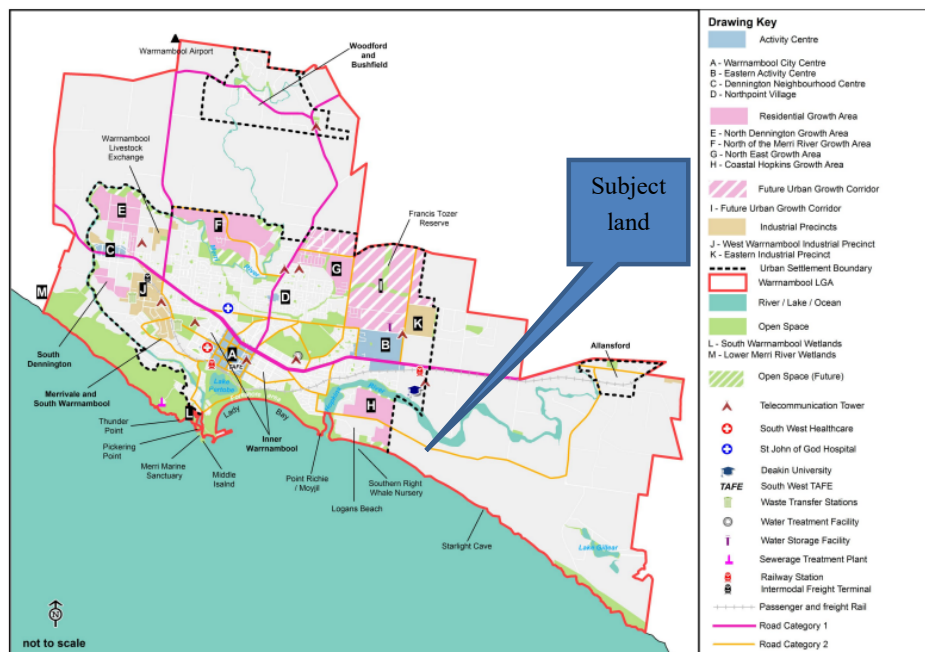
Warrnambool is the western gateway to the Great Ocean Road region with capacity for visitor accommodation. Opportunities exist for coastal tourism development to the east of the city taking advantage of the scenic coast while remaining sensitive to its environmental and landscape values. The Lady Bay foreshore area and Lake Pertobe also provide opportunities for tourist oriented developments.

Lifestyle resorts are a rapidly expanding component of the tourism market and provide tourist and ancillary residential accommodation. Cultural heritage tourism is another potential year-round attractor for the area. A significant entertainment precinct including restaurants, taverns and hotels is evolving at the southern end of Liebig Street, adjacent to the civic buildings.

Council's strategic directions for tourism are:

- *Balancing environmental impacts and pressure for development from a large influx of tourists.*
- *Protecting those assets on which tourism depends.*
- *Ensuring that linkages between Lake Pertobe and the foreshore are strengthened.*

#### Clause 02.04 Strategic Framework Plan



Warrnambool Strategic Framework Plan

Above: The subject land is located outside the Urban Settlement Boundary

## **Planning Policy Framework**

### **11.01-1S Settlement**

Objective To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

#### **11.01-1R Settlement - Great South Coast**

Objective To attract more people to the region.

#### **Strategies**

- *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 and promote active and attractive towns through the provision and enhancement of open space, trails, streetscapes and gardens.*
- ....
- ....

### **11.03-4S Coastal settlement**

#### **Objective**

To plan for sustainable coastal development.

#### **Strategies**

- *Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.*
- *Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.*
- *Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.*
- *Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.*
- *Protect areas between settlements for non-urban use.*
- *Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.*
- ....

- *Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.*
- *Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.*
- ....

Policy documents Consider as relevant:

- ....
- ....
- Great South Coast Regional Growth Plan (Victorian Government, 2014)
- Marine and Coastal Policy (Department of Environment, Land, Water and Planning, 2020)
- Siting and Design Guidelines for Structures on the Victorian Coast (Department of Environment, Land, Water and Planning, 2020)
- Victorian Coastal Strategy (Victorian Coastal Council, 2014)

#### 11.03-5S Distinctive areas and landscapes

##### Objective

To recognise the importance of distinctive areas and landscapes to the people of Victoria and protect and enhance the valued attributes of identified or declared distinctive areas and landscapes.

##### Strategies

- *Recognise the unique features and special characteristics of these areas and landscapes.*
- *Implement the strategic directions of approved Localised Planning Statements and Statements of Planning Policy.*
- *Integrate policy development, implementation and decision-making for declared areas under Statements of Planning policy.*
- *Recognise the important role these areas play in the state as tourist destinations.*
- *Protect the identified key values and activities of these areas.*
- *Enhance conservation of the environment, including the unique habitats, ecosystems and biodiversity of these areas.*
- *Support use and development where it enhances the valued characteristics of these areas.*
- *Avoid use and development that could undermine the long-term natural or non-urban use of land in these areas.*
- *Protect areas that are important for food production.*

#### 11.03-5R The Great Ocean Road region

Objective To manage the sustainable development of the Great Ocean Road region.

#### Strategies

- *Protect public land and parks and identified significant landscapes in the Great Ocean Road region.*
- *Ensure development responds to the identified landscape character of the area.*  
*Manage the growth of towns by:*
  - *Respecting the character of coastal towns and promoting best practice design for new development.*
  - *Directing urban growth to strategically identified areas.*
- *Manage the impact of development on catchments and coastal areas.*
- *Manage the impact of development on the environmental and cultural values of the area.*
- *....*
- *Encourage sustainable tourism and resource use by:*
  - *Developing a network of tourism opportunities throughout the region.*
  - *Supporting tourism activities that provide environmental, economic and social benefits.*
  - *Supporting the land use and transport needs of key regional industries including tourism.*
  - *Using natural resources with care.*

#### 12.01-1S Protection of biodiversity

##### Objective

To assist the protection and conservation of Victoria's biodiversity.

#### Strategies

- *Use biodiversity information to identify important areas of biodiversity, including key habitat for rare or threatened species and communities, and strategically valuable biodiversity sites.*
- *Strategically plan for the protection and conservation of Victoria's important areas of biodiversity.*
- *Ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity, including consideration of:*
  - *Cumulative impacts.*
  - *Fragmentation of habitat.*
  - *The spread of pest plants, animals and pathogens into natural ecosystems.*
- *Avoid impacts of land use and development on important areas of biodiversity.*
- *Consider impacts of any change in land use or development that may affect the biodiversity value of national parks and conservation reserves or nationally and internationally significant sites; including wetlands and wetland wildlife habitat designated under the Convention on Wetlands of International Importance (the Ramsar Convention) and sites utilised by species listed under the Japan-Australia*



*Migratory Birds Agreement (JAMBA), the China-Australia Migratory Birds Agreement (CAMBA), or the Republic of Korea-Australia Migratory Bird Agreement (ROKAMBA).*

- *Assist in the identification, protection and management of important areas of biodiversity.*
- *Assist in the establishment, protection and re-establishment of links between important areas of biodiversity, including through a network of green spaces and large-scale native vegetation corridor projects.*

Policy guidelines Consider as relevant:

State biodiversity information maintained by the Department of Environment, Land, Water and Planning.

#### 12.01-1L Warrnambool biodiversity

##### *Strategies*

- *Discourage development that compromises the ecological integrity of the Merri River, Hopkins River and Russells Creek corridors and the coastal reserves.*
- ....
- ....
- ....
- *Protect remnant vegetation, especially in habitat corridors, drainage lines, stream frontages and on roadsides.*
- *Protect habitat corridors and areas identified as habitat for rare and threatened flora and fauna species.*
- *Improve biodiversity through the integration of landscaping/revegetation and retention of stormwater treatment for habitat.*
- 

Policy document Consider as relevant:

Warrnambool Coastal Management Plan (Warrnambool City Council, 2013)

#### 12.02-1S Protection of the marine and coastal environment

##### *Objective*

To protect and enhance the marine and coastal environment.

##### *Strategies*

- *Manage privately-owned foreshore consistently with the adjoining public land.*
- *Protect coastal and foreshore environments and improve public access and recreation facilities around Port Phillip Bay and Western Port by focusing development in areas already developed or in areas that can tolerate more intensive use.*
- *Enhance the ecological values of the ecosystems in the marine and coastal environment.*

- *Protect and enhance the overall extent and condition of native habitats and species diversity distributions across public and private land in the marine and coastal environment.*
- *Encourage revegetation of cleared land abutting coastal reserves.*
- *Minimise direct, cumulative and synergistic effects on ecosystems and habitats.*
- *Maintain the natural drainage patterns, water quality and biodiversity in and adjacent to coastal estuaries, wetlands and waterways.*
- *Maintain and enhance water and soil quality by minimising disturbance of sediments.*
- *Avoid disturbance of coastal acid sulfate soils.*
- *Protect and enhance natural features, landscapes, seascapes and public visual corridors.*
- *....*
- *Protect the heritage values, the aesthetic quality of locations, cultural links with maritime activities, sea country and sense of place.*

#### 12.02-1L Coastal landscapes

##### Strategies

- *Protect sites of cultural significance including Point Richie / Moyjil.*
- *Avoid development that detrimentally impacts on the scenic landscapes along the coast, river valleys and inland ridgelines.*
- *Minimise the visual impact of development including accessways.*
- *Protect vantage points and view lines to and from the public realm.*
- *Limit development heights to maintain coastal view lines from public spaces and respect scale and character.*
- *Promote view sharing between properties along the coast.*

#### 12.05-2S Landscapes

##### Objective

To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

##### Strategies

- *Ensure significant landscape areas such as forests, the bays and coastlines are protected.*
- *Ensure development does not detract from the natural qualities of significant landscape areas.*
- *Improve the landscape qualities, open space linkages and environmental performance in significant landscapes and open spaces, including green wedges, conservation areas and non-urban areas.*
- *Recognise the natural landscape for its aesthetic value and as a fully functioning system.*
- *Ensure important natural features are protected and enhanced.*

### 13.01-1S Natural hazards and climate change

#### Objective

To minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

#### Strategies

- *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.*
- *Direct population growth and development to low risk locations.*
- *Develop adaptation response strategies for existing settlements in risk areas to accommodate change over time.*
- *Ensure planning controls allow for risk mitigation or risk adaptation strategies to be implemented.*
- *Site and design development to minimise risk to life, property, the natural environment and community infrastructure from natural hazards.*

### 13.01-2S Coastal inundation and erosion

#### Objective

To plan for and manage coastal hazard risk and climate change impacts.

#### Strategies

- *Plan for sea level rise of not less than 0.8 metres by 2100 and allow for the combined effects of tides, storm surges, coastal processes and local conditions such as topography and geology when assessing risks and coastal impacts associated with climate change.*
- *Ensure that land subject to hazards is identified and appropriately managed to ensure that future use and development is not at risk.*
- *Avoid use and development in areas vulnerable to coastal inundation and erosion.*
- *Respond to marine and coastal processes in the context of the coastal compartment type.*
- *Assess the effectiveness, costs, benefits, impacts (direct, cumulative and synergistic) and path dependency of available adaptation options in the following order:*
  1. *non-intervention*
  2. *avoid*
  3. *nature-base methods*
  4. *retreat*
  5. *protect*
- *Ensure that development or protective works that seek to respond to coastal hazard risks avoid detrimental impacts on coastal processes.*

### 13.02-1S Bushfire planning

#### Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

#### Strategies

##### Protection of human life

Give priority to the protection of human life by:

- *Prioritising the protection of human life over all other policy considerations.*
- *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.*
- *Reducing the vulnerability of communities to bushfire through the consideration of bushfire risk in decision making at all stages of the planning process.*

#### 14.01-1S Protection of agricultural land

#### Objective

To protect the state's agricultural base by preserving productive farmland.

#### Strategies

- *Identify areas of productive agricultural land, including land for primary production and intensive agriculture.*
- *Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.*
- *Avoid permanent 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.*
- *Protect productive farmland that is of strategic significance in the local or regional context.*
- *Protect productive agricultural land from unplanned loss due to permanent changes in land use. Prevent inappropriately dispersed urban activities in rural areas.*
- *Protect strategically important agricultural and primary production land from incompatible uses.*
- *Limit new housing development in rural areas by:*
  - *Directing housing growth into existing settlements.*
  - *Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.*
  - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.*
- *In considering a proposal to use, subdivide or develop agricultural land, consider the:*

- *Desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- *Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- *Compatibility between the proposed or likely development and the existing use of the surrounding land.*
- *The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.*
- *Land capability.*
- *Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.*
- *Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.*
- *Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.*

#### 14.01-2L Agricultural land

##### Strategies

- *Support diversification of rural land uses that are consistent with sustainable land and water resource management.*
- *Support intensive agricultural industries where facilitated by soil and water quality, infrastructure, and the location of sensitive uses*

#### 15.01-1S Urban design

##### Objective

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

#### 15.01-1L Urban design

##### Strategies

- ....
- ....
- *Support development that contributes to active street frontages.*
- *Support development that applies design techniques (including façade variation, contrast, repetition, colour, texture and detail) that will integrate a building with its surrounds.*
- ....
- ....
- ....
- ....

#### 15.01-6S Design for rural areas

##### Objective

To ensure development respects valued areas of rural character.

##### Strategies

- Ensure that the siting, scale and appearance of development protects and enhances rural character.
- Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

#### 15.03-1S Heritage conservation

##### Objective

To ensure the conservation of places of heritage significance.

##### Strategies

- ....
- *Provide for the protection of natural heritage sites and man-made resources.*
- *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- *Encourage appropriate development that respects places with identified heritage values.*
- *Retain those elements that contribute to the importance of the heritage place.*
- *Encourage the conservation and restoration of contributory elements of a heritage place.*
- *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- *Support adaptive reuse of heritage buildings where their use has become redundant.*
- *Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.*

#### 15.03-1L Heritage conservation

##### Policy application

This policy applies to all land within a Heritage Overlay (HO).

##### Strategies

- *Design development to be consistent with the predominant scale of heritage buildings.*
- *Reinstate or introduce verandahs where they previously existed or are sympathetic to the form, scale and appearance of a building.*



- *Conserve and maintain important landscape qualities including significant trees and rows of trees, including mature Norfolk Island pine trees.*
- *Minimise and manage signage so that it does not detract from the character of the area.*

#### 15.03-2S Aboriginal cultural heritage

##### Objective

To ensure the protection and conservation of places of Aboriginal cultural heritage significance.

#### 16.01-3S Rural residential development

##### Objective

To identify land suitable for rural residential development.

##### Strategies

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development*
- ....
- ....
- *Ensure planning for rural residential development avoids or significantly reduces adverse economic, social and environmental impacts by:*
  - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources. Protecting existing landscape values and environmental qualities such as water quality, native vegetation, biodiversity and habitat.*
  - *Minimising or avoiding property servicing costs carried by local and state governments.*
  - *Maintaining an adequate buffer distance between rural residential development and animal production.*
  - *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- ....

#### 17.01-1R Diversified economy - Great South Coast

##### Strategies

- *Support agriculture as a primary source of economic prosperity and increase the region's contribution to the nation's food production.*
- *Support rural production and associated economic development opportunities including rural industry, rural sales, accommodation and tourism.*
- *Support expanded processing and logistics businesses in Hamilton*

#### 17.04-1S Facilitating tourism

#### Objective

To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

#### Strategies

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Seek to ensure that tourism facilities have access to suitable transport.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

#### 17.04-1R Tourism - Great South Coast

##### Strategies

- *Provide flexibility and opportunities for a diverse range of tourism development, including an increase in the supply of appropriate accommodation and tourism infrastructure.*
- *Provide for the sustainable management of regionally significant tourism attractions such as the Great Ocean Road, Great Southern Touring Route, national parks, major inland waterways such as Lake Corangamite, key coastal assets including Discovery Bay, and cultural heritage sites.*

#### Clause 17.04-2S Coastal and maritime tourism and recreation

##### Objective

To encourage a diverse range of strategically located and well-designed coastal and maritime tourism and recreational opportunities that strengthen people's connection with the marine and coastal environment.

##### Strategies

- *Support safe and sustainable recreation and tourism development including ecotourism, tourism and major maritime events that:*
  - *Responds to identified demand.*
  - *Minimises impact on environmental and cultural values.*
  - *Minimises impact on other users.*
  - *Minimises direct and cumulative impacts.*
  - *Maintains public safety.*
  - *Responds to the carrying capacity of the site.*
  - *Minimises exposure to coastal hazard risks and risks posed by climate change.*
- *Ensure a diverse range of accommodation options and coastal experiences are provided for and maintained.*
- *Ensure sites and facilities are accessible to all.*

- *Ensure tourism development, within non-urban areas, demonstrates a tourist accommodation need and supports a nature-based approach.*
- *Ensure development is of an appropriate scale, use and intensity relative to its location and minimises impacts on the surrounding natural, visual, environmental and coastal character.*
- ....
- ....
- ....
- ....
- .....

#### 19.03-3L Integrated water management

##### Objective

To reduce environmental degradation associated with stormwater run-off and effluent disposal. Strategies

- *Establish artificial wetlands, retention basins and stormwater pollution traps and other water sensitive urban design features as a means of controlling the quality and quantity of stormwater run-off from urban areas.*
- ....
- ....
- *Discourage waste disposal systems for residential, industrial and commercial purposes that are detrimental to the environment.*
- *Encourage the re-use of wastewater and stormwater run-off within greenfield growth areas.*

## PARTICULAR PROVISIONS

### 53.02 BUSHFIRE PLANNING

#### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.
- To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.
- To specify location, design and construction measures for a single dwelling that reduce the bushfire risk to life and property to an acceptable level.

## GENERAL PROVISIONS

### 65.01 APPROVAL OF AN APPLICATION OR PLAN

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

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

---

## Conclusion

The subject land has an area of 13.17 hectares and currently accommodates a single heritage dwelling (Motang) and farming infrastructure. A Section 173 Agreement is registered on title, meaning the owner of the land is required to meet the objectives as set out in the Land Management Plan (LMP) approved by Council for the continued agricultural use of the land.

The application proposes a new dwelling to replace the heritage dwelling but the owner is still obligated to advance the objectives of the LMP, that is:

- *To protect and enhance the native flora and fauna on the land;*
- *To increase the productivity of the cleared pastured areas;*
- *To rehabilitate natural features/risk areas on the land; and*
- *To increase the long term sustainability of the property.*

The application therefore attempts to balance any adverse impacts as a result of the new dwelling, including by promoting the use of the heritage dwelling for tourist accommodation in association with a 'host farm'.

State Planning Policy requires Councils to balance conflicting objectives in favour of net community benefit.

The visual impact of the replacement dwelling on the landscape, the footprint of the dwelling and waste water treatment areas on the productive areas of the site, and an increase in traffic associated with the host farm will all be evident if the application were to be approved. However, the host farm would support local tourism and the local economy and the LMP would remain on title and therefore the owner must continue to meet their obligations that advance the farming and environmental objectives in the Planning Scheme.

The applicant has addressed any potential risk associated with climate change, bushfire, soil degradation and land capability.

On balance, the proposal continues to advance the purpose of the Farming Zone. Any risk associated with the construction of the replacement dwelling on the local environmental values would be able to be managed via condition of a permit.

---

## 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* decides to determine the application for PP2020-0207 under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 3 on PS308904N, 250 Hopkins Point Road WARRNAMBOOL VIC 3280, for the Use of land for Host Farm and the development of land for a replacement Dwelling in accordance with the endorsed plans, subject to the following conditions:

1. Before the development starts, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans dated 29 September 2020 but modified to show:

- a) The location of the dwelling on a site plan to correspond with Figure 4 contained in the Bushfire Management Plan prepared by Okologie 05112021 V3.
- b) An amended schedule of construction materials detailing proposed materials and reflectivity values to the satisfaction of the Responsible Authority.
- c) North elevation to include a notation that glazing must not include reflective tinting.
- d) A landscape plan in accordance with Condition 10.

2. The layout of the site and size, design and location of the buildings and works as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
3. No architectural features, plant and equipment or services other than those shown on the endorsed plans are permitted above roof level, unless with the prior written consent of the Responsible Authority.

**4. Integrated Land Management Plan**

Prior to the commencement of the development on the land, the LMP must be amended to include:

- The updated Bushfire Management Plan prepared by Okologie 05112021 V3.

**5. Use of Motang Residence**

Prior to the commencement of the development on the land, the owner of the land must enter into an agreement with Warrnambool City Council pursuant to Section 173 of the *Planning and Environment Act 1987*. The agreement must provide the following:

- a) Once the replacement dwelling has been occupied, the existing dwelling known as the Motang Residence must not be used as a dwelling without the prior written approval of the responsible authority.
6. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
7. All wastewater from the dwelling (including host farm) must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
8. The dwelling and host farm must be connected to a reticulated potable water supply or have an alternative potable watersupply with adequate storage for domestic use as well as for fire- fighting purposes.
9. The dwelling and host farm must be connected to a reticulated electricity supply or have an alternative energy source

**10. Landscape Plan**

Before the development starts, a 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 plan will be endorsed and will then form part of the permit. The plan must show:

- a) Location and identification of all proposed plants.
- b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
- c) A survey (including botanical names) of all existing vegetation to be retained, relocated and/or removed.
- d) Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
- e) Details of surface finishes of pathways and driveways.

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



11. The landscaping shown on the endorsed plans completed within six (6) months of occupation of the development and must be maintained to the satisfaction of the Responsible Authority.

**12. Domestic lighting**

Lighting in association with the new dwelling must be designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land.

**13. Green Roof Management Strategy**

Prior to the construction of the replacement dwelling, a green roof management strategy has been submitted to, and approved by, the responsible authority. The management strategy must detail the planting, maintenance and long-term retention of the green roof to the satisfaction of the responsible authority.

**14. Operational Management Plan**

Prior to the commencement of development, an operational management must be submitted to and prepared by the satisfaction of the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The operational management Plan must describe:

- a) Guest check-in and induction procedure, and
- b) Waste management arrangements.

**15. Construction Environmental Management Plan**

Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) must be prepared and implemented to the satisfaction of the Responsible Authority. The CEMP must include:

- a) Contractors working on the site must be inducted into an environmental management program for construction work;
- b) All native vegetation to be retained must be clearly marked on site;
- c) Proposed working hours;
- d) Haulage routes to the site;
- e) Methods of dust suppression;
- f) Sediment control and gross pollutant management;
- g) Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
- h) Location of stockpiling, machinery wash down, lay down, storage and personnel rest areas and vehicle exclusion areas;
- i) Protocols for management of weeds before and during works, including:
  - All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
  - Location of a designated washdown area to achieve the above.
  - All weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled.
- j) All construction stockpiles and machinery must be placed away from areas
- k) supporting native vegetation to be retained and watercourses/drainage lines to the
- l) satisfaction of the Responsible Authority;
- m) Measures must be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the works (including the removal of native vegetation);
- n) All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to *Construction Techniques for Sediment Pollution Control* (EPA 1991) and *Environmental Guidelines for Major Construction Sites* (EPA 1995);

- o) Water run-off must be designed to ensure that native vegetation to be protected on adjacent sites and watercourses are not compromised; and
- p) Non-compliance identified by the Responsible Authority must be rectified immediately at no cost to Council.

#### **16. Bushfire**

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

#### **17. FRV**

The Bushfire Management Plan prepared by Okologie 05112021\_V3 Figure 4 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the Fire Rescue Victoria and the Responsible Authority.

#### **Permit Notes**

- This permit will expire if one of the following circumstances applies:
  - a. The use and development is not started within two (2) years of the date of this permit.
  - b. The development is not completed within four (4) years of the date of this permit.
  - c. The use is discontinued for a period of two years.

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

- a. Within six (6) months afterwards for commencement, or
  - b. Within twelve (12) months afterwards for completion.
- Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
  - All wastewater from the dwelling (including host farm) must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
  - The dwelling and host farm must be connected to a reticulated potable water supply or have an alternative potable watersupply with adequate storage for domestic use as well as for fire- fighting purposes.
  - The dwelling and host farm must be connected to a reticulated electricity supply or have an alternative energy source

end

PLANNING PERMIT APPLICATION  
PP2020-0207  
250 Hopkins Point Rd Warrnambool

**Application Documents**



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

Office Use Only

Application No.:

Date Lodged: / /

## Application for Planning Permit

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

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

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

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

Clear Form

### The Land

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

#### Street Address \*

Unit No.:	St. No.: 250	St. Name: Hopkins Point Road
Suburb/Locality: Warrnambool		Postcode: 3280

#### Formal Land Description \*

Complete either A or B.

**This information can be found on the certificate of title.**

A	Lot No.: 3	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input checked="" type="radio"/> Plan of Subdivision	No.: 308904N
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

### The Proposal

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

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



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

Use and development for host farm and a dwelling (Replacement dwelling).
<input checked="" type="checkbox"/> Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

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



Cost \$2,200,000.00	<b>You may be required to verify this estimate.</b>
Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)	

### Existing Conditions

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

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

Please refer to the attached Town Planning Report.
<input checked="" type="checkbox"/> Provide a plan of the existing conditions. Photos are also helpful.

## Title Information


### 5 Encumbrances on title \*

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

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

- ☐ Yes. (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- ☒ No
- ☐ Not applicable (no such encumbrance applies).

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

## Applicant and Owner Details

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

#### Applicant \*

The person who wants the permit.

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

Please provide at least one contact phone number \*

#### Owner \*

The person or organisation who owns the land

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

Name:		
Title: Mr	First Name: Dan	Surname: Pech
Organisation (if applicable): Myers Planning Group		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: PO Box 207
Suburb/Locality: Warrnambool		State: VIC
		Postcode: 3280


Contact person's details *		Same as applicant (if so, go to 'contact information') <input checked="" type="checkbox"/>
Name:		
Title: Mr	First Name: Dan	Surname: Pech
Organisation (if applicable): Myers Planning Group		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: PO Box 207
Suburb/Locality: Warrnambool		State: VIC
		Postcode: 3280

Contact information	
Business Phone: 03 5562 9443	Email: admin@myersplanninggroup.com.au
Mobile Phone:	Fax:

Name:		Same as applicant <input type="checkbox"/>
Title: Mr	First Name: Dean Alexander	Surname: Montgomery
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 52A	St. Name: Tsui Road
Suburb/Locality: Hong Kong		State:
		Postcode:
Owner's Signature (Optional):		Date:
		day / month / year

## Declaration

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

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

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

Signature:	Date: 28 Sep 2020
	day / month / year

## Need help with the Application?

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

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

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

☐ No

☒ Yes

If 'yes', with whom?: James Phillips

Date: August 2020

day / month / year

## Checklist


- 9 **Have you:**

☐ Filled in the form completely?

☐ Paid or included the application fee?



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

 Provided all necessary supporting information and documents?

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

☐ A plan of existing conditions.

☐ Plans showing the layout and details of the proposal

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

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

☐ Completed the relevant Council planning permit checklist?

☐ Signed the declaration (section 7)?

## Lodgement

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

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

### Contact information:

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

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

Print Form

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

### Save Form:

Save Form To  
Your Computer

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





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

Page 1 of 1

VOLUME 10190 FOLIO 668

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**LAND DESCRIPTION**

Lot 3 on Plan of Subdivision 308904N.  
PARENT TITLE Volume 09691 Folio 620  
Created by instrument PS308904N 22/09/1994

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
DEAN ALEXANDER MONTGOMERY of 15TH FLOOR KING PALACE 52A SHA TSUI ROAD HONG  
KONG  
AM466049R 11/01/2016

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AM466050H 11/01/2016  
NATIONAL AUSTRALIA BANK LTD

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

AGREEMENT Section 173 Planning and Environment Act 1987  
AT450584V 22/07/2020

**DIAGRAM LOCATION**

SEE PS308904N FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NUMBER	NOMINATION OF ECT TO LC	STATUS	DATE
AT450359D (E)	NOMINATION OF ECT TO LC	Completed	22/07/2020
AT450584V (E)	AGREEMENT	Registered	23/07/2020

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

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

Street Address: 250 HOPKINS POINT ROAD WARRNAMBOOL VIC 3280

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED  
Effective from 23/07/2020

DOCUMENT END



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## Imaged Document Cover Sheet

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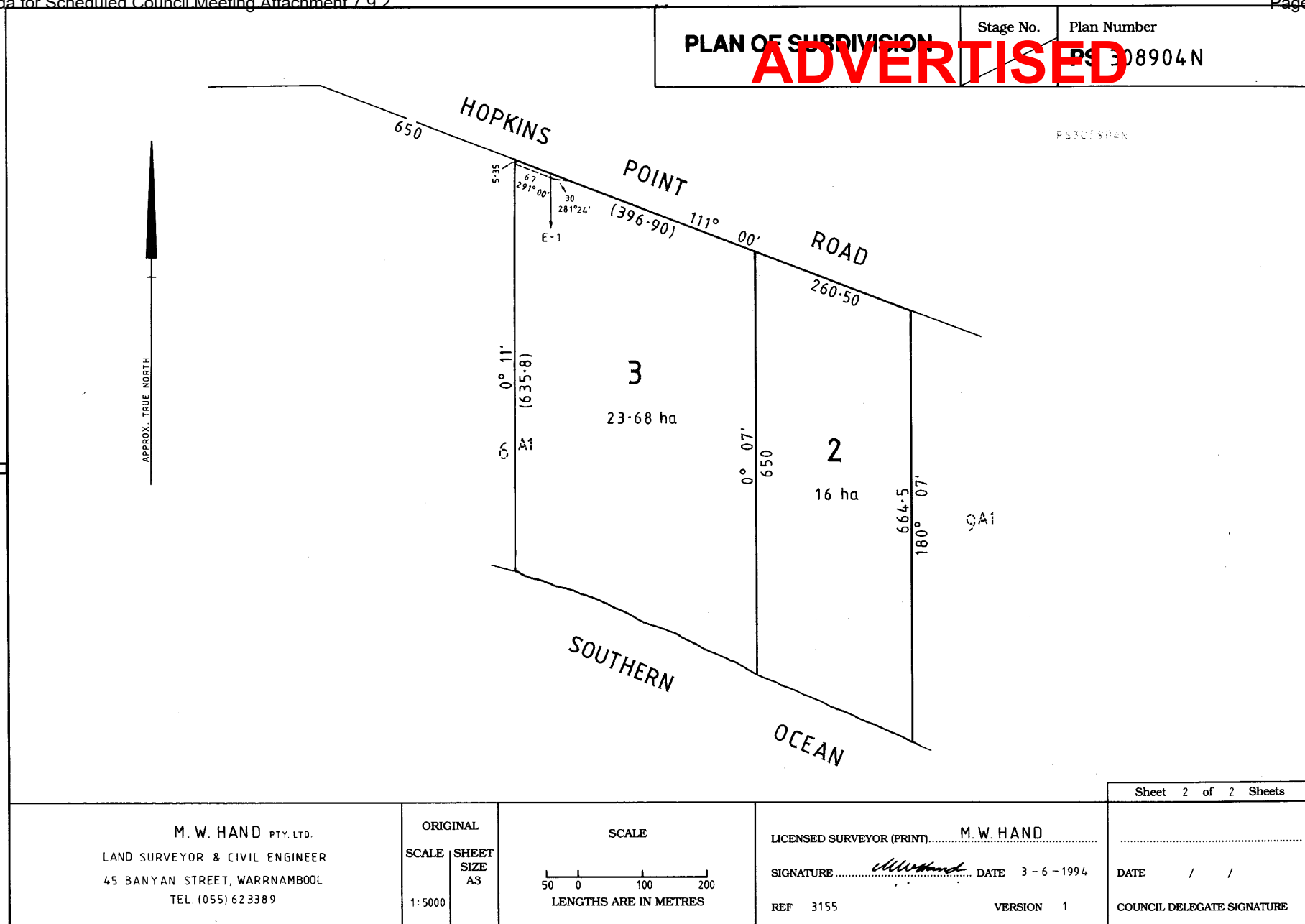
Document Type	<b>Plan</b>
Document Identification	<b>PS308904N</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>02/09/2020 17:41</b>

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PLAN OF SUBDIVISION					STAGE NO. 1	LTO use only	Plan Number										
EDITION 1					PS 508904N												
<b>Location of Land</b> <b>Parish:</b> MEPUNGA  <b>Township:</b> _____ <b>Section:</b> _____ <b>Crown Allotment:</b> _____ <b>Crown Portion:</b> 6A1  <b>LTO Base Record:</b> 3087 MEPUNGA SHEET 1 <b>Title Reference:</b> V.9691 F.620  <b>Last Plan Reference:</b> LP 203708N (LOT 2) <b>Postal Address:</b> HOPKINS POINT ROAD, (at time of subdivision) WARRNAMBOOL, 3280.  <b>AMG Co-ordinates</b> E 633 900 Zone: 54 (of approx. centre of land in plan) N 5 747 800					<b>Council Certificate and Endorsement</b> <b>Council Name:</b> SHIRE OF WARRNAMBOOL <b>Ref:</b> 68/SA/94 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. <del>This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6</del> / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <b>OPEN SPACE</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. (ii) <del>The requirement has been satisfied.</del> (iii) <del>The requirement is to be satisfied in Stage</del> ..... <b>Council delegate</b> <del>Council seal</del> <b>Date</b> 14 / 7 / 94 <del>Re-certified under section 11(7) of the Subdivision Act 1988</del> <del>Council Delegate</del> <del>Council Seal</del> <del>Date</del> / /												
<b>Vesting of Roads and/or Reserves</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">Identifier</th> <th>Council/Body/Person</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">NIL</td> <td style="text-align: center;">NIL</td> </tr> </tbody> </table>					Identifier	Council/Body/Person	NIL	NIL	<b>Notations</b> <b>Staging</b> This <del>is</del> is not a staged subdivision Planning Permit No. 3378 <b>Depth Limitation</b> DOES NOT APPLY LOT NUMBER 1 HAS BEEN OMITTED FROM THIS PLAN. ONLY THE BOUNDARY BETWEEN LOT 2 AND LOT 3 HAS BEEN MARKED OUT ON THE GROUND. THE LENGTH OF THE BOUNDARY BETWEEN LOT 2 AND LOT 3 HAS BEEN COMPUTED FROM THE FIELDNOTES FOR PLAN OF SUBDIVISION LP 148725S. THE AREA OF LOT 3 HAS BEEN OBTAINED BY DEDUCTION.								
Identifier	Council/Body/Person																
NIL	NIL																
<b>Survey</b> This plan is <del>is not</del> based on survey This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No. _____					<b>Easement Information</b> <b>Legend:</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)  <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Easement Reference</th> <th style="width: 20%;">Purpose</th> <th style="width: 10%;">Width (Metres)</th> <th style="width: 10%;">Origin</th> <th style="width: 50%;">Land Benefited/In Favour Of</th> </tr> </thead> <tbody> <tr> <td>E-1</td> <td>WAY, DRAINAGE</td> <td>SEE DIAG.</td> <td>LP 203708N</td> <td>LAND IN LP 203708N</td> </tr> </tbody> </table>			Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	E-1	WAY, DRAINAGE	SEE DIAG.	LP 203708N	LAND IN LP 203708N
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E-1	WAY, DRAINAGE	SEE DIAG.	LP 203708N	LAND IN LP 203708N													
<b>M. W. HAND PTY. LTD.</b> LAND SURVEYOR & CIVIL ENGINEER 45 BANYAN STREET, WARRNAMBOOL TEL. (055) 62 3389					<b>Licensed Surveyor (Print)</b> M. W. HAND <b>Signature</b> <i>[Signature]</i> <b>DATE</b> 3-6-1994 <b>REF</b> 3155 <b>VERSION</b> 1												
<b>LTO use only</b> Statement of Compliance/ Exemption Statement <b>Received</b> <input checked="" type="checkbox"/> <b>Date</b> 26 / 8 / 94 <b>LTO use only</b> PLAN REGISTERED <b>TIME</b> 9:00 <b>DATE</b> 22 / 9 / 94 <i>[Signature]</i> Assistant Registrar of Titles Sheet 1 of 2 Sheets																	
<b>Council Delegate Signature</b> Original sheet size A3																	





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## Department of Environment, Land, Water & Planning

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Dealing Number: AT450359D

Status: Completed

Date and Time Lodged: 22/07/2020 04:07:33 PM

Responsible Subscriber: NATIONAL AUSTRALIA BANK LIMITED

Customer Code: 16089P

Reference:

APPLICATION TO NOMINATE AN ELECTRONIC CERTIFICATE OF TITLE TO AN ELECTRONIC INSTRUMENT

The Subscriber authorises the nomination of the following electronic Certificate(s) of Title to the instruments contained in the Lodgement Case shown below:

Certificate(s) of Title:  
Volume 10190 Folio 668

Lodgement Case ID: 204866680

Following the registration of the instruments in the Lodgement Case, return the eCT Control to the nominating Subscriber

Signed by:  
Mandeep Pathak  
(for NATIONAL AUSTRALIA BANK LIMITED)  
Customer Code: 16089P  
Dated: 22 July 2020

---

File Notes:  
NIL

---

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.



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## Department of Environment, Land, Water & Planning

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Status	Registered	Dealing Number	AT450584V
Date and Time Lodged	22/07/2020 05:30:13 PM		

#### Lodger Details

Lodger Code	19340S
Name	LOU CASTELLANO LAWYER
Address	
Lodger Box	
Phone	
Email	
Reference	190043

### APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction	VICTORIA
--------------	----------

#### Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

#### Estate and/or Interest

FEE SIMPLE

#### Land Title Reference

10190/668

#### Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173  
Planning & Environment Act - section 173

#### Applicant(s)

Given Name(s)	DEAN ALEXANDER
Family Name	MONTGOMERY
Address	
Property Name	GEELONG
Street Number	20
To Street Number	28
Street Name	BROUGHAM
Street Type	STREET
Locality	GEELONG
State	VIC
Postcode	3220





# ADVERTISED

## Department of Environment, Land, Water & Planning

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### Electronic Instrument Statement

#### Additional Details

Refer Image Instrument

---

The applicant requests the recording of this Instrument in the Register.

---

#### Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of	DEAN ALEXANDER MONTGOMERY
Signer Name	LUIGI CASTELLANO
Signer Organisation	LUIGI CASTELLANO
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	22 JULY 2020

---

#### File Notes:

NIL

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Statement End.



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## **Imaged Document Cover Sheet**

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Document Type	<b>Instrument</b>
Document Identification	<b>AT450584V</b>
Number of Pages (excluding this cover sheet)	<b>12</b>
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**ADVERTISED**

7 JUL 2020

Our ref: T/plan PP2019-0115  
Your ref: Emma Leach

2 July 2020



Myers Planning Group  
Attn: Emma Leach  
PO Box 207  
WARRNAMBOOL Vic. 3280

Dear Emma,

**Re: 250 HOPKINS POINT ROAD, WARRNAMBOOL  
SECTION 173 AGREEMENT**

Please find enclosed two (2) copies of the Section 173 Agreement signed and sealed by Council, together with the Application Form pursuant to Section 181 of the Planning & Environment Act.

Please be advised that Council's Chief Executive, Peter Schneider, has been verified by Australia Post on 3 July 2019 Receipt No. 3468530172817.

Would you please advise the dealing number when received from Land Victoria.

Please contact this office on telephone 55594800 if you have any queries in relation to this matter.

Yours faithfully,

**Julie Perry**  
**Coordinator City Building & Planning Support**

encl:

# ADVERTISED

Application by a responsible authority for the making  
of a recording of an agreement

Section 181 Planning and Environment Act 1987

**Privacy Collection Statement**

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Lodged by

Name: Talts Legal

Phone: 5560 2100

Address: 121 Kepler Street, Warrnambool 3280

Reference: Alex McCulloch:200777

Customer Code: 1638Q

The responsible authority having made an agreement referred to in Section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land: Certificate of Title Volume 10190 Folio 668

Responsible authority: Warrnambool City Council

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

A copy of the agreement is attached to this application:

Date: 23-6-2020

Signature for responsible authority:

Name of officer:

Peter Schneider

q:\200777\003.docx

**ADVERTISED**

**TaitsLegal**

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

**RESPONSIBLE AUTHORITY  
WARRNAMBOOL CITY COUNCIL**

**THE OWNER**  
DEAN ALEXANDER MONTGOMERY

**LAND AFFECTED**  
250 HOPKINS POINT ROAD, WARRNAMBOOL

**DATED**  
23<sup>rd</sup> June 2020

# ADVERTISED

## PLANNING & ENVIRONMENT ACT AGREEMENT PURSUANT TO SECTION 173

**WARRNAMBOOL CITY COUNCIL**

- and -

**DEAN ALEXANDER MONTGOMERY**

### AFFECTED LAND:

Lot 3 on Plan of Subdivision 308904N being the land described  
in Certificate of Title Volume 10190 Folio 668

**THIS AGREEMENT** is made on the 23<sup>rd</sup> day of ~~2020~~ June 2020

### BETWEEN:

The Responsible Authority: **WARRNAMBOOL CITY COUNCIL** ("the Council")

of 25 Liebig Street, Warrnambool VIC 3280

The Owner:

**DEAN ALEXANDER MONTGOMERY** ("the Owner")

of 6-30 Homestead Drive, St Albans Park VIC 3219

### WHEREAS

1. The Owner owns the land being Lot 3 on Plan of Subdivision 308904N being the land described in Certificate of Title Volume 10190 Folio 668, situate at 250 Hopkins Point Road, Warrnambool VIC 3280 ("the land").
2. The land is affected by the provisions of the Warrnambool Planning Scheme ("the Scheme").
3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme.
4. The Council on 21 January 2020 issued planning permit No. PP2019-0115 ("the permit") allowing the Owner to subdivide the land subject to the conditions stated in the permit.
5. The permit is subject to conditions including the following:  
"The owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides that the land will be maintained in accordance with an approved Land Management Plan (LMP)."
6. The parties enter this agreement in satisfaction of this condition of the permit.

q:\200777\003.docx

# ADVERTISED

## BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

### 1. OPERATION

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

### 2. INTERPRETATION

#### 2.1. LOT

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

#### 2.2. OWNER

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

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

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

#### 2.3. COUNCIL

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

#### 2.4. In this agreement, unless the context otherwise requires:

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



# ADVERTISED

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

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

## 3. OPERATIVE PROVISIONS

### *Integrated Land Management Plan*

3.1. The Owner acknowledges the land will be in maintained in accordance with the Integrated Land Management Plan endorsed by Council in accordance with the permit.

3.2. Council and the owner agree that the Land Management Plan can be amended, substituted or replaced with the consent of Council, or otherwise in accordance with the Act.

## 4. REGISTRATION

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

## 5. DISCLOSURE

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

## 6. COSTS OF AGREEMENT

The Owner forthwith on demand shall pay to the Council the Council's costs and expenses (as between the solicitor and own client) of and incidental to this agreement and of anything consequent on it or in furtherance of it.

## 7. NOTICES

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

## 8. SUCCESSORS BOUND

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

8.1. Give effect to and do all acts and sign all documents which are required of them to give effect to this agreement; and

8.2. Execute under seal a deed agreeing to be bound by the terms of this agreement.

The obligation imposed on the Owner by sub-clause 1 of this clause shall cease for such time as there appears in the register book at the office of the Registrar of Titles a memorandum of this agreement.

## 9. COUNCIL AS ATTORNEY FOR OWNER

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

On a person ceasing to own any part of the land that person shall be released from the obligations of that person as an owner under this agreement, save to the extent that any right has arisen against such owner prior to such cessation.

# ADVERTISED

## 10. FURTHER DOCUMENTATION AND ACTION

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

## 11. DISPUTE

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

### EXECUTED AS A DEED.

THE Common Seal of the **WARRNAMBOOL  
CITY COUNCIL**  
was hereunto affixed  
this 23 day of June 2020  
in the presence of:

)  
)  
)  
)  
)



Councillor: \_\_\_\_\_

Chief Executive Officer: \_\_\_\_\_

SIGNED by **DEAN ALEXANDER MONTGOMERY**  
in the presence of:

)  
)

\_\_\_\_\_  
Dean Alexander Montgomery

Witness: \_\_\_\_\_

**ADVERTISED**

TaitsLegal

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

**RESPONSIBLE AUTHORITY**  
WARRNAMBOOL CITY COUNCIL

**THE OWNER**  
DEAN ALEXANDER MONTGOMERY

**LAND AFFECTED**  
250 HOPKINS POINT ROAD, WARRNAMBOOL

**DATED**  
23rd June 2020

# ADVERTISED

## PLANNING & ENVIRONMENT ACT AGREEMENT PURSUANT TO SECTION 173

### WARRNAMBOOL CITY COUNCIL

- and -

### DEAN ALEXANDER MONTGOMERY

### AFFECTED LAND:

Lot 3 on Plan of Subdivision 308904N being the land described  
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THIS AGREEMENT is made on the 23<sup>rd</sup> day of ~~2020~~ June 2020

### BETWEEN:

The Responsible Authority: **WARRNAMBOOL CITY COUNCIL** ("the Council")

of 25 Liebig Street, Warrnambool VIC 3280

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1. The Owner owns the land being Lot 3 on Plan of Subdivision 308904N being the land described in Certificate of Title Volume 10190 Folio 668, situate at 250 Hopkins Point Road, Warrnambool VIC 3280 ("the land").
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3. The Council is the responsible authority under the Planning & Environment Act 1987 ("the Act") for the purposes of the Scheme.
4. The Council on 21 January 2020 issued planning permit No. PP2019-0115 ("the permit") allowing the Owner to subdivide the land subject to the conditions stated in the permit.
5. The permit is subject to conditions including the following:  
"The owner must enter into an agreement or agreements under section 173 of the *Planning and Environment Act 1987* which provides that the land will be maintained in accordance with an approved Land Management Plan (LMP)."
6. The parties enter this agreement in satisfaction of this condition of the permit.

# ADVERTISED

## BY THIS AGREEMENT IT IS AGREED AND COVENANTED:

### 1. OPERATION

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

### 2. INTERPRETATION

#### 2.1. LOT

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

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

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

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

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## 3. OPERATIVE PROVISIONS

### *Integrated Land Management Plan*

3.1. The Owner acknowledges the land will be in maintained in accordance with the Integrated Land Management Plan endorsed by Council in accordance with the permit.

3.2. Council and the owner agree that the Land Management Plan can be amended, substituted or replaced with the consent of Council, or otherwise in accordance with the Act.

## 4. REGISTRATION

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

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

## 6. COSTS OF AGREEMENT

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## 9. COUNCIL AS ATTORNEY FOR OWNER

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

On a person ceasing to own any part of the land that person shall be released from the obligations of that person as an owner under this agreement, save to the extent that any right has arisen against such owner prior to such cessation.

# ADVERTISED

## 10. FURTHER DOCUMENTATION AND ACTION

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## 11. DISPUTE

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

### EXECUTED AS A DEED.

THE Common Seal of the **WARRNAMBOOL  
CITY COUNCIL**  
was hereunto affixed  
this 23 day of June 2020  
in the presence of:

)  
)  
)  
)  
)



~~Councilor:~~

Chief Executive Officer:

SIGNED by **DEAN ALEXANDER MONTGOMERY**  
in the presence of:

)  
)

  
Dean Alexander Montgomery

Witness:



# ADVERTISED



28 September 2020

Planning Department  
Warrnambool City Council  
PO Box 198  
WARRNAMBOOL VIC 3280

By email only: [planning@warrnambool.vic.gov.au](mailto:planning@warrnambool.vic.gov.au)

Dear Planning Department

**Planning Permit Application – 250 Hopkins Point Road, Warrnambool**

Please find enclosed a planning application for the above address.

We trust the information contained within this planning application is satisfactory to allow Council to undertake the necessary assessments.

However, should you have any questions or require further information, please do not hesitate to contact me on telephone 03 5562 9443 or [dan@myersplanninggroup.com.au](mailto:dan@myersplanninggroup.com.au).

Yours sincerely

Dan Pech  
Senior Planning Consultant  
**Myers Planning Group**

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](mailto:admin@myersplanninggroup.com.au)  
[www.myersplanninggroup.com.au](http://www.myersplanninggroup.com.au)

# ADVERTISED



## APPLICATION FOR PLANNING PERMIT

### BUILDINGS AND WORKS FOR A DWELLING (REPLACEMENT DWELLING) AND USE OF LAND FOR HOST FARM

250 Hopkins Point Road, Warrnambool

Warrnambool Planning Scheme

Prepared on behalf of permit applicant

January 2021

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PLANNING REPORT, 250 HOPKINS POINT ROAD, WARRNAMBOOL

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**Appendix C** - Site Plans and Architectural Drawings (prepared by Designs by Nature)

**Appendix D** - Integrated Land Management Plan (prepared by Myers Planning Group).

**Appendix E** - Land Capability Assessment (prepared by Greening Structural and Civil Engineers)

**Appendix F** - Bushfire Management Statement (prepared by Okologie)

**Appendix G** - Vegetation Assessment (prepared by Okologie)

**Appendix H** - Coastal Hazard Vulnerability Assessment (prepared by Eco-tainable)

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## 1 Introduction

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Myers Planning Group has been engaged by Dean Montgomery to prepare a Town Planning Report in support of an application at 250 Hopkins Point Road, Warrnambool. A planning permit was recently issued (PP2019-0115) for a dwelling excision at 250 Hopkins Point Road, Warrnambool resulting in the subdivision of land and subsequent creation of a new lot at 260 Hopkins Point Road, Warrnambool. This application seeks approval for the use and development of land for 'host farm' and buildings and works associated with a dwelling (replacement dwelling), which is required to support the use of the land as an integrated farming and accommodation property.

The abovementioned permit (PP2019-0115) required the endorsement of an Integrated Land Management Plan prior to certification of the plan of subdivision. This proposal seeks to implement an updated Integrated Land Management Plan, which contains details of how land on 250 Hopkins Point Road, as separate to 260 Hopkins Point Road, should be enhanced to increase the environmental and agricultural capacity of the site.

The report assesses the merits of the proposal and finds that the proposal is consistent with the recommendations of the proposed Integrated Land Management Plan.

This report also outlines the planning context for the site and finds that the proposal requires a permit under the Warrnambool Planning Scheme in accordance with Clause 35.07 (**Farming Zone**) and Schedule 1 to the Clause 42.03 (**Significant Landscape Overlay**). Consideration is also given to Clause 52.17 **Native Vegetation**, Clause 42.01 (**Schedule 1 to the Environmental Significance Overlay**), Clause 13.01-S (**Coastal inundation and erosion**), the **Victorian Coastal Strategy 2014** and **Planning Practice Note 53** *Managing coastal hazards and the coastal impacts of climate change*.

The report finds that the proposal is appropriate, given the environmental and landscape sensitivities of the site and surrounding land and the directions in the planning scheme regarding the protection of agricultural land and support for coastal and heritage tourism.

Accordingly, this report provides a standard assessment against the planning provisions that apply to the site and provides details of the site, relevant planning controls and policies, and a discussion of relevant planning matters.

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The following documents should be read in conjunction with this report and are provided as part of the application:

- Planning Permit PP2019-0115 and certified plan of subdivision.
- Site Plans and Architectural Drawings (prepared by Designers by Nature).
- Integrated Land Management Plan (prepared by Myers Planning Group).
- Land Capability Assessment (prepared by Greening Structural and Civil Engineers)
- Bushfire Management Statement (prepared by Okologie)
- Vegetation Assessment (prepared by Okologie)
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## 2 Subject site, site interfaces and nearby land uses

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### 2.1 Subject Site

The subject site is currently recognised by the rated address of 250 Hopkins Point Road, Warrnambool, and is further described and identified by its current title details, which are Lot 1 Plan of Subdivision 842676.

Titles were recently issued for the subject site, following a process of subdivision for the site and addressed land at 260 Hopkins Point Road, Warrnambool (PP2019-0115). See **Appendix B** for a copy of the permit and endorsed plan of subdivision. A Land Management Plan, required as a condition to PP2019-0115, was also registered to both titles following the grant of a planning permit.

The following subsections describe the existing conditions and details of the proposal on the subject site (250 Hopkins Point Road, Warrnambool).

### 2.2 Existing conditions

The subject site is located on the southern side of Hopkins Point Road, Warrnambool, and comprises an irregular rectangular shape. The subject lot has a frontage of 221.9 metres to Hopkins Point Road and is accessed via this road using one rural vehicle crossover for farm and residential vehicle access. The subject lot is approximately 12.86 hectares in area and is located approximately 210 metres east of Warrnambool's urban boundary.

The site topography is undulating and generally declines from the northern boundary to the southern boundary. The site levels range from approximately 48 metres Australian Height Datum (AHD) at the high point on the north-western segment of the subject site to marginally above sea-level where the southern boundary of the land adjoins the Southern Ocean.

The subject site is currently sub-optimal for productive agriculture and supports modest grazing and fodder production. The site is a heritage property used for modest livestock grazing and horse stables, and contains agricultural sheds, post and wire paddock fencing, stock water tanks, a heritage 'homestead' and associated outbuildings. The 'heritage' homestead comprises a 5,000 square metre curtilage around the existing dwelling (known as the 'Motang' residence) and associated heritage buildings.

The southern part of the land contains vegetated coastal dunes, with a variable width of approximately 170-130 metres from the southern boundary. From this point, the land slopes up to the high point of the dune (approximately 32 metres AHD) and then further south to the beach including a steep drop.



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The land adjoins the Logans Beach/Warrnambool Bay coastal environs, which is a valued scenic environment located close to Warrnambool's urban boundary. The subject site is subject to a number of landscape and environmental constraints by virtue of this location. Specifically:

- The entire site and adjoining lands are located within the Significant Landscape Overlay (Schedule 1). Low lying areas adjoining the northern edge of the dunal system near the western and eastern property boundaries are the least visible areas on the site, when views are aggregated from adjoining and nearby areas. The remaining sections of the site are most visible either to nearby and adjoining residences and/or from publicly accessible areas such as Hopkins Point Road and the coast.
- The lowest point of the site (north of the dunal system on the western boundary) comprises a natural depression and soakage area of approximately 7,000 square metres, and contains the shallowest depth to groundwater on the site (likely 5 metres to groundwater, depending on ground level elevation).
- The land inclines steeply toward the dunal system from the low-lying depression before sloping downwards to the Warrnambool Bay coastline, which forms the southern boundary of the subject site. These coastal environs comprise approximately 3.25 hectares of the subject site and are contained within the Environmental Significance Overlay (Schedule 1).
- The dunal system is part of a contiguous strip of shrubland vegetation which stretches to the mouth of the Hopkins River and is contained in the Bushfire Management Overlay.
- Large parts of the southern paddock and part of the dunal environs have been invaded by exotic weed species.

See the Site Plan and Architectural Drawings (**Appendix C**) for further details of the site and its surrounds.

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**Figure 1.** Subject site and surrounds (Image source: NearMap)

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## 2.3 Site interfaces, nearby land uses and key views

The site is located within the Farming Zone approximately 210 metres from the edge of Warrnambool's urban settlement boundary, which contains a mix of rural living, agricultural and coastal environs. The surrounding subdivision and land use pattern comprises predominantly small rural lifestyle and farming lots, most of which are supported by a dwelling.

### North

- The northern boundary of the site is formed by the Hopkins Point Road road reserve contained in the Road Zone Category 2. Beyond this land are three properties located in the Farming Zone. These properties consist of a small rural lifestyle dwelling lot of 0.8 hectares and two larger farming lots, of approximately 24 hectares and 16.5 hectares, respectively.

### East

- The eastern boundary of the site is formed by 260 Hopkins Point Road (created as part of PP2019-0115). Beyond this land to the east is freehold land located in the Farming Zone, comprising approximately 15 hectares. This land contains a dwelling and supports modest agricultural activities (grazing and fodder production).

### South

- The southern boundary of the site is formed by the Warrnambool Bay coastline and represents the municipal boundary (high-water mark).

### West

- Adjoining land to the west comprises two 6-hectare lots contained in the Farming Zone. Both these properties contain a dwelling and are predominately used for rural lifestyle purposes with modest agricultural activities (grazing and fodder production).



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**Figure 2.** View of Motang dwelling and surrounds (foreground) and coastal environs (background) (northern and western panoramic perspective).



**Figure 3.** View of Motang dwelling and surrounding pastoral land (foreground) and coastal environs (background) (northern and eastern panoramic perspective).



**Figure 4.** View of dunal system on 'Lot 1' (western perspective).

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**Figure 5.** View of pasturelands north of the dunal system on 'Lot 1' and adjoining pasture lands to the east (southern and western panoramic perspective).



**Figure 6.** View of livestock and Motang dwelling (western perspective).



**Figure 7.** View of livestock and former stables (foreground) and pastoral lands and rural lifestyle development (background) western perspective).



**Figure 8.** View of raised area adjoining dunal system (proposed dwelling location) (northwestern perspective).



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**Figure 9.** View of dunal system (background) atop high point of the subject site (northwestern perspective).



**Figure 10.** View of dunal system from western boundary. (northwestern perspective)



**Figure 11.** View of pastoral areas (foreground) and rural lifestyle and dunal environs (background) (northern and western panoramic perspective).

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**Figure 12.** View of permitted dwelling area on neighbouring land (foreground) via PP2020-0076 and the proposed dwelling area on the subject site (background) (northern and eastern panoramic perspective).



**Figure 13.** View of landscaped dwelling curtilage to the west of the subject site (northeastern perspective).



**Figure 14.** View of subject site (far background) from Logans Beach Coastal Village eastern boundary (foreground) and landscaped dwelling curtilages (mid-ground) to the west of the subject site (western perspective).



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**Figure 15.** View of the adjoining dunal system west of the subject site and dwelling west of the subject site from the southern boundary of the Logans Beach Coastal Village (western perspective).



**Figure 16.** View of coast and dunal system adjoining and opposite the subject site from Logans Beach (western perspective).



**Figure 17.** Partial Elevation View of the subject site's southern boundary, dunal system and adjoining beach area (southern perspective).



**Figure 18.** View of the subject site (background), and neighbouring land from the crest of Hopkins Point Road (northeastern perspective).



**Figure 19.** View of the subject site (background) and neighbouring land from the crest of Hopkins Point Road (northeastern perspective).



**Figure 20.** View of the 'Motang' residence (foreground) and dunal environs (background) from Hopkins Point Road.



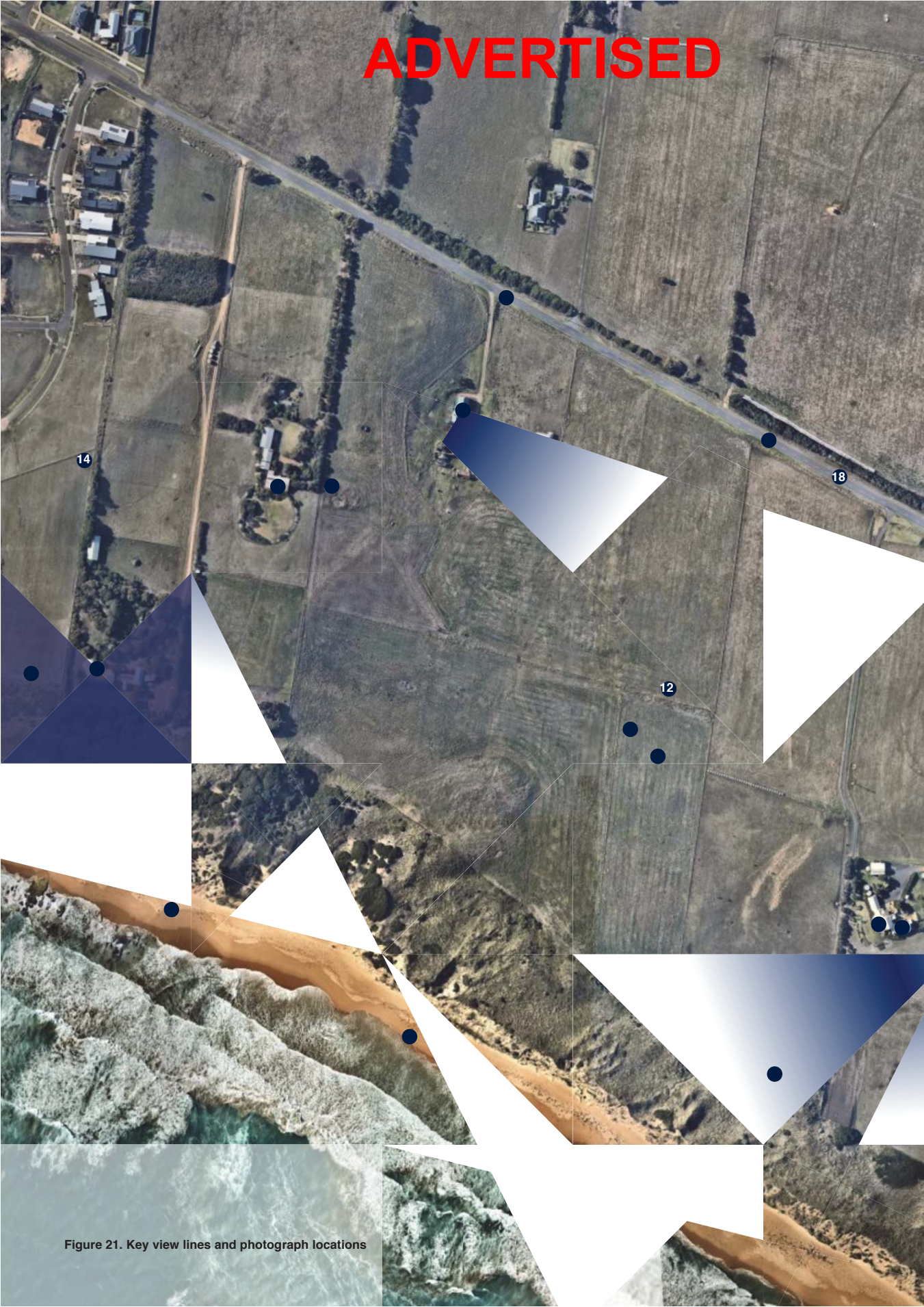


Figure 21. Key view lines and photograph locations

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### 3 The proposal

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This application seeks planning approval for the use of the land for 'host farm' accommodation and buildings and works associated with a dwelling (replacement dwelling) at 250 Hopkins Point Road. The vision for the proposal is two-fold, as follows:

- re-adapting the use of the Motang residence as part of a hosted on-farm accommodation experience (host farm).
- buildings and works associated with a replacement dwelling, which is required to ensure that the land management functions, and agricultural and environmental values of the site are enhanced by providing a workplace and residence from which to conduct environmental and agricultural land management activities for the subject site, predicated by PP2019-0115 and the attached Integrated Land Management Plan (LMP).

#### Host farm

As mentioned in Section 2.2, the site contains a 'heritage' homestead comprising a 5,000 square metre curtilage around the existing dwelling (known as the 'Motang' residence) and associated heritage buildings.

The existing 'Motang' residence is aged and, while decent and habitable, it does not meet the expectations of a permanent modern rural family dwelling, which would be likely to attract a land manager for the ongoing management of the land in accordance with the Integrated Land Management Plan. The Motang residence also comprises significant heritage values and making changes to the building to create a desirable, modern, permanent dwelling is likely to detract from the heritage fabric of the building and should be avoided. In this light, the ongoing use of the 'Motang' residence is better served as a short-stay accommodation building, given its decent and habitable condition.

The business vision for the 'Motang' residence as a 'host farm' accommodation building is to create a destination for guests who wish to be immersed in the amenity and environment of a historic agricultural and rural homestead. This will be reflected in the marketing and method of accommodation bookings.

The concept of the host farm is to provide a farm living experience for guests, who will be able to observe and participate in the activities involved in animal husbandry and living in a rural landscape. Guests will be permitted to take part in appropriate farm activities, thus enhancing their appreciation and understanding of the rural environment. The host farm accommodation will not impact upon agricultural production within and surrounding the property and is reliant on the enterprises of the farm and the quality of these enterprises on offer to guests for its

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function. A schedule of activities compatible with the property's modest agricultural productivity is outlined in the table below:

Activity	Description
Induction and welcoming	All guests will receive a verbal orientation of farming activities which will occur on site during their stay, both for safety and experiential purposes.
Yearlings and stock handling	Various rotations of calves, lambs, kids (goats), ponies, yearlings and mature livestock will regularly graze on site. This provides an opportunity for guests to undertake supervised feeding and light stock handling activities suited to age, ability and interest and to be taught about the handling and rearing of livestock through their lifecycles.
Horse riding	Horses and ponies will be brought in intermittently to the site (dependent on season and guests) for hand-led horse riding based on guest age, ability and daily climate.
Stargazing	"Bush-astronomy" and indigenous astronomy classes will be offered based on climate and season.
Catered picnic experience	Guests will be able to select from a range of fresh local produce produced on and off-farm for consumption as part of a catered picnic experience.
Passive unsupervised activities	A range of 'passive' seasonal activities safe for all abilities and age groups will be available to guests dependent on season, climate and stock availability. These include walks through designated areas on the farm, collection of chicken eggs from coups and hand feeding of secure small livestock and yearlings.

The subject site has been selected for this proposal primarily due to it's proximity to the Great Ocean Road visitor tourism market and the capacity for the site to accommodate short-stay visitors/guests without interruptions to the existing farm operations and with minimal impacts to surrounding rural lifestyle and agricultural properties.



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The proposed accommodation use within the existing Motang dwelling will have a planned capacity of four persons and will be used only for short-term accommodation by persons away from their normal place of residence.

The building, not individual rooms, will be available for bookings as a short-term rental accommodation and bookings will occur through a local holiday rental agency and/or online holiday booking system. The majority of clientele expected to book accommodation will comprise visitors from the 'nature tourism', 'agri-tourism', 'short break' and 'family' market segments.

The accommodation building will comprise two guest bedrooms (with up to 2 guests per room), shared living spaces, kitchen, laundry and amenities.

'Host farm' has been assessed as the most accurate characterisation of the proposal and is defined as follows:

*An agricultural property used to provide accommodation for persons, away from their normal place of residence, to experience living on land used for agricultural purposes.*

No external buildings or works are proposed in conjunction with the proposed 'host farm' use aside from car park surfacing and landscape screening.

Please refer to Town Planning Drawings prepared by Designers by Nature (**Appendix C**) for further details (**Appendix D**).

## Integrated Land Management Plan implementation

A high degree of on-site surveillance, routine works and land management activities are required to implement the regime of land management objectives enclosed in the attached Integrated Land Management Plan (see **Appendix D**). The objectives of the Integrated LMP are drawn from the notations in permit PP2019-015 and are summarised below:

- To protect and enhance the native flora and fauna on the land;
- To increase the productivity of the cleared pastured areas;
- To rehabilitate natural features/risk areas on the land; and
- To increase the long term sustainability of the property.

The details of works required to achieve the above land management objectives are outlined in **Appendix D** and cover ongoing improvements to farm infrastructure, stock management, pasture and soil health, weed and pest management, restoration works for

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the dunal environs and monitoring of the land for environmental risks such as bushfire and erosion.

The measures contained in the Integrated LMP are unlikely to be effective without an ongoing presence on the land by a dedicated land manager, which will ensure a level of surveillance and interaction with the land that can only be achieved through direct proximity. A long-term presence is required to implement the actions contained in the Integrated LMP, due to the extensive nature of works required to improve the lands agricultural productivity and environmental capacity.

It follows that the proposed replacement dwelling is directly related to the implementation of the Integrated LMP.

## Replacement dwelling design

The design and siting of the proposed replacement dwelling is also driven, in part, by the requirements of the Integrated LMP. The replacement dwelling is sited within the building envelope specified in the Integrated LMP, which comprises a 60 metre (l) x 20 metre area. The location of the building envelope has been located to:

- avoid areas important for agricultural infrastructure and agricultural productivity.
- avoid areas identified for their environmental value.
- maximise surveillance of areas requiring active conservation and agricultural management.
- avoid impacts on viewsheds and prominent view lines.

The dwelling consists of:

- a ground floor comprising driveway, outdoor paved areas and a garage/enclosed storage for land management equipment and farm machinery, outdoor paved areas, which are embedded into the topography of the site through an appropriate cut and fill regime;
- a rectangular 1<sup>st</sup> floor area comprising 741 square metres, which includes:
  - o five bedrooms;
  - o an open plan kitchen/living/dining area;
  - o additional indoor areas to allow for home offices;
- a green roof, with sections of glassed roofing and a secure area for a roof terrace.

The exterior of the building has been carefully designed to blend with the coastal landscape. Materials incorporated into the design of the building include:

- External walls comprised entirely of glass with thin frames in matte black.
- Concrete slab and roofing materials with natural finish.



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- Paths, retaining walls and driveway areas comprising bluestone material.
- Garage door in 'charred' natural timber.
- Landscaping incorporating native species from the Warrnambool Plains Bioregion, including Coastal spear grass, Coastal Daisy Bush, Silver Banksia, and Drooping Sheoak.

Please refer to Town Planning Drawings prepared by Designers by Nature (**Appendix C**) for further details of the proposed development and how it relates to the Integrated Land Management Plan (**Appendix D**).

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## **4 Planning Provisions**

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Clause 65 identifies the relevant decision guidelines that a responsible authority must consider in assessing a planning permit application. The following are relevant to this proposal:

- The matters set out in section 60 of the Planning and Environment Act 1987.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provisions.
- The orderly planning of the area.
- The effect on the amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

These matters form the framework of the sections of this report.

### **4.1 Planning Policy Framework**

The Planning Policy Framework (PPF) seeks to ensure the objectives of planning in Victoria (as set out in Section 4 of the Act) are fostered through appropriate land use and development policies and practices. The PPF informs the preparation and implementation of local planning policy objectives and the introduction of zone and overlay controls, and seeks to integrate relevant environmental, social and economic factors in the interest of net community benefit and sustainable development.

The PPF seeks to protect productive agricultural land and ensure that any proposed use and development protects the environmental and landscape values of the land. Those clauses most relevant to this proposal include (see overleaf):

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## Settlement

- Clause 11.03-4S **Coastal settlement**: To plan for sustainable coastal development.
- Clause 11.03-5S **Distinctive areas and landscapes**: To protect and enhance the valued attributes of identified distinctive areas and landscapes.
- Clause 11.03-5R **The Great Ocean Road region**: To manage the sustainable development of the Great Ocean Road region.
- Clause 11.03-6S **Regional and local places**: To facilitate integrated place-based planning.

## Environmental and Landscape Values

- Clause 12.01-1S **Protection of biodiversity**: To assist the protection and conservation of Victoria's biodiversity.
- Clause 12.01-2S **Native vegetation management**: To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.
- Clause 12.02-1S **Protection of coastal areas**: To recognise the value of coastal areas to the community, conserve and enhance coastal areas and ensure sustainable use of natural coastal resources.
- Clause 12.05-1S **Environmentally sensitive areas**: To protect and conserve environmental sensitive areas.
- Clause 12.05-2S **Landscapes**: To protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

## Environmental Risks and Amenity

- Clause 13.01-2S **Coastal inundation and erosion**: To plan for and manage the potential coastal impacts of climate change.
- Clause 13.02-1S **Bushfire planning**: To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- Clause 13.04-2S **Erosion and landslip**: To protect areas prone to erosion, landslip or other land degradation processes.

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## Natural Resource Management

- Clause 14.01-1S **Protection of agricultural land:** To protect the state's agricultural base by preserving productive farmland.
- Clause 14.01-2S **Sustainable agricultural land use:** To encourage sustainable agricultural land use.
- Clause 14.02-2S **Water quality:** Protect reservoirs, water mains and local storage facilities from potential contamination. Ensure that land use activities potentially discharging contaminated runoff or wastes to waterways are sited and managed to minimise such discharges and to protect the quality of surface water and groundwater resources, rivers, streams, wetlands, estuaries and marine environments.

## Built Environment and Heritage

- Clause 15.01-5S **Cultural identity and neighbourhood character:** To recognise and protect cultural identity, neighbourhood character and sense of place.
- Clause 15.01-6S **Design for rural areas:** To ensure development respects valued areas of rural character.
- Clause 15.02-1S **Energy and resource efficiency:** To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.
- Clause 15.03 **Heritage conservation:** To ensure the conservation of places of heritage significance.

## Housing

- Clause 16.01-5S **Rural residential development:** To identify land suitable for rural residential development.

## Economic Development

- Clause 17.01-1S **Diversified economy:** To strengthen and diversify the economy.
- Clause 17.01-1R **Diversified economy – Great South Coast:** Support agriculture as a primary source of economic prosperity and increase the region's contribution to the nation's food production.
- Clause 17.04-1S **Facilitating tourism:** To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

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- Clause 17.04-1S **Tourism – Great South Coast**: Provide flexibility and opportunities for a diverse range of tourism development, including an increase in the supply of appropriate accommodation and tourism infrastructure.

Assessment against the Planning Policy Framework:

The PPF seeks to ensure settlements in Victoria do not encroach on areas that have high agricultural and environmental value. Coastal areas are recognised as needing particular protection, and in general, residential development should be contained within settlement boundaries, to avoid undermining the long-term non-urban use of land in agricultural and coastal landscapes. The development of small lots in rural zones for purely residential use should be discouraged. Any proposed use and development outside of settlement boundaries in distinctive areas and landscapes and coastal areas should enhance the valued characteristics of the area. (Clauses 11.03-4S **Coastal settlement**, 11.03-5S **Distinctive areas and landscapes**, 11.03-5R **The Great Ocean Road region**, 16.01-5S **Rural residential development**). This application complies with these policy directions, as the proposed replacement dwelling will support and enhance the sustained agricultural and environmental management of the land. The landowners are directed by the attached Integrated Land Management Plan (LMP) to improve the agricultural productivity of the site through enhancements to farm infrastructure, soil and pasture health and stock management. The land managers will also be required by the Integrated LMP to enhance, regenerate and protect the remnant area of Coastal Dune Scrub (Ecological Vegetation Class 160 - EVC160) on the southern part of the land. The coastal dunal ecological system extends throughout the Great South Coast, however it is highly fragmented and degraded, particularly on the subject site, due to longstanding agricultural uses alongside the dune system (see **Appendix D** Land Management Plan - Environmental Management Plan). Without active restorative management, the land will continue to degrade its capacity for biodiversity and habitat. The degree of active restorative management directed in the Land Management Plan will be greatly facilitated by the land manager residing on-site, and is unlikely to be effective without the ongoing presence of a land manager on-site. As such, the proposal complies with the policy direction to enhance the valued characteristics of the area, and to avoid undermining the non-urban use of the land.

The proposal complies with the policies of Clauses 12.01-1S **Protection of biodiversity**, 12.02-1S **Protection of coastal areas**, and 12.05-1S **Environmentally sensitive areas**. The Integrated LMP was informed by a comprehensive Environmental Management Plan (see **Appendix D**), which used a wide range of sources to demonstrate the biodiversity values and current condition of the site and presents a list of site-specific environmental objectives, actions and indicators. By residing on the site and implementing the Integrated LMP, the proposal will facilitate the landowners to protect and conserve the Coastal Dune Scrub EVC. In particular, the implementation of the Integrated LMP will protect the dunal

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system on the site from erosion and other land degradation processes (Clause 13.04-2S **Erosion and landslip**). The ongoing presence of the landowners will also assist with managing risk from bushfire and grass fire, by actively managing paddock cell rotation to keep pasture grass at no more than 100mm in height and removing woody weeds (particularly Coast Wattle) from dunal areas on site (Clause 13.02-1S **Bushfire Planning**).

Clause 13.02-1S **Bushfire planning** also requires that new development be permitted only where the risk to human life and property from bushfire can be reduced to an acceptable level. As identified within the Bushfire Management Statement accompanying the application, the proposal gives priority to the protection of human life, ensuring an appropriate setback to grassland and shrubland vegetation on the site, building construction standards to BAL 29 and a 10,000 litre rainwater tank for fire-fighting purposes (Clause 13.02-1S **Bushfire planning**).

Clause 13.01-2S **Coastal inundation and erosion** is relevant to the proposal and seeks to plan for and manage the potential coastal impacts of climate change. Specific strategies, practice notes and policy documents are considered as part of the coastal hazard vulnerability assessment contained at **Appendix H**, with results integrated into the design of the replacement dwelling and ongoing environmental management of the land.

The PPF is clear that productive farmland should be preserved and should be protected from incompatible uses. This proposal, in tandem with the actions of the Integrated LMP, will result in improvements to the productive capacity of the land. The proposal is consistent with the Integrated LMP and will provide the workplace and residential functions necessary for future land managers to implement the Integrated LMP. The Integrated LMP requires that the land is managed to improve, not simply maintain, agricultural productivity including enhancements to farm infrastructure, soil and pasture health and stock management. Compliance with the detailed objectives and implementation items contained in the Integrated LMP will also ensure compliance with the objectives and strategies of Clauses 14.01-1S **Protection of agricultural land** and 14.01-2S **Sustainable agricultural land use**.

The proposed 'host farm' accommodation use intends to leverage off the subject site's existing use for rearing and grazing livestock and will not result in the removal of land from agricultural production or disrupt the subject site's current use for extensive animal husbandry. The absence of any significant buildings and works to enable the use of the existing Motang dwelling for 'host farm' demonstrates the suitability of existing buildings and infrastructure for the proposed use and its compatibility with existing agricultural activity. The appropriate use of land which leverages the lands productive capacity for agriculture is supported by Clause 14.01-1S **Protection of agricultural land** and Clause



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14.01-2S **Sustainable agricultural land use**, which seeks to ensure agricultural land is used sustainably and protected from uses which unduly inhibit agricultural productivity.

While the land is unlikely to generate a primary source of income from agriculture, the property will contribute to the agricultural economy of the Great South Coast. The proposal will enable the gross income generated by the property to potentially increase from \$18,000 per annum (under its current management regime) to \$30,000 per annum, thereby increasing the region's contribution to the nation's food production (see **Appendix D Land Management Plan - Agricultural Management Plan**). (Clauses 17.01-1S **Diversified economy**, and 17.01-1R **Diversified economy - Great South Coast**).

There is a need for additional high quality, experiential short term accommodation opportunities between Warrnambool and Port Campbell, which is expected to see increasing tourist numbers. There is a clear opportunity to service this market and value add to the region's accommodation offering by pairing accommodation with another of the region's economic strengths (natural assets and agricultural production). These considerations are supported by **Clause 17.01-1S Diversified economy** and **Clause 17.02-1S Business, Clause 17.04-1S Facilitating tourism** which seek to maximise and diversify the local economy by harnessing the region's natural assets in tourism.

The PPF seeks to achieve built form in rural settings that protects and enhances areas of valued rural character, particularly along the approaches to settlements on tourist routes. The proposed replacement dwelling has been designed to blend into the landscape, and extensively utilises glass on all elevations, with a green roof to soften the edges of the roofs concrete construction, and a cut and fill regime which nestles the building appropriately into the topography of site. No native vegetation is proposed to be removed, lopped or destroyed. (Clauses 12.01-2S **Native vegetation management**, 12.05-2S **Landscapes** 15.01-6S and **Design for rural areas**). The replacement dwelling will enjoy generous passive insolation in the colder months due to the northern glazing on the main living area, with that area being shaded by eaves during the summer. (Clause 15.02-1S **Energy and resource efficiency**).

The proposal also supports the Motang homestead's historical affiliation with agricultural uses (i.e. grazing, stables and racehorse training) by retaining its association with agricultural uses on a working agricultural property (albeit modest), by adapting a suitable accommodation use to the building which is integrated with the site's agricultural function. The proposed replacement dwelling will demonstrably assist with the conservation of the significance of the heritage place, by incorporating new facilities within a separate building away from the Motang residence, which would otherwise be required within the building envelope of the Montag

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homestead to support the implementation of the Integrated Management Plan (**Clause 15, Clause 15.01-5 and 15.03**).

It is considered that the proposal addresses the PPF, which seeks to:

- Protect productive agricultural land and ensure that the agricultural productivity of the land is not compromised;
- Prioritise human life in all planning decisions, with regard to coastal inundation and bushfire risk;
- Ensure that any proposed use and development protects the environmental and landscape values of the land, and encourage building design that minimises adverse visual impact of the aesthetic qualities of the landscape;
- Encourage energy efficient buildings that will reduce greenhouse gas emissions;
- Support tourism uses in appropriate locations.

#### **4.2 Municipal Planning Strategy**

The Municipal Planning Strategy (MPS) sets out the local strategic planning context for a municipality. Those clauses most relevant to this proposal include:

- Clause 21.01 **Municipal Profile, Council Vision and Strategic Directions**
- Clause 21.03-1 **Environment and Landscape Values - Biodiversity**
- Clause 21.03-2 **Environment and Landscape Values - Native vegetation management**
- Clause 21.03-3 **Environment and Landscape Values - Coastal areas**
- Clause 21.03-4 **Environment and Landscape Values - Significant environments and landscapes**
- Clause 21.04-5 **Environmental Risks - Bushfire**
- Clause 21.05-1 **Natural Resource Management - Agriculture**
- Clause 21.06-2 **Built Environment and Heritage - Sustainable development**
- Clause 21.08-3 **Tourism**

There are no local planning policies at Clause 22 relevant to this application.

#### Assessment against the Municipal Planning Strategy:

The MPS identifies the importance of the rural and coastal landscape character to the community, and the potential for development to have an impact on biodiversity. The MPS also notes that the urban-agricultural interface must be appropriately managed to protect existing farming operations and maintain a green belt around Warrnambool's settlement

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boundary, ensuring that the City's unique rural character is protected from urban development. Agricultural land in the municipality is limited, and must be protected to ensure agricultural uses remain viable, and land use conflict is avoided. (Clauses 21.01 **Municipal Profile, Council Vision and Strategic Directions**, 21.05-1 **Natural Resource Management - Agriculture**). The MPS contains detailed policy regarding the protection and enhancement of sensitive environmental areas, and seeks to encourage revegetation on private land, in particular for those Ecological Vegetation Classes rated as having high conservation significance. (Clauses 21.03-1 **Biodiversity**, 21.03-2 **Native vegetation management**).

The proposal complies with the objectives and strategies in these clauses, as the proposed replacement dwelling will be tightly integrated with the sustainable management of the land and will result in vastly improved agricultural and environmental outcomes. The land has been underutilised with regard to agricultural production, and has suffered continual environmental degradation, particularly in the sensitive areas within the Coastal Dune Scrub (Ecological Vegetation Class EVC 160). See **Appendix D** (Land Management Plan) for details on planned improvements to these areas.

The MPS also discusses landscape values at Clause 21.03-3 **Coastal Areas** and 21.03-4 **Significant environments and landscapes**. Privately owned coastal land should be developed in a manner that respects the values of nearby coastal Crown land. Vantage points and view lines should be protected, and visual impact minimised so that existing vistas throughout Warrnambool are not impeded. New development should respond to the characteristics of the coastal environment, demonstrating a high standard of contemporary expression and finish. New development should also demonstrate ecological sustainable development principles that achieve comfortable indoor conditions (Clause 21.06-2 **Sustainable development**).

The proposal complies with these objectives and strategies. The building envelope on the Integrated LMP ensures that the siting of the replacement dwelling is appropriate with regard to landscape and environmental objectives. The design is of a high standard that blends with the natural environment and utilises northern orientation for passive winter warmth in the main living area.

The MPS reiterates the policy in the PPF regarding bushfire risk (Clause 21.04-5 **Bushfire**). The proposal gives priority to the protection of human life, ensuring an appropriate setback to shrubland vegetation on the site, building construction standards to a minimum BAL 29 and a 10,000 litre rainwater tank for fire-fighting purposes. The proposal will support land management practices that reduce the risk of bushfire, particularly by active management of livestock grazing and removal of woody weeds from the area of Coastal Dune Scrub (see **Appendix D - Land Management Plan**).

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The MPS contains policy regarding the role of tourism within Warrnambool. In particular, Clause 21.08-3 **Tourism**, which seeks to develop Warrnambool as the western gateway to the Great Ocean Road and as a hub for exploring southwest Victoria. The proposal complies with this objective and with strategies which seek to improve the quality and quantity of tourist accommodation, and which support coastal tourism that is environmentally responsive and easily accessible from Warrnambool.

The proposal appropriately addresses the objectives and policies within the Municipal Planning Strategy, particularly with regard to environmental and landscape values, the maintenance of agricultural land use on rural land and the location of tourism uses.

## 4.3 Zones

The application site is zoned Farming Zone (Clause 35.07). The 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.

Pursuant to Section 35.07-1 (Table of uses) the use of land for 'host farm' is a Section 2 use and the use of land for 'dwelling' is a Section 2 use, as the subject lot area is less than 15 hectares.

Pursuant to Clause 35.07-2 (Use of land for a dwelling), a lot used for a dwelling must meet the following requirements:

Requirement	Response
Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.	<b>Complies.</b>  Access will be provided via an existing vehicle crossover and an extension to the existing driveway made to the specifications of the CFA.

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Requirement	Response
The dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.	<p><b>Complies.</b></p> <p>A new wastewater system is proposed to be treated by a suitable EPA approved treatment system. Design and siting of the treatment system will be finalised following grant of a planning permit.</p> <p>No improvements are required to the existing wastewater system to enable the use of the Motang dwelling for 'host farm' accommodation.</p>
The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.	<p><b>Complies.</b></p> <p>Potable water will be provided via rainwater harvesting (see <b>Appendix C</b> for rainwater harvesting calculations). Bores for stock watering and potentially for supplementary domestic use will be installed.</p> <p>A static water supply will be provided for firefighting purposes.</p>
The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.	<p><b>Complies.</b></p> <p>The dwelling will be connected to a reticulated electricity supply.</p>
An assessment of relevant decision guidelines contained in the Farming Zone is outlined in the table overleaf.	

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Decision guidelines	Assessment
<b>General issues</b>	
The Municipal Planning Strategy and the Planning Policy Framework.	<p>The Municipal Planning Strategy (MPS) and the Planning Policy Framework (PPF) have been considered in this report.</p> <p>Please see <b>Sections 4.1</b> and <b>4.2</b>.</p>
Any Regional Catchment Strategy and associated plan applying to the land.	<p>The Glenelg Hopkins Regional Catchment Strategy 2013-2019 applies to the subject site. The document contains content regarding coastal areas and biodiversity, and notes that Coastal Dune Scrub is one of the major vegetation communities in the coastal region of the Glenelg Hopkins catchment. It notes that inappropriate planning and development, and pest plants and animals are key threats to the Glenelg Hopkins coastline. It follows that restoration of the land within the Coastal Dune Scrub will increase the propagation of this EVC and is supported by the Strategy.</p> <p>The proposed replacement dwelling will directly enhance the surveillance and monitoring of the dunal scrub for pest plants and animals, thereby increasing the ability of land managers to eradicate and prevent invasions by pest plants and animals, which is supported by the Strategy. Other relevant plans referenced in the document are the Glenelg Hopkins Invasive Animal Strategy (2010-2015), Glenelg Hopkins Soil Health Strategy and Soil Health Plan, the Glenelg Hopkins Regional Weed Plan (2008-2012), the South West Victoria Regional Coastal Action Plan, and the Victorian Coastal Strategy. These documents have been reviewed in detail as part of the attached Integrated LMP, which is implemented, in part, through this application.</p>



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Decision guidelines	Assessment
The capability of the land to accommodate the proposed use or development, including the disposal of effluent.	There is sufficient area to treat wastewater onsite from the proposed replacement dwelling. Wastewater is proposed to be treated to a secondary standard by a suitable EPA approved treatment system. Design and siting of the treatment system will be finalised following a decision on the planning permit application.
How the use or development relates to sustainable land management.	<p>This application is accompanied by an Integrated Land Management Plan (LMP) and is to be registered on title through a Section 173 Agreement. The Integrated LMP puts forward a clear framework of land management objectives and actions/outcomes to achieve these objectives, which ultimately seek to increase the long-term sustainability of the property (see <b>Appendix D</b> for details).</p> <p>The implementation of the Integrated LMP will result in significant long-term enhancements to the land's agricultural productivity and environmental capacity.</p> <p>The proposed replacement dwelling is an integral part of the implementation of the Integrated LMP. The recommendations of the Integrated LMP require constant monitoring and frequent action from the landowner and land manager. These will be more practicably achieved through the landowners residing on the land. It is considered unlikely that the objectives of the Integrated LMP could be achieved to the same extent if the land owners are not closely connected to the site and able to observe changing conditions on a daily basis, particularly given the amount of work expected by the Integrated LMP to restore the sensitive coastal dunal system and improve agricultural productivity.</p>

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Decision guidelines	Assessment
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses	<p>The site is able to accommodate the replacement dwelling and 'host farm' accommodation building without adverse environmental or visual impact. The proposed use for 'host farm' and the development of a replacement dwelling is compatible with the adjoining and nearby land uses, which comprise predominantly rural lifestyle lots with modest agricultural activity.</p> <p>Adapting the existing dwelling as a 'host farm' accommodation building will not interrupt the site's existing agricultural uses. Minimal works are required and no additional curtilage is required to enable this Section 2 use. The proposed guest activities can be integrated within the farm operations of the subject site without significant impost to the ongoing management of the farm. The proposed addition of a boutique, experiential short-term accommodation facility will also help diversify on-farm income and will help make the existing farm more resilient to economic 'shocks'.</p> <p>The proposed use of the subject land for 'host farm' and development of a replacement dwelling is compatible with adjoining and nearby land uses, particularly as the proposal is integrated with active and ongoing agricultural activity.</p>

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Decision guidelines	Assessment
How the use and development makes use of existing infrastructure and services	<p>The existing infrastructure and services on the land consist of fencing, stock water bores, and a rural vehicle crossover.</p> <p>The proposed dwelling will be connected to the reticulated electrical network along Hopkins Point Road and will rely on the existing vehicle crossover to Hopkins Point Road.</p> <p>Fencing and stock bores will be retained and enhanced in line with the Integrated LMP.</p> <p>Adapting the existing dwelling for 'host farm' accommodation will utilise existing buildings and infrastructure. Minimal works are required to adapt the use of the existing Motang dwelling for 'host farm' accommodation.</p>

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Decision guidelines	Assessment
<b>Agricultural issues and the impacts from non-agricultural uses</b>	
Whether the use or development will support and enhance agricultural production.	The Integrated LMP forms the basis of this proposal and is extensively considered throughout this report. The agricultural issues of the site are addressed in the Integrated LMP, which is informed by an Agricultural Management Plan and Environmental Management Plan (see <b>Appendix D</b> Land Management Plan). The agricultural capacity of the site was assessed by Rural Consulting Group, and determined to be currently managed at less than its optimum level of productivity.
Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.	
The capacity of the site to sustain the agricultural use.	The site's agricultural productivity can be improved for more optimal agricultural uses through actions outlined in the Integrated LMP. The proposal will support and enhance agricultural production on the site, as the replacement dwelling provides the base of operations from which landowners/managers can implement the Integrated LMP.
The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.	The Integrated LMP marks out a building envelope, which is likely to be removed from pasture production. However, the dwelling will enable land owners/managers to improve the site's agricultural productivity, and the area lost to pasture production will be offset by these improvements.
Any integrated land management plan prepared for the site.	The proposed addition of a modest, boutique short-term accommodation facility will also help diversify on-farm income and will help make the existing farm more resilient to economic 'shocks'.
The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.	The development of a replacement dwelling and use for 'host farm' is not expected to limit the operation or expansion of adjoining and nearby agricultural uses.

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Decision guidelines	Assessment
<b>Dwelling issues</b>	
Whether the dwelling will result in the loss or fragmentation of productive agricultural land.	The proposed replacement dwelling is a reasonably expected outcome following the approved subdivision and endorsed plan under by PP2019-0115. The dwelling will be within the building envelope which has been designed to allow the land to be used productively in accordance with the requirements of the proposed LMP. The proposal will result in the agricultural productivity of the land being enhanced.
Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.	Due to the setbacks of the replacement dwelling from adjoining property and the proposed subdivision boundary for PP2019-0115, the replacement dwelling is considered unlikely to be adversely affected by agricultural activities beyond the subject site boundaries.  The proposed 'host farm' accommodation and development of a replacement dwelling is considered unlikely to adversely affect the operation and expansion of agricultural uses beyond the subject site boundaries.
Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.	
The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.	The proposal is not expected to result in or lead to a change of character to the area and is unlikely to impact on the existing agricultural capacity of surrounding agricultural land.

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Decision guidelines	Assessment
<b>Environmental issues</b>	
The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.	The proposal is subject to the requirements of the LMP, which requires that the landowner sustain and improve the natural resources of the land, including the remnant areas of native flora, habitat for native fauna and soil health. The design of the dwelling responds to the landscape values of the site by ensuring no native vegetation, natural resources or coastal hazards will be adversely impacted by the proposal. See <b>Appendix G</b> for further details on the proposals impact on native vegetation and <b>Appendix H</b> for details on the proposals impact on coastal hazards.  The siting of the replacement dwelling and associated wastewater treatment system has been located (as per the Integrated LMP) at a suitably elevated position to ensure wastewater systems can be designed and located to avoid impacts on groundwater.
Impact of the use or development on the flora and fauna on the site and its surrounds.	
The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	



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Decision guidelines	Assessment
<b>Design and siting issues</b>	
The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.	<p>The proposed replacement dwelling is located within the building envelope required by the Integrated LMP, which has considered landscape impacts from a siting perspective.</p> <p>The design of the dwelling is responsive to the character of the area (which comprises coastal and pastoral landscape characteristics) through the selection of proposed materials, building height, approach to cut and fill and the location and species of landscaping, which result in minimal visual impact when viewed from beyond the site boundaries.</p> <p>The design is unlikely to detriment the architectural, historic, scientific or natural scenic beauty or importance of the site and surrounds.</p> <p>These impacts are further explored in <b>Section 4.4.</b></p>
The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.	
The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.	
The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.	<p>The proposal will utilise the existing infrastructure services provided along Hopkins Point Road.</p> <p>Proposed infrastructure (such as wastewater treatment areas and water tanks) will be located within proximity of the proposed dwelling.</p>
Whether the use or development will require traffic management measures.	The proposal does not require any special traffic management measures.

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#### 4.4 Overlays

The subject site is fully covered by the **Significant Landscape Overlay (Schedule 1)** (Clause 42.03) and partially covered by the **Environmental Significance Overlay (Schedule 1)** (Clause 42.01) and the **Bushfire Management Overlay** (Clause 44.06).

The proposed dwelling will not be located on land covered by the Environmental Significance Overlay.

##### Clause 42.03 Significant Landscape Overlay (Schedule 1):

The relevant purpose of the **Significant Landscape Overlay** is:

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

Under Clause 42.03-2, a permit is required to construct a building or carry out works. The proposal does not meet any of the exemptions.

Under Clause 42.03-4, an application must be accompanied by any information specified in a schedule to this overlay.

Permit requirements are specified under Schedule 1 (Clause 42.03) at Section 3.0. A response to these requirements is provided in the table below.

A permit application must, as appropriate, be accompanied by a site analysis and plans of the proposal which includes the following:

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Application requirement	Response
<p>The topography of the site and location of any existing native vegetation, sand dunes and drainage lines.</p> <p>The location of any existing and proposed buildings and works, including fences of a height of more than 1.5 metres.</p> <p>Elevations of any proposed buildings or works including exterior surface treatments. The elevations must illustrate the existing and proposed ground level in relation to the proposal.</p>	<p><b>Requirement met.</b></p> <p>See <b>Appendix C</b> for Town Planning Drawings prepared by 'Designers by Nature', including:</p> <ul style="list-style-type: none"> <li>Existing Site Plan</li> <li>Site Context Plan</li> <li>Proposed Site Plan</li> <li>Elevations</li> <li>Landscaping Plan</li> </ul>
<p>A Landscaping Plan which shows all existing vegetation, any vegetation to be removed, areas to be planted with indigenous species, and type of species to be planted. Plants recognized locally as environmental weeds should not be included.</p>	
<p>Photographs of the site of the proposal, as viewed from any nearby residential areas, roads, or other public activity areas towards the coast. A photographic montage or wide-angle photographs should be submitted with an accompanying plan, which shows the location from which the photographs were taken.</p>	<p><b>Requirement met.</b></p> <p>See <b>Section 2.3</b> for photographic montage and a depiction of photograph locations and key view lines.</p>
<p>Decision guidelines are specified at Clause 42.03-5. The relevant matters to be considered have been assessed in the table below.</p>	

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Decision Guidelines	Response
<p>The statement of the nature and key elements of the landscape and the landscape character objective contained in Schedule 1.</p> <hr/> <p>The conservation and enhancement of the landscape values of the area.</p>	<p><b>Guideline met.</b></p> <p>The design of the replacement dwelling responds to the coastal landscape. The proposed siting, building materials, architectural approach and landscaping approach will result in minimal visual impact when viewed from beyond the site boundaries.</p> <p>Specifically, the building will appear below the dune line when viewed from Hopkins Point Road (the only public viewing area) and will be fully or partially screened by internal and perimeter boundary landscaping. Where visible, the buildings will be obscured through the proposed landscaping regime, including the use of a 'green roof' which will incorporate coastal grasses to effectively soften the edge of the roof line. The building will also be constructed of materials which will blend with the dunal environs and skyline, which is the primary backdrop from external viewing areas to the site.</p> <p>Please see Sheet 16 and Sheet 17 of the Town Planning Drawings (<b>Appendix C</b>) for visual renderings.</p>
<p>The need to remove, destroy or lop vegetation to create a defensible space to reduce the risk of bushfire to life and property.</p>	<p><b>Not applicable.</b></p> <p>The development footprint has been sited within a highly modified area dominated by exotic vegetation.</p> <p>The defensible space requirement around the replacement dwelling is 9 metres, which can be achieved within the area of exotic dominated vegetation. See the Vegetation Assessment at <b>Appendix G</b> for further details.</p>

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Decision Guidelines	Response
<p>The impact of the proposed buildings and works on the landscape due to height, bulk, colour, general appearance or the need to remove vegetation.</p> <p>The extent to which the buildings and works are designed to enhance or promote the landscape character objectives of the area.</p>	<p><b>Guideline met.</b></p> <p>The replacement dwelling has been carefully designed to enhance the landscape character objectives listed in Schedule 1. The building will nestle into and blend with the landscape by utilizing cut and fill, extensive use of glass windows, green roofs, and landscaping comprised of indigenous coastal species. The impact of the proposal on the landscape and on significant views is considered to be minimal and appropriately managed.</p>
<p>The impact of buildings and works on significant views.</p>	
<p>Any other matters specified in a schedule to this overlay.</p>	<p><b>Guideline met.</b></p> <p>Permit requirements specified at part 3.0 of the schedule have been met, see above.</p> <p>Decision guidelines for the schedule are specified at <b>part 4.0</b>. The relevant matters to be considered have been assessed in the table overleaf.</p>

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## Schedule 1: Decision guidelines Response

The extent of intrusion of the development upon views towards the coast, particularly from existing residential areas, major roads and other public locations.

### Guideline met.

The replacement dwelling has been designed to have minimal intrusion upon views towards and from the coast.

The desirability of site responsive structures in locations of high visual prominence.

The desirability of using exterior finishes/colours and landscape screens to reduce the impact of a development.

The desirability of relocating the proposal to a less prominent location on the site to reduce the impact on views towards the coast. The need to retain and replant indigenous coastal species.

### Guideline met.

The replacement dwelling is required to be sited within the building envelope marked on the Integrated LMP, which has been placed to avoid locations of high visual prominence.

The replacement dwelling will be minimally visible from Hopkins Point Road. It will not be visible from the public realm of the coast (beach and ocean). A stepped approach to cut and fill will ensure the building can be recessed into the topography of the site and is an appropriate response for development on sloped land. The building will blend into the landscape due to:

- the profile of the building being at a similar level to the crest of the dune line and either obscured from public views or minimised due to the distance between the building and viewable aspects to the site;
- clad mostly with glass material in order to mirror and blend colours with the surrounding landscape;
- use of natural colours and muted tones via the concrete slab and roof.
- use of 'greening' via the proposed green roof to comprise of indigenous coastal species.

On balance, the proposal has considered relevant landscape impacts and put forward a design which suitably blends with the coastal and pastoral environs through appropriate selection of materials, colours, bulk, height and siting of the proposed development.



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**Schedule 1: Decision guidelines    Response**

The desirability of maintaining existing hedgerows as part of the coastal landscape and to screen existing and proposed development.

**Guideline not applicable.**

This assessment demonstrates that the proposal will result in development that responds to the statement of nature and key elements of landscape and complies with the landscape character objectives of Schedule 1 to the Significant Landscape Overlay.

#### **4.5 Particular Provisions**

The particular provisions are specific prerequisites or planning provisions for a range of particular uses and development and apply consistently across the State. The following particular provisions apply to the proposal:

##### **Clause 53.02 - Bushfire Planning**

The subject site is affected by the Bushfire Management Overlay and an assessment against the requirements of the Bushfire Management Overlay is required.

A Bushfire Management Statement has been prepared by Okologie and addresses the requirements of Clause 44.06 and should be read in conjunction with this report.

The assessment finds that the surrounding landscape corresponds to the Broader Landscape Type 2 (Practice Note 65, DTPLI 2014).

At a site scale, defensible space is able to be located within the property of the site and has been calculated based on the hazard of shrubland to the south, southwest and southeast and grassland to the north and east. A minimum construction standard of BAL 29 is recommended for the site, based on the proximity to bushfire hazard and defensible space requirements. See **Appendix D** for further information on the bushfire hazard site assessment.

On a broad landscape scale, the most probable bushfire scenario is likely to arise from north or north-westerly winds associated with high-threat or extreme bushfire conditions from a local ignition point. The presence of the Hopkins River, local road network and modified grazing paddocks would likely reduce the potential for direct flame contact, while ember attack represents the greatest type of bushfire threat to future development from this scenario.

See **Appendix D** for further information on the bushfire hazard landscape assessment.

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The siting of the proposed replacement dwelling and a minimum BAL 29 construction standard are sufficient measures to manage down bushfire risk to an acceptable level.

#### **4.6 Notice and review**

This application is not exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Planning and Environment Act 1987.

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## 5 Conclusion

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This report has assessed the proposal against the relevant policy and controls of the Warrnambool Planning Scheme (**Farming Zone**, **Significant Landscape Overlay** and **Bushfire Planning**), the Municipal Planning Strategy and the Planning Policy Framework. It has found:

- The use of land for 'host farm' and the development of the proposed replacement dwelling addresses the **Municipal Planning Strategy** and **Planning Policy Framework**, which carefully controls accommodation uses and development in rural areas. The MPS and PPF contains policy support for proposals which demonstrate they support agricultural productivity, enhance the environmental values of the land and which help diversify the economy of the Great Ocean Road region and the City of Warrnambool. The development of the proposed replacement dwelling is consistent with the endorsed Land Management Plan and will provide an appropriate base for the landowners to implement the Land Management Plan, which will directly enhance the lands agricultural productivity and regenerate key biodiversity values.
- The proposal appropriately addresses the decision guidelines of the **Farming Zone** and will support and enhance agricultural productivity. The zone seeks to encourage use and development of land based on comprehensive and sustainable land management practices. The proposal will achieve this outcome due to the integrated nature of the proposed replacement dwelling and actions contained in the Integrated Land Management Plan.
- The proposed dwelling complies with the purpose and decision guidelines of Clause 42.03 **Significant Landscape Overlay (Schedule 1)**, which seeks to protect and enhance the significant landscape qualities of the coastal hinterland of Warrnambool.
- The risk from bushfire can be managed with standard measures including defendable space, access for emergency vehicles, water supply and construction to a minimum BAL 29 standard. The proposal will not increase risk from bushfire.

The assessment undertaken in this report has demonstrated the proposal complies with the Warrnambool Planning Scheme.

The proposal is commended to Council and, on behalf of our client, we look forward to working with you toward a positive outcome for the application.

**Dan Pech**

Associate, Myers Planning Group

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## INTEGRATED LAND MANAGEMENT PLAN

250 Hopkins Point Road, Warrnambool

October 2020

Prepared by:

**Myers Planning Group Pty Ltd**

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## Quality Information

Document:	Integrated Land Management Plan
Reference:	2020-139
Date:	October 2020
Prepared by:	Dan Pech

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## Schedule of Documents

Appendix A - Endorsed Plan of Subdivision

Appendix B - Agricultural Management Plan

Appendix C - Bushfire Management Statement (October 2020)

Appendix D - Vegetation Assessment (October 2020)

Appendix E - Coastal Hazard Vulnerability Assessment (September 2020)



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INTEGRATED LAND MANAGEMENT PLAN – LOT 1 250 HOPKINS POINT ROAD, WARRNAMBOOL

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## 1 INTRODUCTION

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Myers Planning Group Pty Ltd has prepared this Integrated Land Management Plan on behalf of Dean Montgomery. This Integrated Land Management Plan replaces the previously endorsed Integrated Land Management Plan required by Condition 1 of the planning permit PP2019-0115 which allows for a 'Two (2) Lot Subdivision in accordance with the endorsed plans' at 250 Hopkins Point Road, Warrnambool.

This plan outlines key land management objectives to be achieved on land known as 'Lot 1 PS842676S'. These objectives are supported by specific outcomes and implementation measures which will result in overall improvements to the management of the subject site.

This plan is to be implemented by occupants and site managers in order to guarantee adequate protection and enhancement of the environmental and agricultural features of the subject site.

## 2 SITE CONTEXT

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### 2.1 Site description

The subject site is broadly recognised by the rated address of 250 Hopkins Point Road, Warrnambool and is further described and identified by its relevant title details, which are:

- Lot 1 on Plan of Subdivision 842676S

The subject site is located on the southern side of Hopkins Point Road, Warrnambool and comprises an irregular shape. The property has a 221-metre frontage to Hopkins Point Road and contains one rural vehicle crossovers for farm and conventional vehicle access onto Hopkins Point Road. The property is approximately 12.86 hectares in area and is located approximately 200 metres east of Warrnambool's urban boundary.

The site is a heritage property used for modest cattle grazing, horse stables, and contains agricultural sheds, post and wire paddock fencing, stock water tanks, a dwelling and associated outbuildings. The dwelling is known as the 'Motang' residence, which comprises a 5,000 square metre curtilage containing heritage buildings associated with the dwelling.

The land adjoins the Logans Beach/Warrnambool Bay coastal environs, which is a valued scenic environment located close to Warrnambool's urban boundary. The site environs are further described in **Appendix C** (Bushfire Management Statement), **Appendix D** (Vegetation Assessment) and **Appendix E** (Coastal Hazard Vulnerability Assessment).

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Plans have been recently certified under PP2019-0115, which allows for the subdivision of land. Further details of the approved subdivision are outlined, below.

## 2.2 Subdivision

Planning Permit PP2019-0115 approved a two (2) lot subdivision of land at 250 Hopkins Point Road.

Lot 1 comprises 12.86 hectares of land with a 220-metre frontage to Hopkins Point Road. The lot contains an existing early Victorian era dwelling ('Motang' homestead) and associated outbuildings, stock water storage areas, three timber and wire post fenced paddocks and a rural vehicle crossover/accessway. Agricultural uses (albeit small) are expected to continue on the proposed dwelling excision lot as there is a close affiliation between the 'Motang' homestead and the agricultural use of the land.

Lot 2 comprises 10.59 hectares of land with a 175-metre frontage to Hopkins Point Road. The lot is vacant and contains a rural vehicle crossover/accessway and stockyard. The land is expected to be used for modest agricultural purposes.

See **Appendix A** for a copy of the endorsed plan of subdivision.

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## 3 INTEGRATED LAND MANAGEMENT PLAN

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### 3.1 Land Management Objectives

The following land management objectives have guided the preparation of the Integrated Land Management Plan:

- To increase the agricultural productivity of cleared pastured areas on the subject site.
- To identify and sustainably manage any potential environmental risks on the subject site.
- To identify and sustainably manage any significant environmental assets on the subject site.
- To identify suitable areas for future buildings and associated works.

The above objectives are derived from 'Note i' provided on PP2019-0115. The table set out in **Section 3.2** outlines how the above objectives will be achieved and implemented.

### 3.2 Land Management Outcomes and Implementation

This section of the report outlines proposed outcomes for land management on the subject site and how the outcomes will be realised through implementation actions (see the table overleaf). These outcomes and implementation measures are derived from supporting assessments contained in **Appendix B** (Agricultural Management Plan), **Appendix C** (Bushfire Management Statement), **Appendix D** (Vegetation Assessment) and **Appendix E** (Coastal Hazard Vulnerability Assessment).

The table (overleaf) should also be read in conjunction with the above appendices and **Map 1** (Integrated Land Management Plan), containing actions from Table 1 which can be appropriately illustrated.

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The outcome and implementation measures (below) apply to land known as Lot 1 on Plan of Subdivision 842676S.

**Table 1. Integrated Land Management Plan**

Outcome	Implementation
<b>Agricultural Land Management</b>	
Maintain fertility and improved phosphorus levels on Lot 1.	Regular applications of maintenance fertiliser based on annual livestock production to be calculated annually.
Creation of paddocks to enable effective grazing.	<p>Separate the lot into at least 4 separate paddocks of similar size to enable cell grazing and seasonal management.</p> <p>Existing fencing is adequate. Additional fencing should take into consideration the need for future building envelopes.</p> <p>Creation of paddocks should account for recommendations around vegetation management in the environmental plan.</p>
Improved pasture species on both lots through a re-sowing regime.	<p>Re-sow one paddock per year for 4 years with a perennial ryegrass, sub-clover and cocksfoot pasture blend.</p> <p>A re-sown paddock, under best management should last for between 4 and 8 years depending upon seasonal conditions.</p>
Optimise pasture yield through seasonal strategies.	<p>Allow pasture plants to grow up to two-three full leaves, prior to grazing.</p> <p>Graze pasture to 5-6cm residual height and no lower.</p> <p>Use electric fencing to make smaller paddock areas in periods of high growth</p>

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INTEGRATED LAND MANAGEMENT PLAN – LOT 1 250 HOPKINS POINT ROAD, WARRNAMBOOL

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**Table 1. Integrated Land Management Plan**

Outcome	Implementation
(continued)	<p>and use 'back fences' to limit re-grazing of pasture when stock in paddocks for more than 3 days.</p> <p>Place containment feed stock in one paddock over the dry period to protect perennial pastures.</p> <p>Conserve spring surplus of grass as hay or silage for feeding during the dry period. By 'locking up' one of the paddocks as pasture growth increases in spring, the land manager will be able to manage quality of the remaining area more effectively.</p>
Enhance pest and weed management.	<p>Spray broadleaf weeds in the Autumn and early winter on advice from agronomist targeting weeds present.</p> <p>Inspect regularly (i.e. monthly) for insect pests and consult agronomist for treatment as required.</p>
Retain access to stock water on Lot 1.	Ensure dwelling infrastructure does not impact on stock water bores and trough infrastructure.
Improve stock handling infrastructure.	<p>Stock yards should be installed with a working race, cattle crush and loading ramp to enable transporting stock.</p> <p>Incorporate any tracks required for buildings within vehicle accessways for stock races.</p>

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**Table 1. Integrated Land Management Plan**

Outcome	Implementation
Siting of future potential building envelopes to contribute to agricultural land management.	<p>Site future potential building envelopes to:</p> <ul style="list-style-type: none"> <li>- avoid high agricultural productivity areas and areas best suited for agricultural infrastructure (i.e. bores, troughs and stock yards).</li> <li>- maximise surveillance of agricultural management areas.</li> </ul>
<b>Environmental Risk Management</b>	
Control of potential weed infestations within remnant vegetation areas of both lots.	Planned and opportunistic spot-spraying and cut-stump weed control methods, based on monthly monitoring regime.
Reduction of opportunistic weed introductions into the coastal dunal system, which contain areas of remnant vegetation.	<p>Exclude stock from areas proximal to remnant vegetation areas to reduce wind-dispersed weed seed into remnant sites through setting back fenceline 5 metres from the current southern fenceline, during repair and maintenance of stock fencing as required.</p> <p>Maintain pasture cover over non-remnant areas of the site (i.e. areas outside of the coastal dune system) to reduce potential for ongoing weed impact to areas of remnant vegetation contained within the coastal dune system.</p>
Control dominating exotic grassland species suppressing remnant vegetation within Lot 1.	Complete patch-based herbicide-based control of exotic grasses arresting the development of fenced remnant vegetation within the coastal dune system on Lot 1.

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**Table 1. Integrated Land Management Plan**

Outcome	Implementation
Control clusters of Coast Wattle dominating parts of the coastal dune system fenced areas.	Removal of Coastal Wattle utilising cut-stump and other woody weed control treatments, based on monthly monitoring regime.
Assess/monitor potential weed infestation levels within the coastal dune system on an ongoing basis.	Regular (i.e. monthly) monitoring of potential weed infestations on each lot.
Monitor pest animal populations on an ongoing basis and initiate eradication measures as guided by the requirements of the <i>Catchment and Land Protection Act 1994</i> , <i>Prevention of Cruelty to Animals Act 1986</i> and associated regulations.	Complete inspections of the property on a regular basis and implement appropriate prescribed measures for the eradication of pest animals such as baiting, ripping, property hygiene, exclusion fencing, shooting and use of guardian animals following results of monitoring and assessment.
Monitor and repair - infrastructure to manage spread of pest animals.	Regular monitoring (i.e. monthly) and assessment of internal paddock fencing infrastructure to limit transit/spread of pest animals.
Enhance fencing requiring repair/modification to manage spread of weeds and pest animals.	Install improved fencing as fence repair is required, including replacement of internal paddock fencing with pest animal fencing.
Management of potential acid sulfate soils.	Locate any potential building envelope outside the lowest elevation points within the site to avoid the risk of interaction with potential acid sulfate soils.



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**Table 1. Integrated Land Management Plan**

Outcome	Implementation
Management of erosion of coastal dune system.	<p>Strictly maintain vegetation cover over the site, excluding areas where potential building envelopes are proposed, around the curtilage of existing buildings and access tracks.</p> <p>Exclude stock grazing from coastal dune areas.</p> <p>Exclude unauthorized access to coastal dune areas.</p> <p>Maintain effective fencing protecting coastal dune vegetation areas.</p>
Protection of groundwater.	<p>Site potential domestic (or other) on-site wastewater systems at highest elevation possible to reduce potential groundwater impact.</p> <p>Site agricultural runoff from sheds and operation areas to avoid entry to groundwater.</p> <p>Monitor groundwater depth and quality (where practicable) through stock and bores.</p>
Reduce grass and bushfire risk using environmental and agricultural land management measures.	<p>Use stock to graze exotic pasture grassland at rates to maintain pasture at 100mm height.</p> <p>Maintain and monitor stock exclusion fencing on the boundary of the coastal dunal system to support ongoing stock pasture grassland grazing in a managed state.</p>

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**Table 1. Integrated Land Management Plan**

Outcome	Implementation
(continued)	Monitor and remove Coastal Wattle infestations and weeds within coastal dune system that could contribute to intense fire, based on monthly monitoring regime.
Siting of future potential building envelopes to contribute to environmental and landscape management.	<p>Site future potential building envelopes to:</p> <ul style="list-style-type: none"> <li>- avoid low-lying land.</li> <li>- avoid areas of native vegetation.</li> <li>- ensure bushfire defensible space requirements do not impact on native vegetation areas (i.e. shrubland).</li> <li>- maximise surveillance of environmental management areas.</li> </ul>
<b>Environmental Asset Management</b>	
Conservation of indigenous coastal remnant vegetation within the coastal dunal system (i.e. elements of EVC160 Coastal Dune Scrub).	<p>Regularly monitor weed infestation levels within the coastal dunal system, which contain areas of remnant vegetation, and eradicate noxious weeds as outlined in this table.</p> <p>Maintain and monitor fencing infrastructure protecting remnant vegetation as outlined in this table.</p> <p>Ensure structural and protective suitability of stock and pest animal fencing based on DELWP best practice guidelines on protective fencing (stock exclusion).</p> <p>Direct-seeding and hand planting, bare-earth triggers and intensive weed control of remnant vegetation areas.</p> <p>Direct-seeding and hand planting to comprise 100 plantings per hectare of</p>

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INTEGRATED LAND MANAGEMENT PLAN – LOT 1 250 HOPKINS POINT ROAD, WARRNAMBOOL

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**Table 1. Integrated Land Management Plan**

Outcome	Implementation
(continued)	<p>cleared area within the coastal dunal system. Suitable species to be planted include (subject to nursery availability):</p> <ul style="list-style-type: none"> <li>- Coast Beard-heath (<i>Leucopogon parviflorus</i>);</li> <li>- Coast Daisy-Bush (<i>Olearia axillaris</i>);</li> <li>- Seaberry Saltbush (<i>Rhagodia candolleana</i> ssp. <i>candolleana</i>); and</li> <li>- Bower Spinach (<i>Tetragonia implexicoma</i>).</li> </ul>
Conservation of potentially viable native fauna habitat areas within the coastal dune system (i.e. White-footed Dunnart and Agile Antechinus).	<p>Monitor pest animal infestation levels within the coastal dune system, which contain areas of remnant vegetation, as outlined in this table.</p> <p>Maintain and monitor fencing infrastructure protecting remnant vegetation as outlined in this table.</p> <p>Ensure structural and protective suitability of stock and pest animal fencing based on best practice fencing guidelines.</p>
Coastal erosion	Monitor beach and erosion levels annually to confirm trends and rate of coastal erosion.

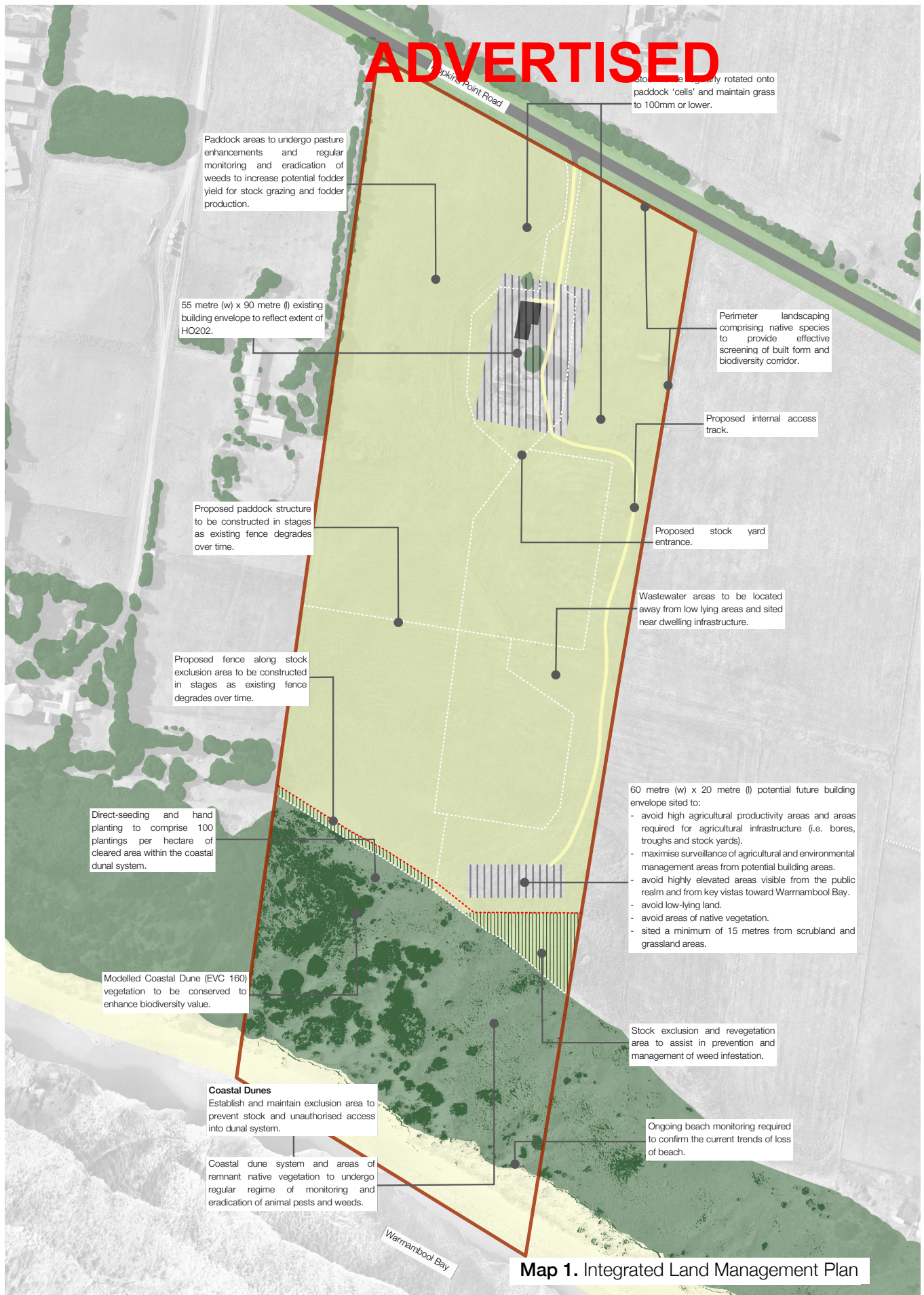
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**Table 1. Integrated Land Management Plan**

Outcome	Implementation
Siting of future potential building envelopes to contribute to environmental and landscape management.	<p>Site future potential building envelopes to:</p> <ul style="list-style-type: none"><li>- avoid highly elevated areas visible from the public realm and from key vistas toward Warrnambool Bay.</li><li>- avoid areas of native vegetation.</li></ul> <p>Utilise perimeter landscaping comprising native species to provide for effective screening of built form and to provide for biodiversity corridors through the site.</p>



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## **4 REVIEW AND MANAGEMENT**

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This plan will be reviewed periodically and information within this plan will be maintained and updated on an as-needs basis.

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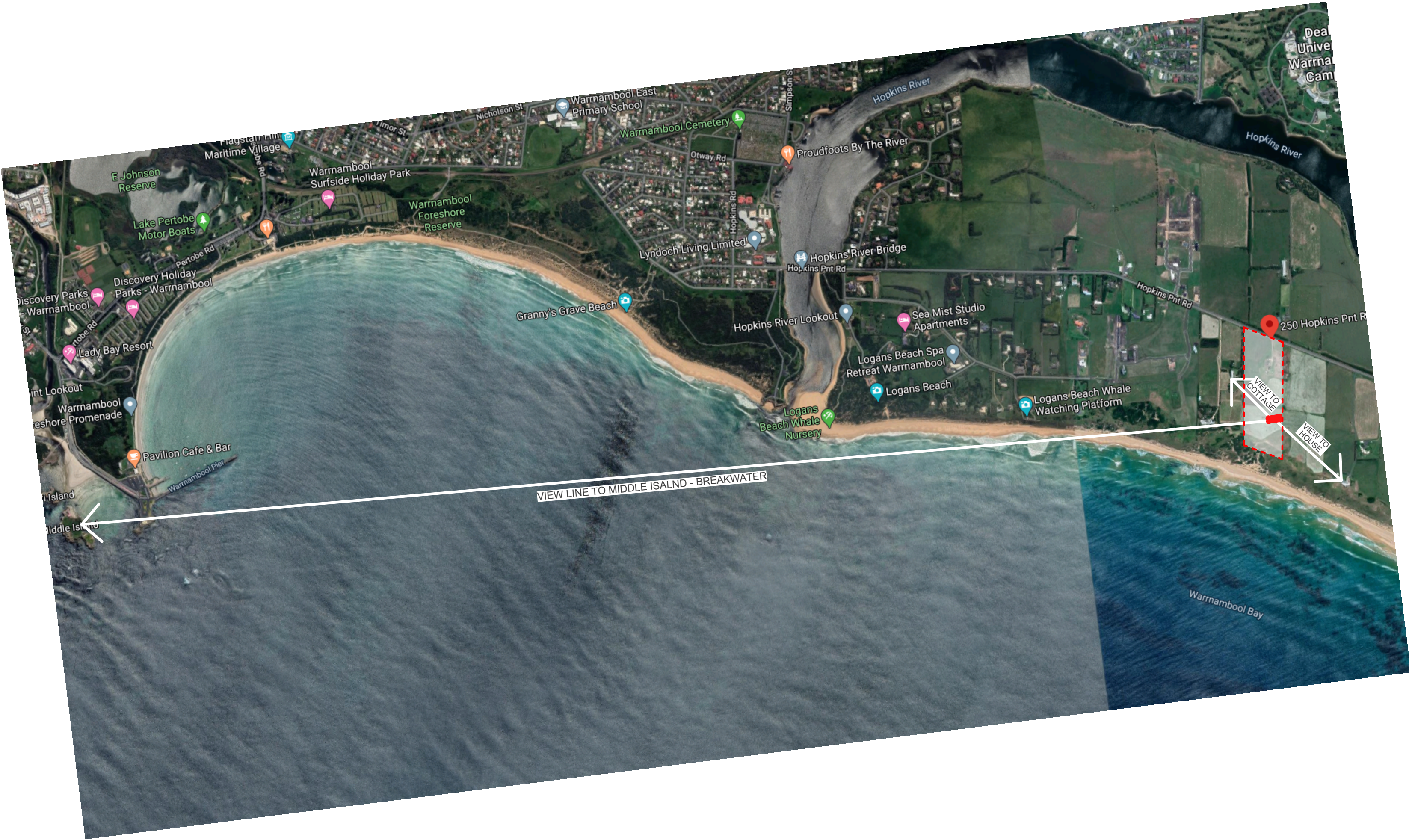


IMAGE Breakwater  
N.T.S



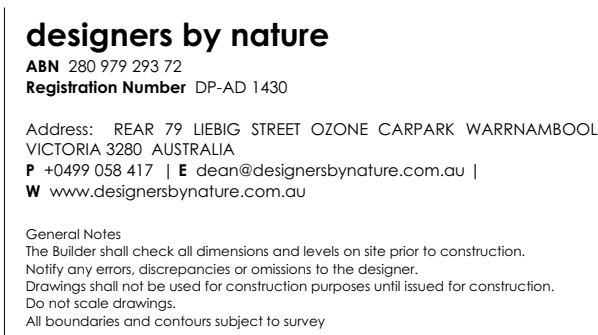
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W: www.designersbynature.com.au  
General Notes  
The builder must check all dimensions and levels on site prior to construction.  
Notify any errors, discrepancies or omissions to the designer.  
Drawings shall not be used for construction purposes until issued for construction.  
Do not scale drawings.  
All boundaries and contours subject to survey

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**ES Existing Site**  
Scale 1:2000

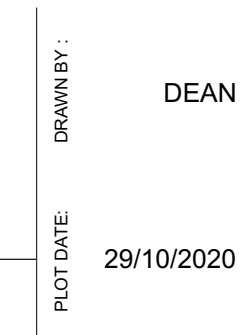
**SC Site Context**  
Scale 1:2000



PROJECT NAME :  
**MONTGOMERY RESIDENCE**

CLIENT :  
**DEAN**

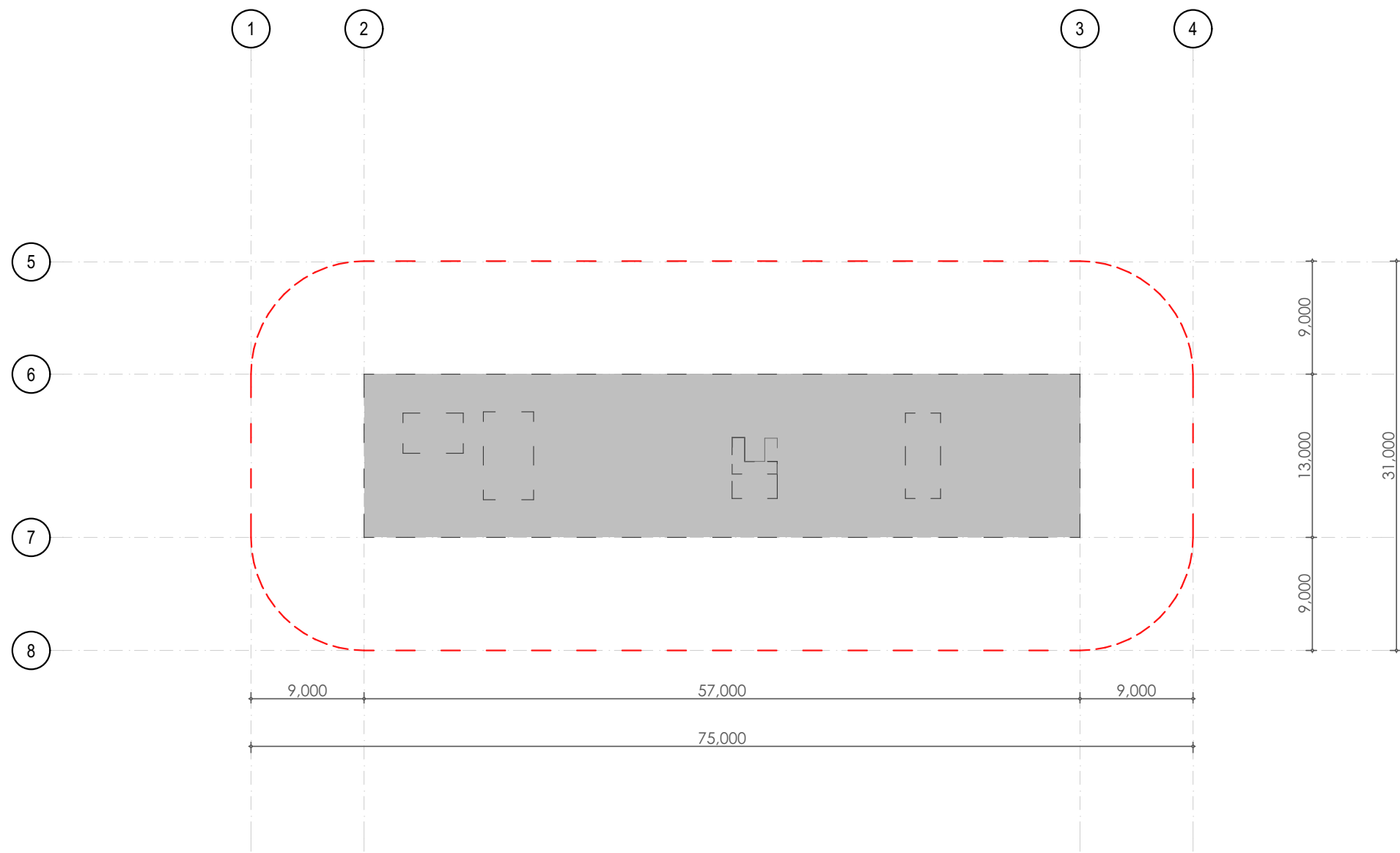
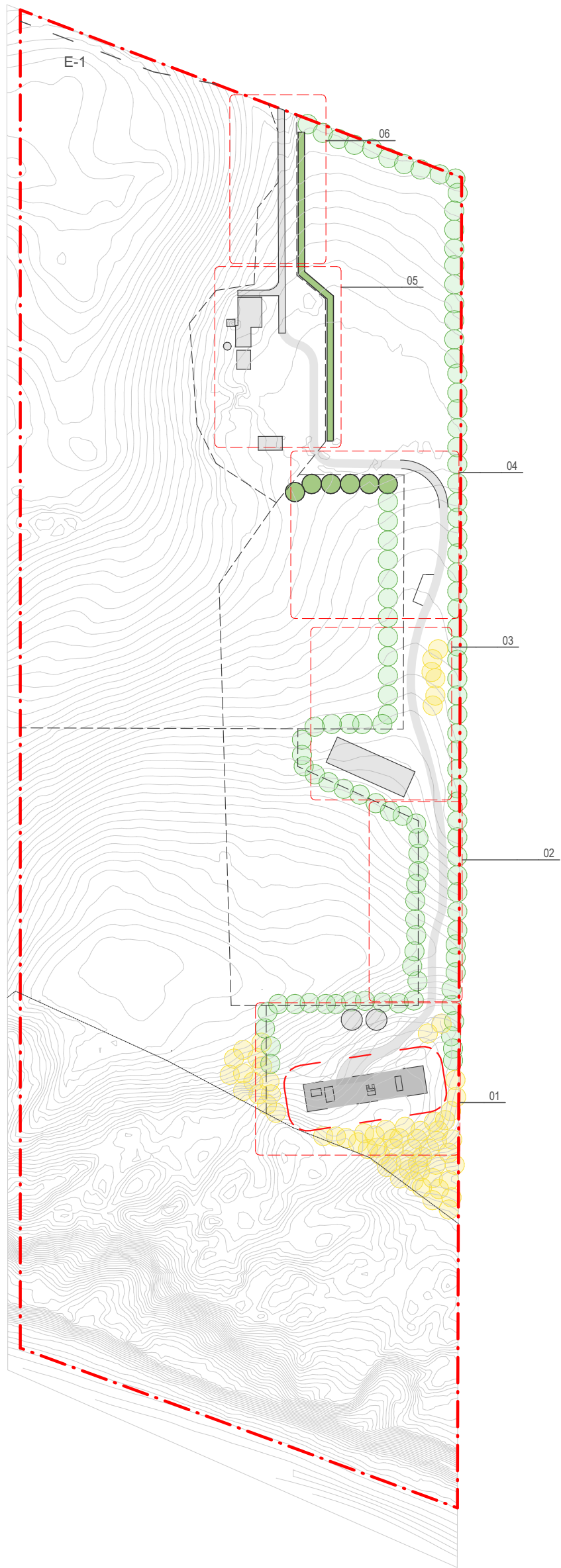
SITE :  
**1/250 HOPKINS POINT ROAD  
WARRNAMBOOL**



**20-43**  
MONTGOMERY RESIDENCE  
02



AREA ANALYSIS				
LEVEL		AREA	TOTAL	%
site				
	---		---	
	---	Subject Site	---	
	01	Subject Site	129,572.7	
	08	Proposed Residence	741.0	



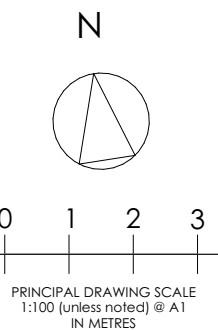
**BEP** Building Envelope Plan  
Scale 1:375

[illegible]

PROJECT NAME :  
**MONTGOMERY RESIDENCE**

CLIENT :  
**DEAN**

SITE :  
**1/250 HOPKINS POINT ROAD  
WARRNAMBOOL**



DRAWN BY : DEAN

PLOT DATE: 29/10/2020

PLANS  
PROPOSED SITE

---

02 SHEET NO. 3

HEET NO. **3**

**20-43**  
MONTGOMERY RESIDENCE  
02

**GFP Ground Floor Plan**  
Scale 1:100

**BP Basement Plan**  
Scale 1:100

The plan shows a house with a total footprint of 264.26 m². The ground floor includes a large outdoor area, a living and meals area, a kitchen with a lift, a sitting area, and five bedrooms (Bed 01 to Bed 05) with a rumpus. The basement features a 4-car garage, a driveway, a portico, an entry, a lift, a store, and a services room. The plan is overlaid with a grid system (C-G horizontally, A-B vertically) and dimensions (1,000, 55,000, 1,000, 11,000, 1,000, 15,000, 18,000, 24,000, 3,000, 7,000, 3,000).



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[illegible]

REVISION NO.      DRAWING TITLE :

4

**20-43**  
MONTGOMERY RESIDENCE  
02



The drawing illustrates a rectangular roof level plan with a total width of 57,000 and a height of 13,000. The plan is divided into several functional zones, each labeled with a specific area in square meters (m²):

- Glass roofing:** Indicated by arrows pointing to specific sections of the roof.
- Roof terrace:** A large central rectangular area.
- Roof access:** A small rectangular area adjacent to the roof terrace.
- Vegetation:** A large area on the right side of the plan, filled with numerous small green circles representing plants.
- Other zones:** Several smaller rectangular areas are labeled with their respective areas: 20.77 m², 34.96 m², 519.51 m², and 25.16 m².

Dimensions are provided at the bottom of the plan: a width of 57,000 and a height of 13,000.

STORMWATER CATCHMENT - annual estimations			
Extensive Green Roof	519m. sq * 807mm rain fall * 30% retention =	125,773	litrs
Trafficable Roof	222m. sq * 807mm rain fall =	179,355	litrs
Driveway	264m. sq * 807mm rain fall =	213,048	litrs
TOTAL WATER CATCHMENT		518,176	litrs

ESTIMATED USAGE (based on 4 persons average occupancy)  
AAA rated water devices  
Typical water usage with water saving technologies

TOTAL WATER USAGE	
225,000	litrs

CFA static water supply available all year round via dedicated underground storage with above ground quick coupling

NOTE: Intensive green roof changes to approximately 10% retention which DOES NOT impact on supply requirements

**RFP Roof Level Plan**  
Scale 1:100

**RFP** Roof Level Plan  
Scale 1:100



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				03				29/10/2020				
03	Town Planning Application - Rev. B	29/10/2020	Dean Picken									
02	Town Planning Application - Rev. A	29/09/2020	Duchlan Picken									
01	Town Planning Application	26/08/2020	Duchlan Picken									
REV ID	ISSUED FOR	DATE	NAME	REV ID	CH ID	CHANGE		DATE	REV ID	CH ID	CHANGE	DATE

0 1 2 3  
PRINCIPAL DRAWING SCALE  
1:100 (unless noted) @ A1  
IN METRES

DEAN

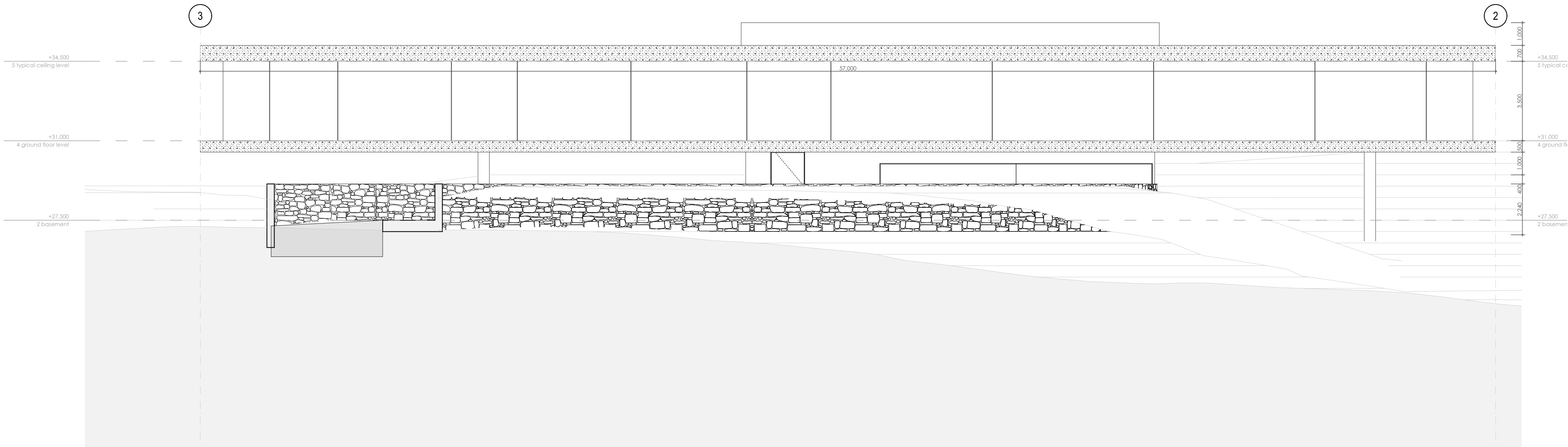
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SHEET NO.

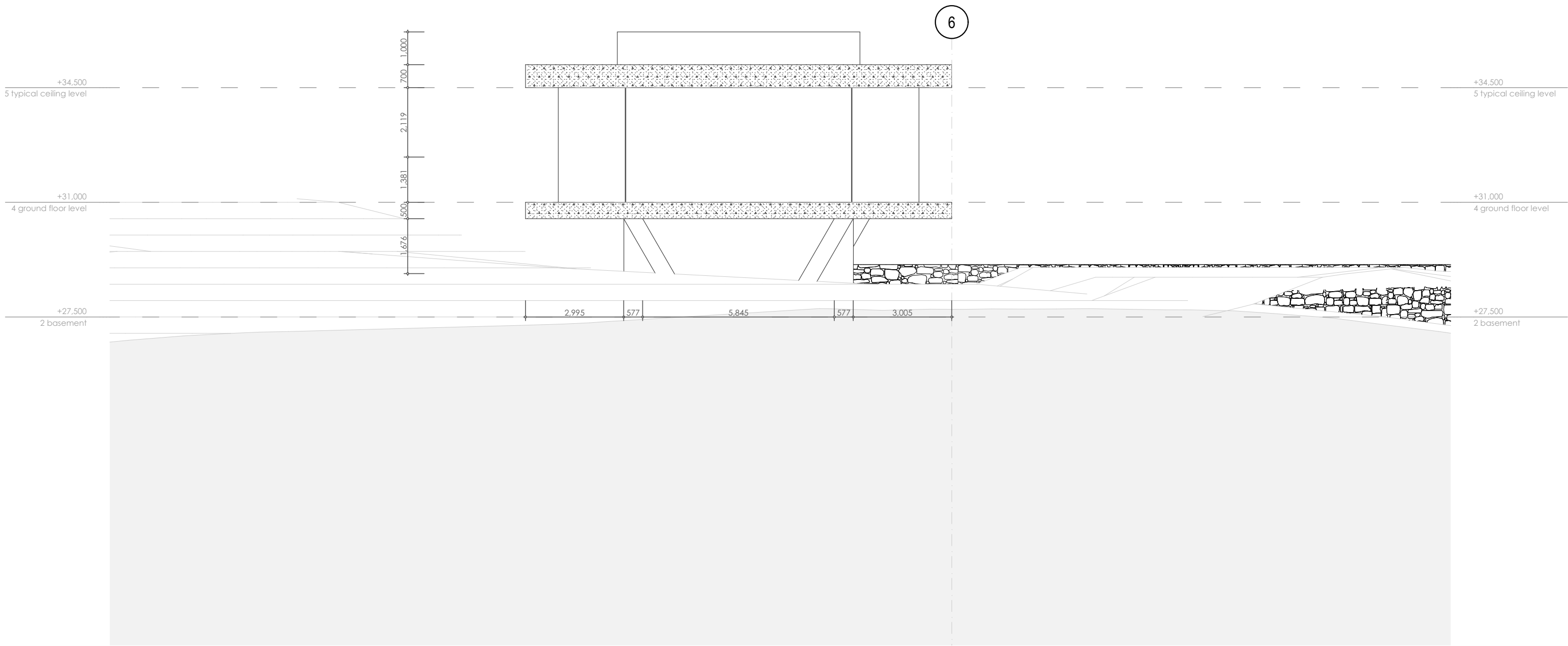
**5**

20-43  
MONTGOMERY RESIDENCE  
03

ADVERTISED



**NORTH Elevation**  
Scale 1:100



**EAST Elevation**  
Scale 1:100

ROOF - GREEN ROOF+CONCRETE

WINDOWS - THIN BLACK FRAME

GARAGE DOOR - CHARRED  
TIMBER

WALLS - BLACK FINISHES

RETAINING WALL - STONE

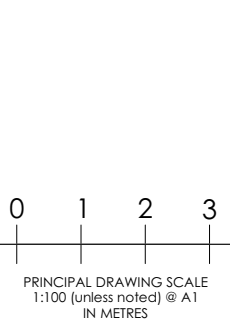
SLAB+ROOF - CONCRETE



**designers by nature**  
ABN: 280 979 253 72  
Registration Number: DP-AD 1430  
Address: REAR 79 LEBIG STREET OZONE CARPARK WARRNAMBOOL  
VICTORIA 3280 AUSTRALIA  
P: +0499 058 417 | E: dean@designersbynature.com.au |  
W: www.designersbynature.com.au  
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					02									29/09/2020					
02		Town Planning Application - Rev. A	29/09/2020	Declan Picken															
01		Town Planning Application	26/08/2020	Declan Picken															
REV ID		ISSUED FOR	DATE	NAME	REV ID	CH ID	CHANGE							DATE	REV ID	CH ID	CHANGE		DATE

PROJECT NAME:  
**MONTGOMERY RESIDENCE**  
CLIENT:  
DEAN  
SITE:  
**1/250 HOPKINS POINT ROAD  
WARRNAMBOOL**



DRAWN BY:  
DEAN  
PLOT DATE:  
29/10/2020

DRAWING TITLE:  
**ELEVATIONS  
PROPOSED**  
REVISION NO:  
02  
SHEET NO:  
6

**20-43**  
MONTGOMERY RESIDENCE  
02



Architectural section drawing of a building. The drawing shows multiple levels: 5 typical ceiling level, 4 ground floor level, and 2 basement. The drawing includes dimensions for various components, such as 37,600 for the main floor width, 38,500 for the basement width, and 12,220 for the sloped basement section. It also shows vertical dimensions of 1,000, 3,500, and 500. The drawing is labeled with '2' and '3' in circles at the top corners.



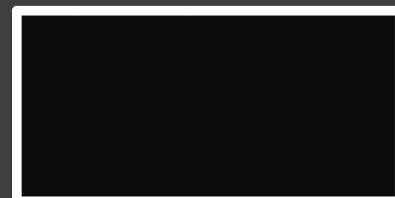
**ROOF - GREEN ROOF+CONCRETE**



WINDOWS - THIN BLACK FRAME



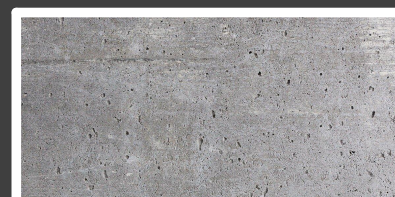
**GARAGE DOOR - CHARRED  
TIMBER**



WALLS - BLACK FINISHES



RETAINING WALL - STONE



SLAB+ROOF - CONCRETE



Address: REAR 79 LIEBIG STREET OZONE CARPARK WARRNAMBOOL  
VICTORIA 3280 AUSTRALIA  
P +0499 058 417 | E [dean@designersbynature.com.au](mailto:dean@designersbynature.com.au) |  
W [www.designersbynature.com.au](http://www.designersbynature.com.au)

[illegible]

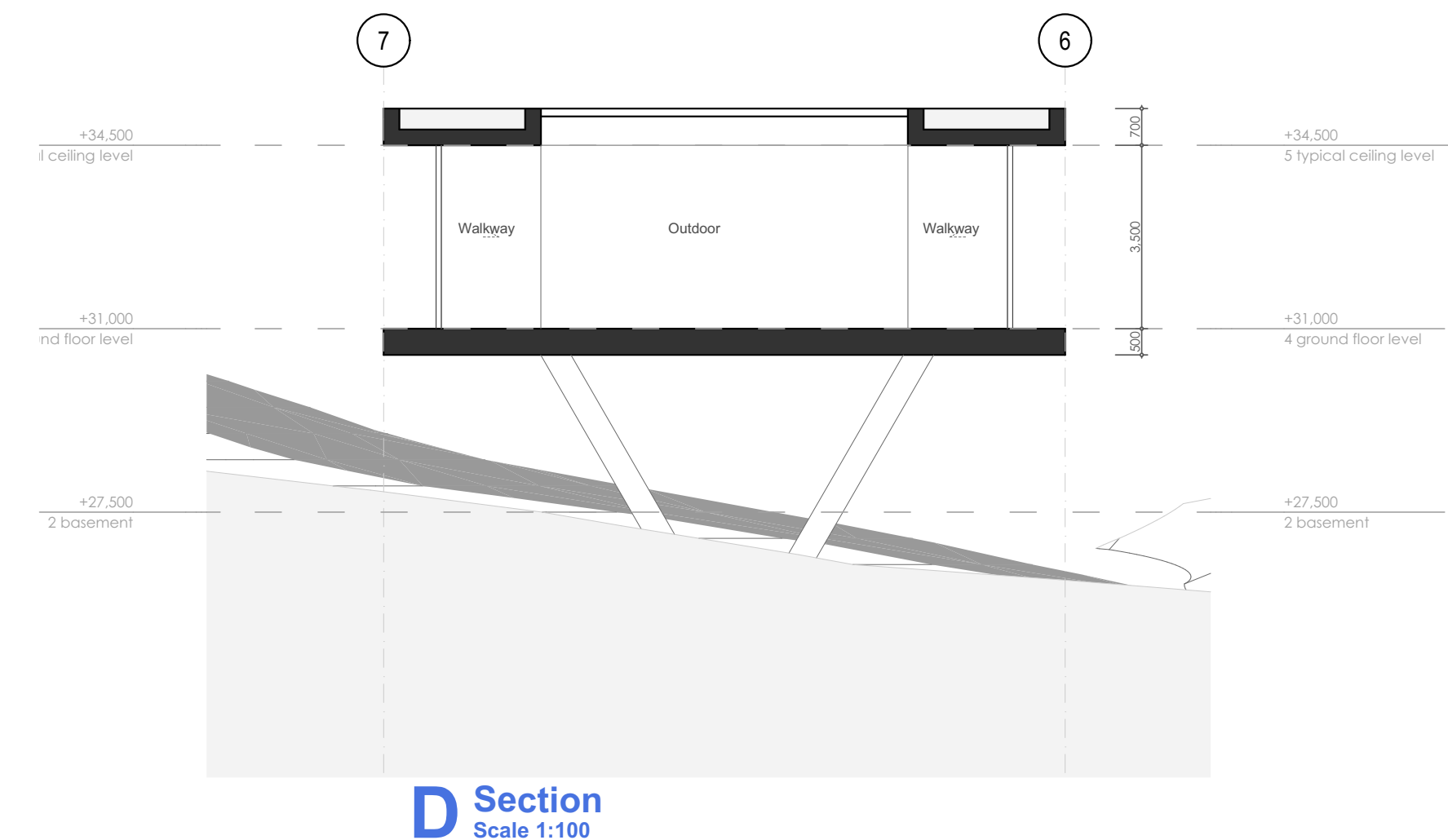
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REVISION NO. 02 SHEET NO. 02

ELEVATIONS  
PROPOSED

**20-43**  
MONTGOMERY RESIDENCE  
02





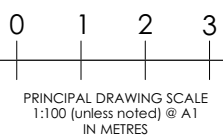
This sectional drawing illustrates the vertical structure of the building, showing the ground floor and basement levels. The ground floor is divided into four main areas: two 'Walkway' sections on the left and right, a 'Laundry' room in the center-left, and a 'Bathroom' in the center-right. The basement level is shown below the ground floor, with two diagonal structural elements (likely stairs or ramps) connecting the two levels. The drawing includes vertical dimension lines and level markers on both sides. On the left, the levels are marked as +34,500 (5 typical ceiling level), +31,000 (4 ground floor level), and +27,500 (2 basement). On the right, the levels are marked as +34,500 (5 typical ceiling level), +31,000 (4 ground floor level), and +27,500 (2 basement). The drawing also shows the building's foundation and the ground surface profile.



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[illegible]

WARRNAMBOOL



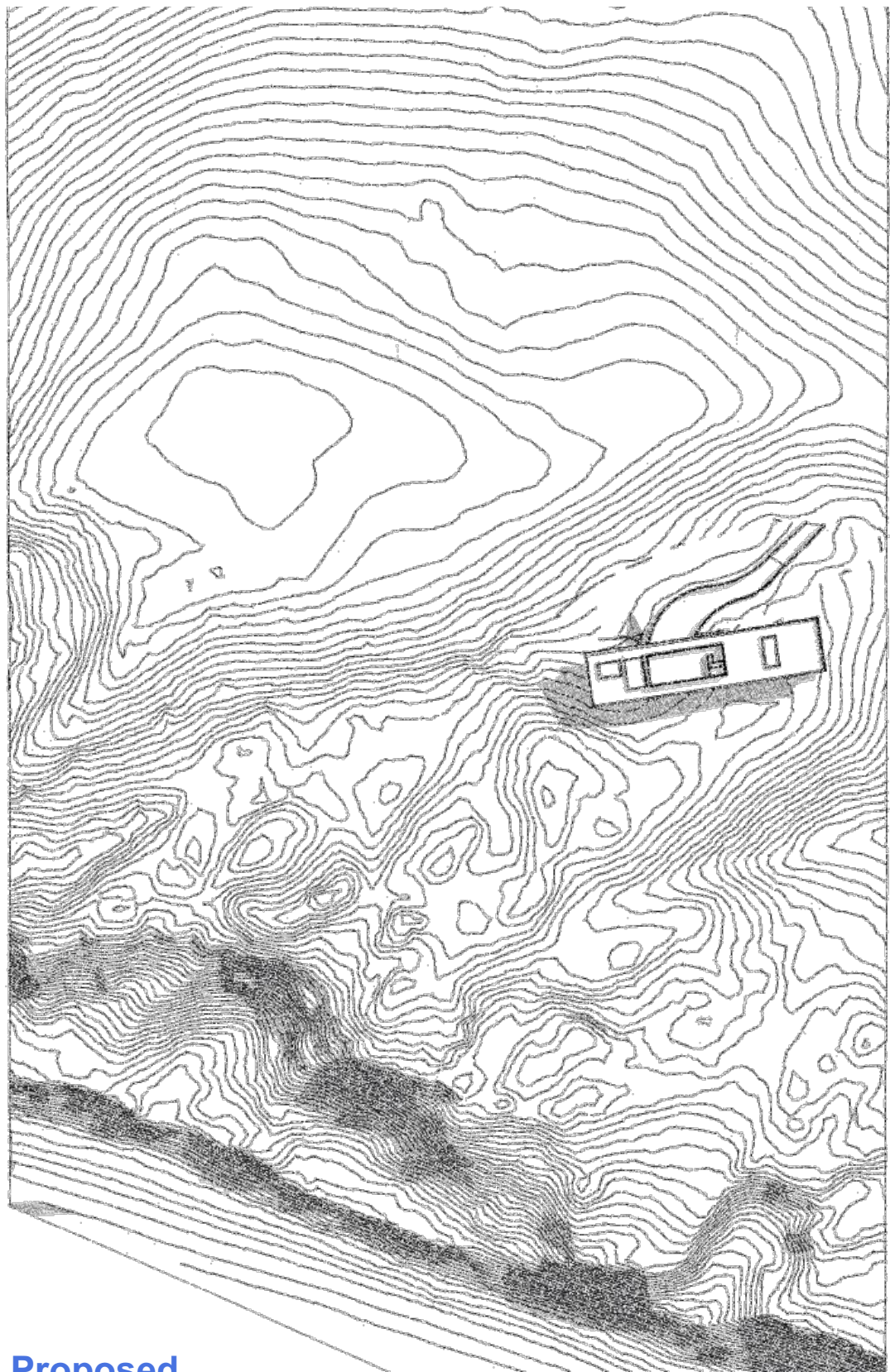
29/10/2020

SHEET NO.

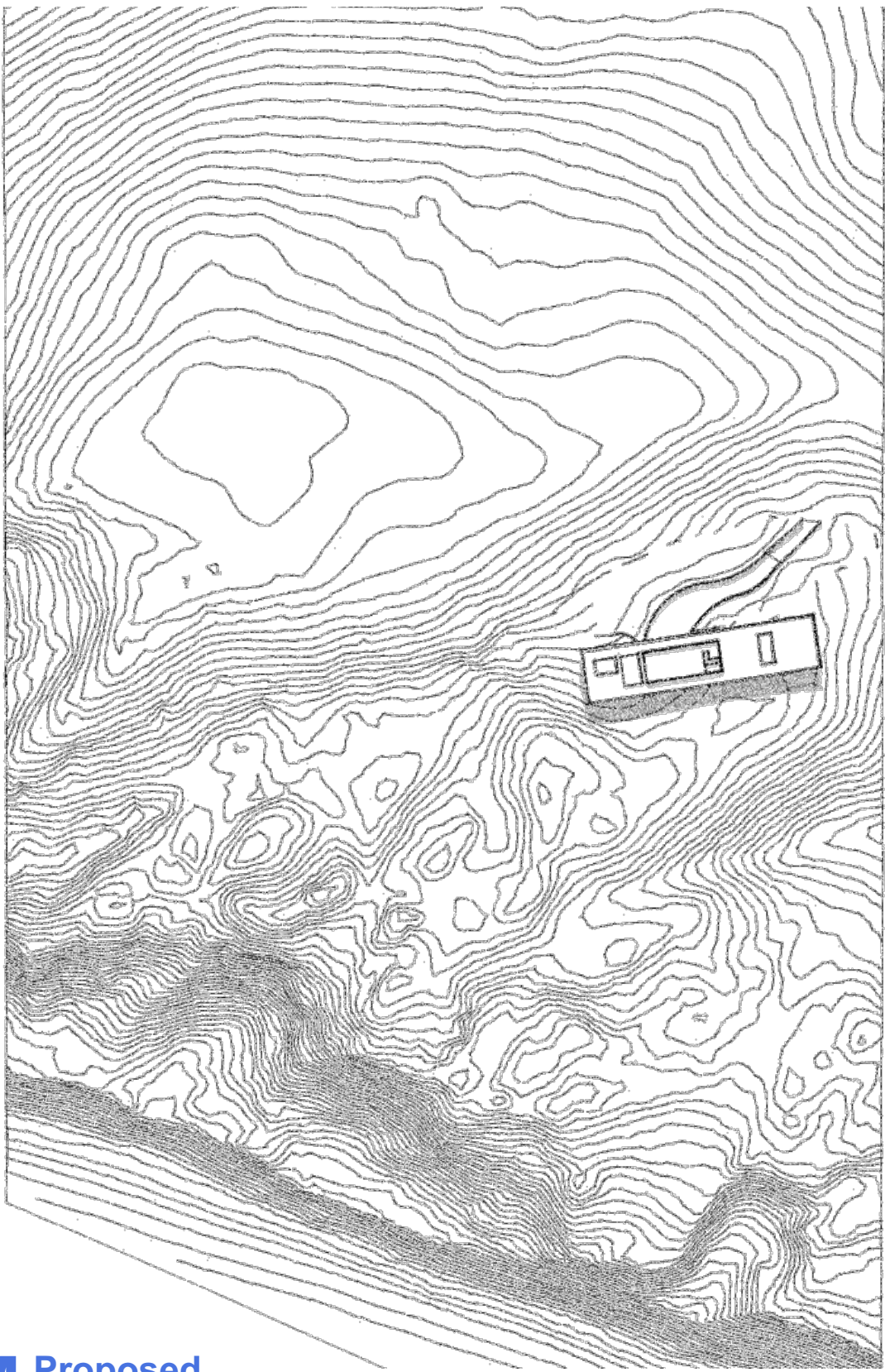
**20-43**  
**MONTGOMERY RESIDENCE**



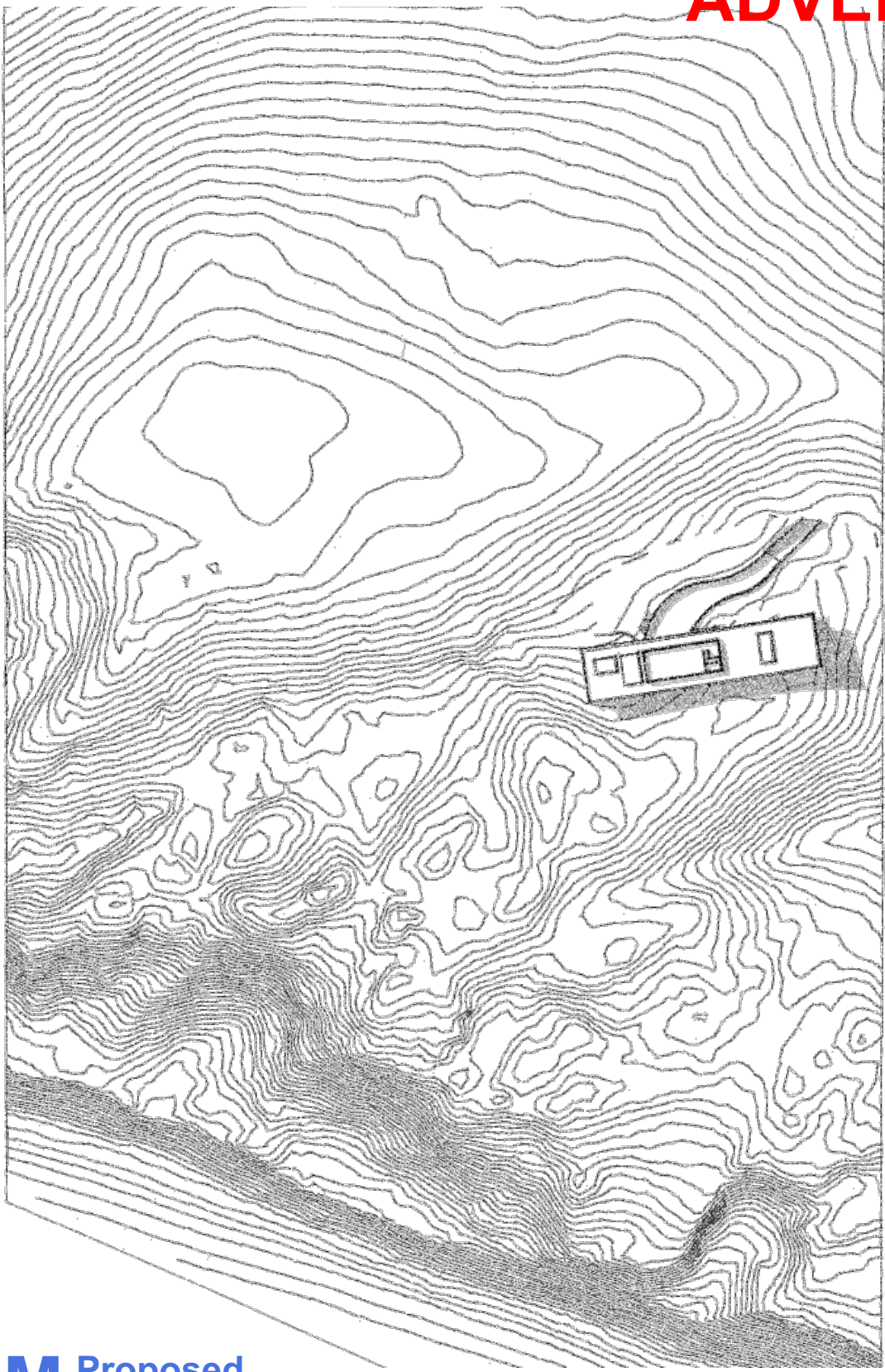
ADVERTISED



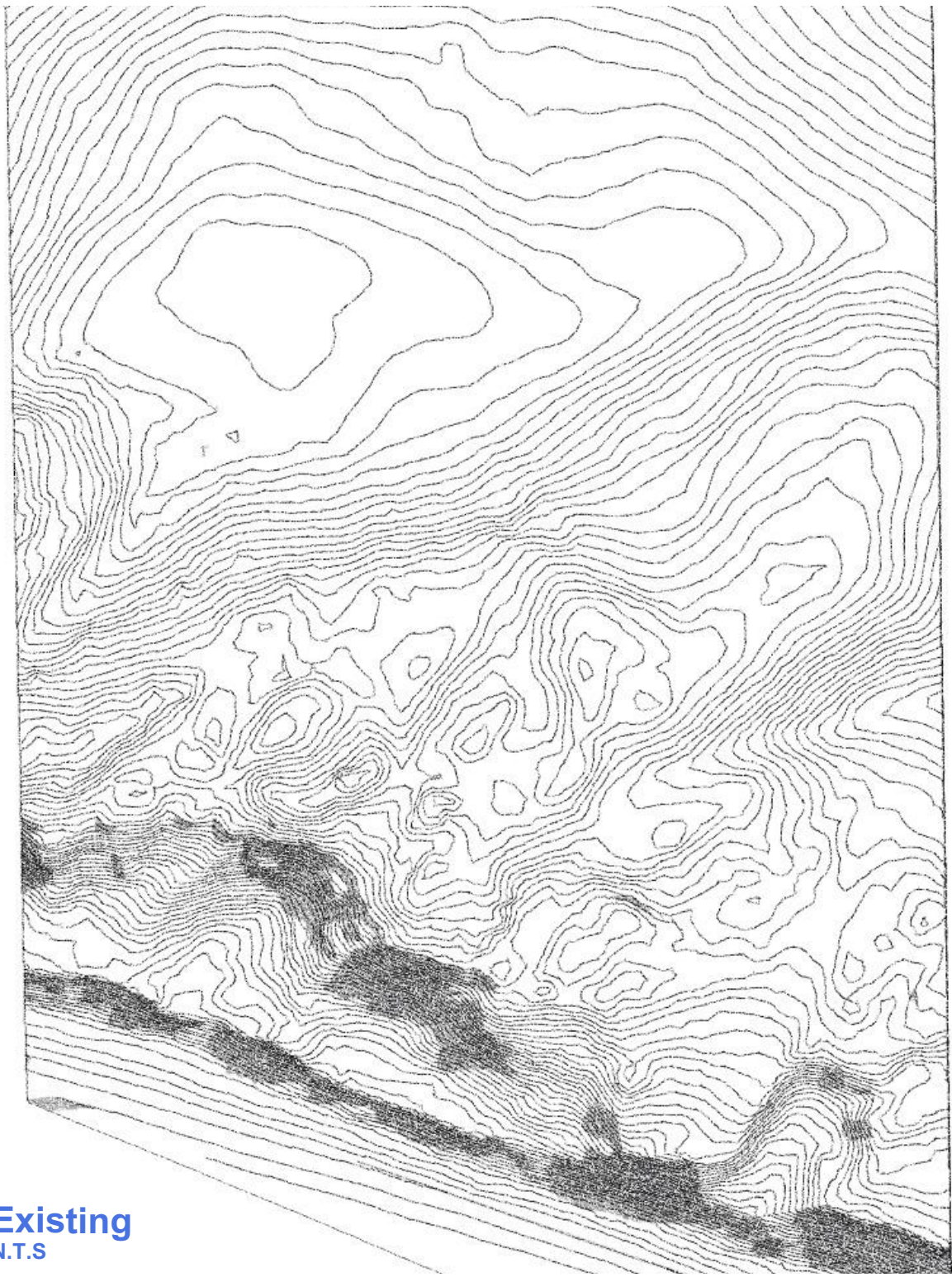
9AM Proposed  
N.T.S



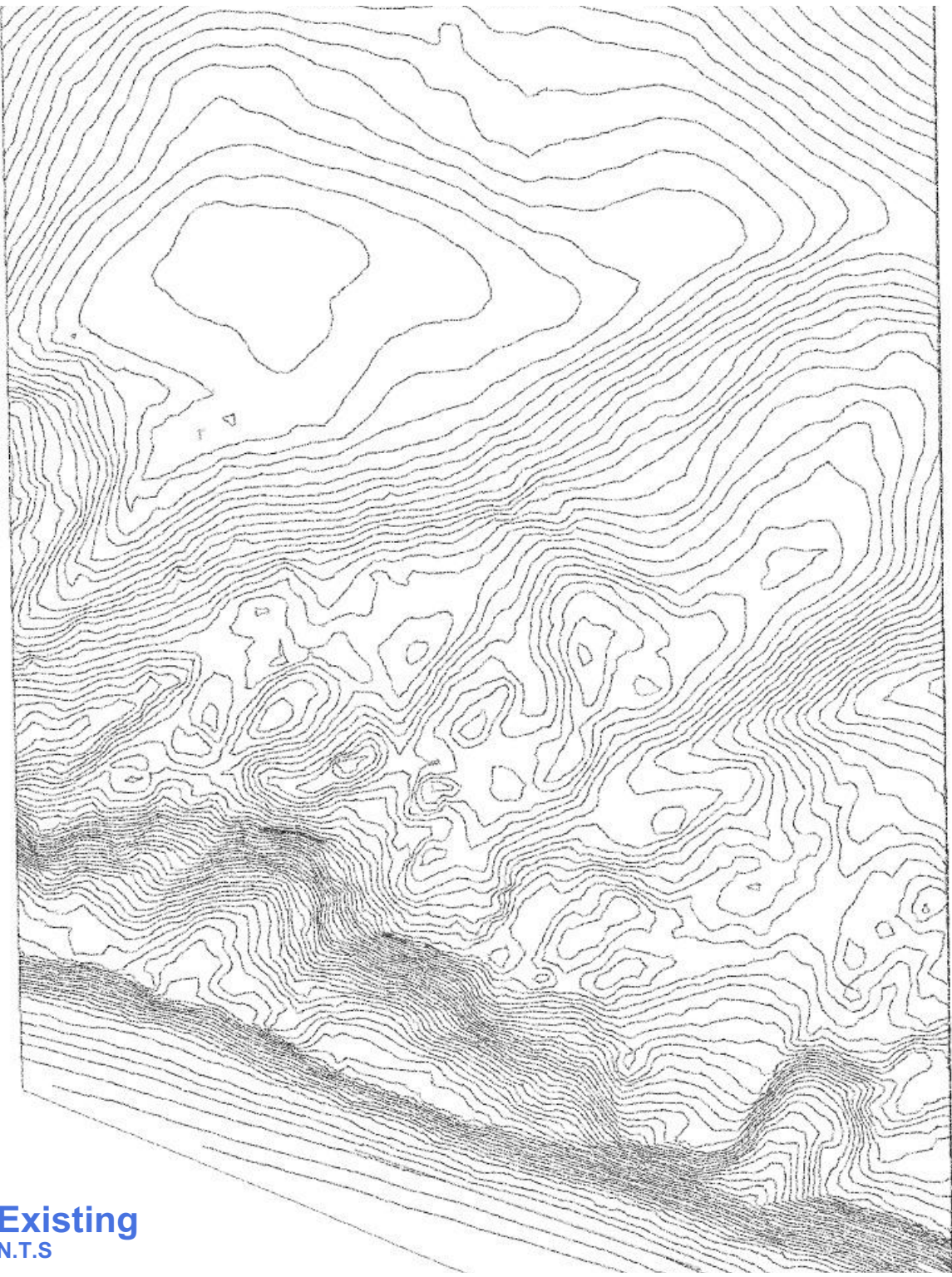
12PM Proposed  
N.T.S



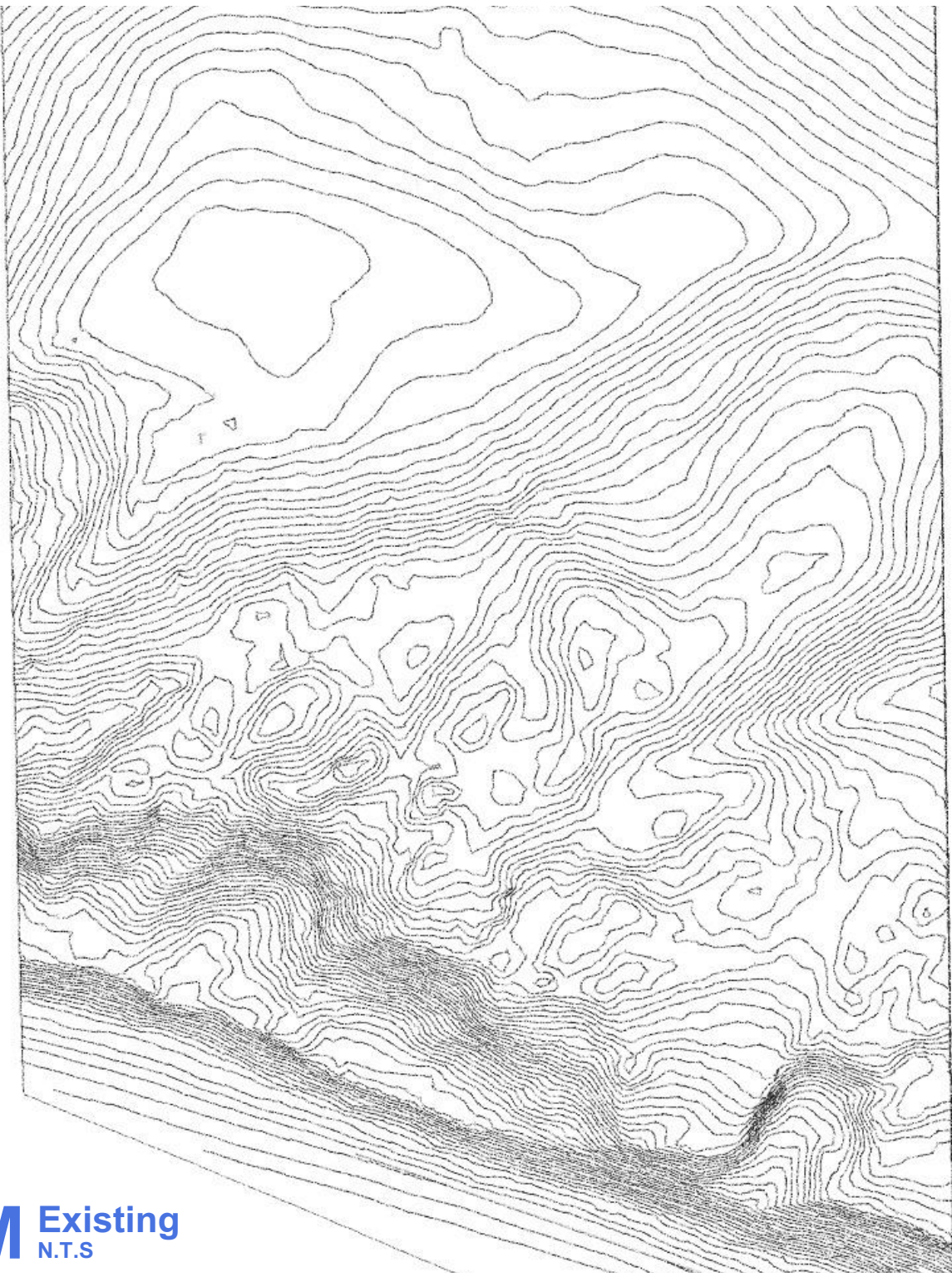
3PM Proposed  
N.T.S



9AM Existing  
N.T.S



12PM Existing  
N.T.S



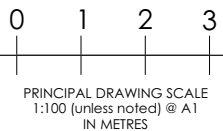
3PM Existing  
N.T.S



**designers by nature**  
ABN: 280 979 253 72  
Registration Number: DP-AD 1430  
Address: REAR 79 LIEBIG STREET OZONE CARPARK WARRNAMBOOL  
VICTORIA 3280 AUSTRALIA  
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					02						29/09/2020										
02	Town Planning Application - Rev: A	29/09/2020	Declan Picken																		
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REV ID	ISSUED FOR	DATE	NAME	REV ID	CH ID	CHANGE	DATE	REV ID	CH ID	CHANGE	DATE										

PROJECT NAME:  
MONTGOMERY RESIDENCE  
  
CLIENT :  
DEAN  
  
SITE :  
1/250 HOPKINS POINT ROAD  
WARRNAMBOOL



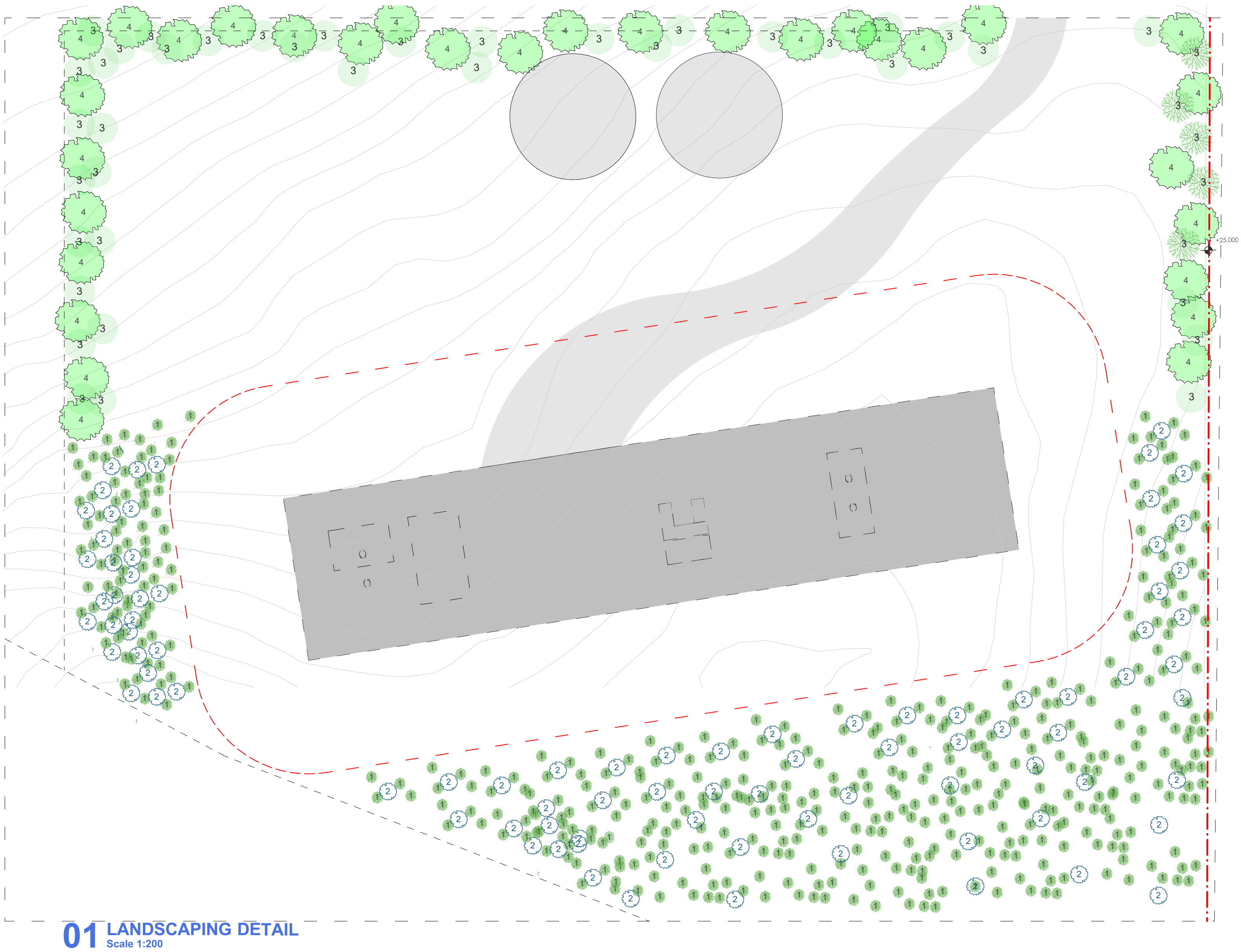
DRAWN BY:  
DEAN  
  
PLOT DATE:  
29/10/2020

COUNCIL DOCUMENTS  
SHADOW DIAGRAMS  
SEPTEMBER 21  
  
REVISION NO. 02  
DRAWING TITLE:  
SHEET NO. 10

20-43  
MONTGOMERY RESIDENCE  
02



LEGEND	
	Coastal spear grass
	Coastal Daisy Bush
	Silver Banksia
	Drooping Sheoak
5	Proposed new residence
6	Proposed new driveway
7	New fences
8	New septic system
9	New water tank
10	Native hedge row 2m high
11	Native evergreen screening tree



**designers by nature**  
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 P +6499 058 0017 | E [dean@designersbynature.com.au](mailto:dean@designersbynature.com.au) |  
 W [www.designersbynature.com.au](http://www.designersbynature.com.au)

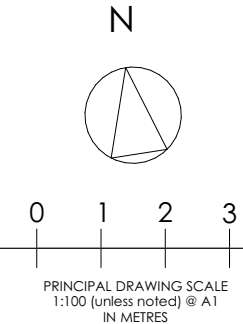
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[illegible]

PROJECT NAME :  
MONTGOMERY RESIDENCE

CLIENT :  
DEAN

SITE :  
1/250 HOPKINS POINT ROAD  
WARRNAMBOOL



PLOT DATE: 29/10/2020

DRAWN BY: DEAN

COUNCIL DOCUMENTS  
LANDSCAPING 1

02

SHEET NO.

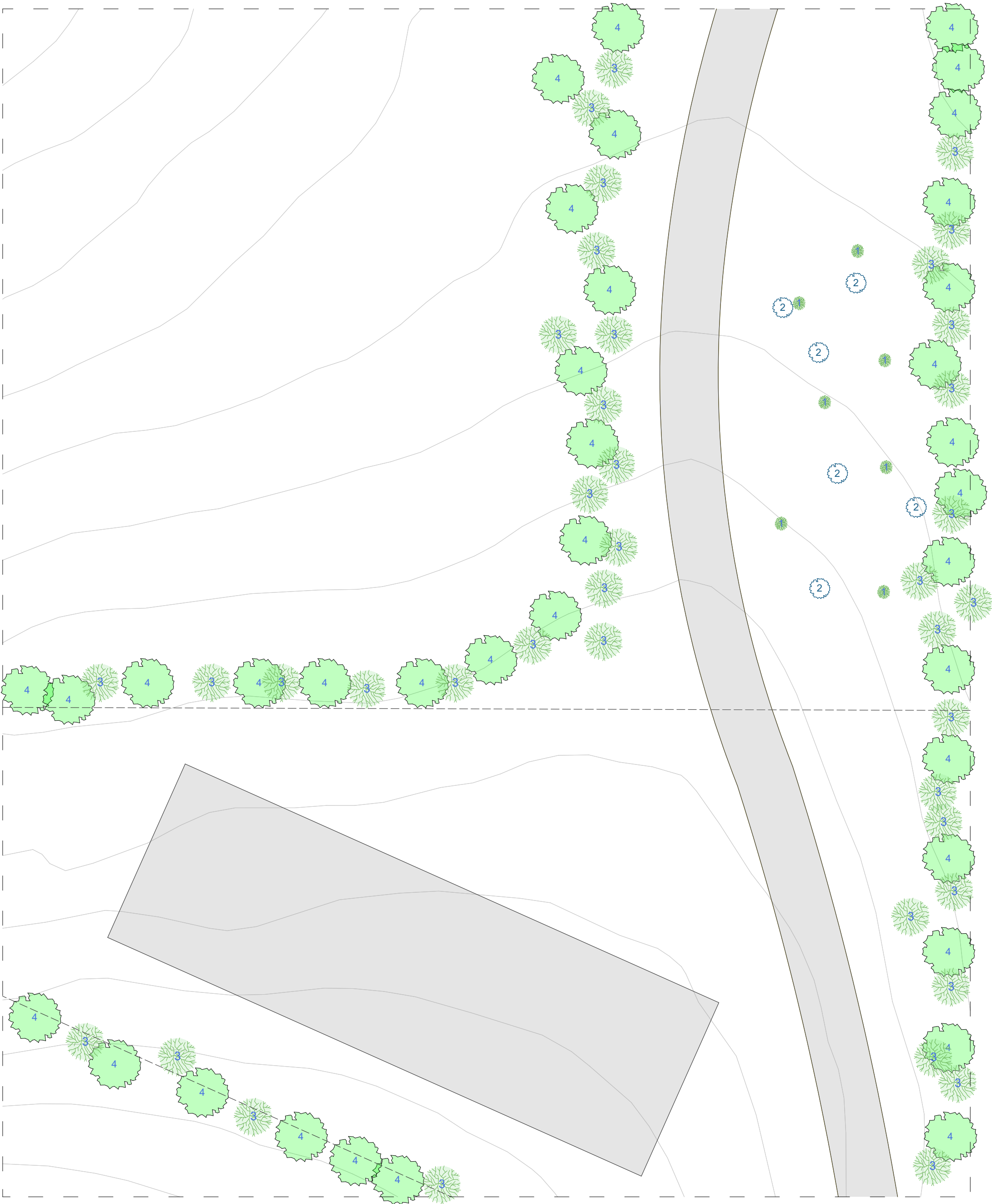
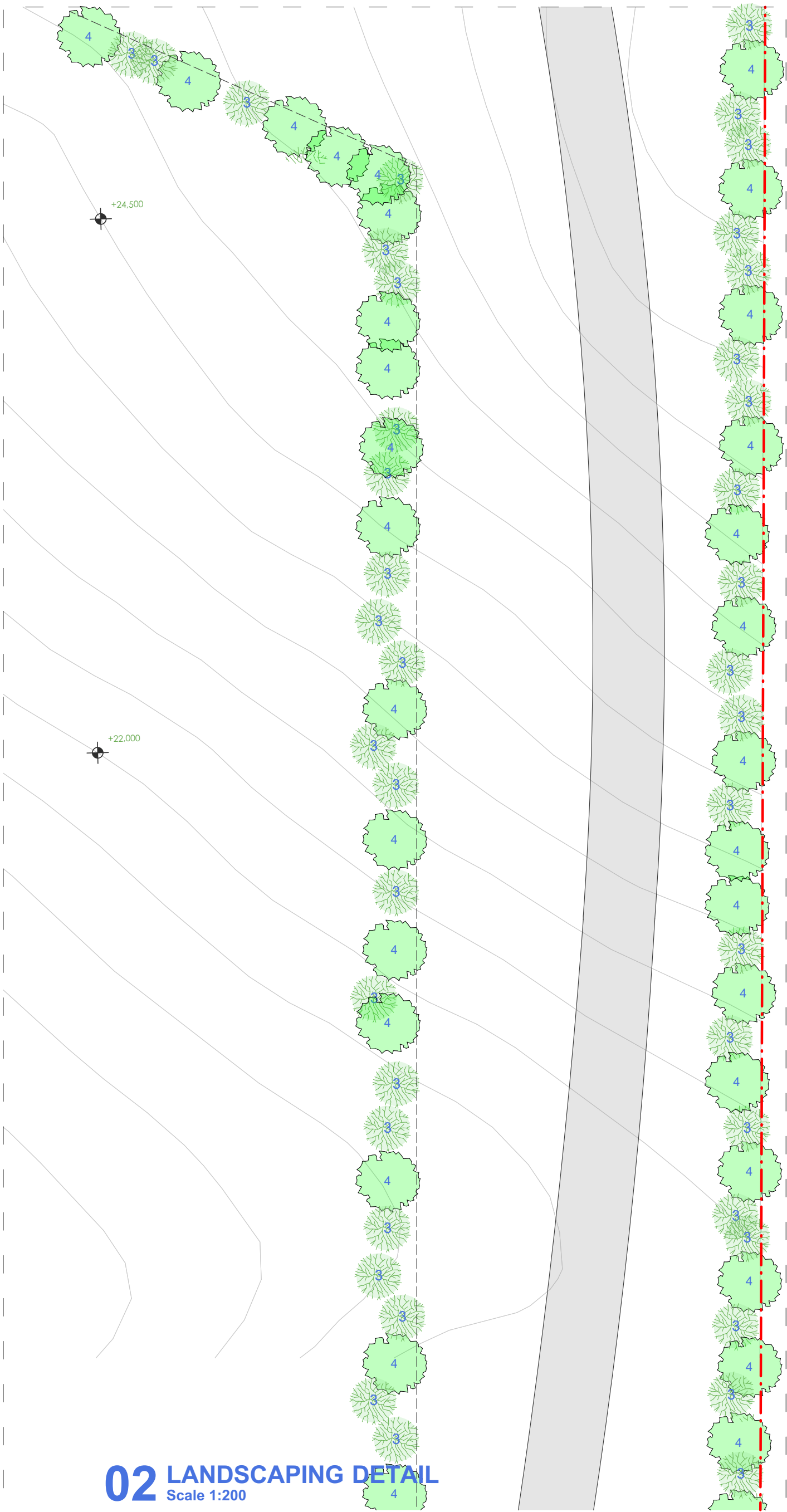
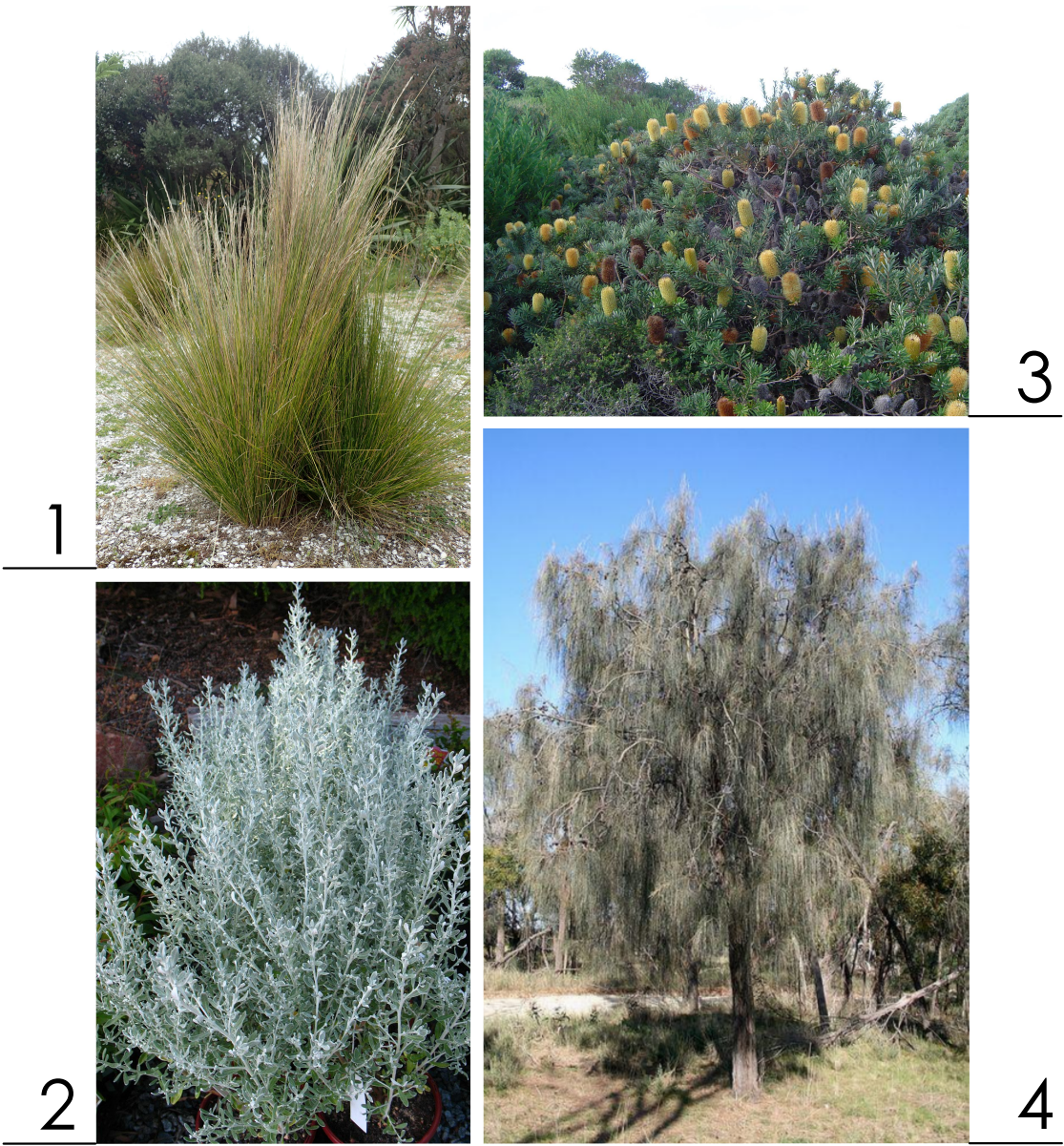
11

**20-43**  
MONTGOMERY RESIDENCE  
02



ADVERTISED

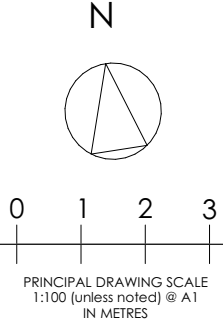
LEGEND	
	Coastal spear grass
	Coastal Daisy Bush
	Silver Banksia
	Drooping Sheoak
5	Proposed new residence
6	Proposed new driveway
7	New fences
8	New septic system
9	New water tank
10	Native hedge row 2m high
11	Native evergreen screening tree



**designers by nature**  
ABN: 280 979 253 72  
Registration Number: DP-AD 1430  
Address: REAR 79 LEBIG STREET OZONE CARPARK WARRNAMBOOL  
VICTORIA 3280 AUSTRALIA  
P: +0499 058 417 | E: dean@designersbynature.com.au |  
W: www.designersbynature.com.au  
General Notes:  
The Builder shall check all dimensions and levels on site prior to construction.  
Notify any errors, discrepancies or omissions to the designer.  
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Do not scale drawings.  
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REV ID				CH ID				CHANGE				DATE			
02	Town Planning Application - Rev. A	29/09/2020	Declan Picken	01	Town Planning Application	26/08/2020	Declan Picken								

PROJECT NAME:  
**MONTGOMERY RESIDENCE**  
CLIENT:  
**DEAN**  
SITE:  
**1/250 HOPKINS POINT ROAD  
WARRNAMBOOL**



DRAWN BY:  
**DEAN**  
PLOT DATE:  
**29/10/2020**

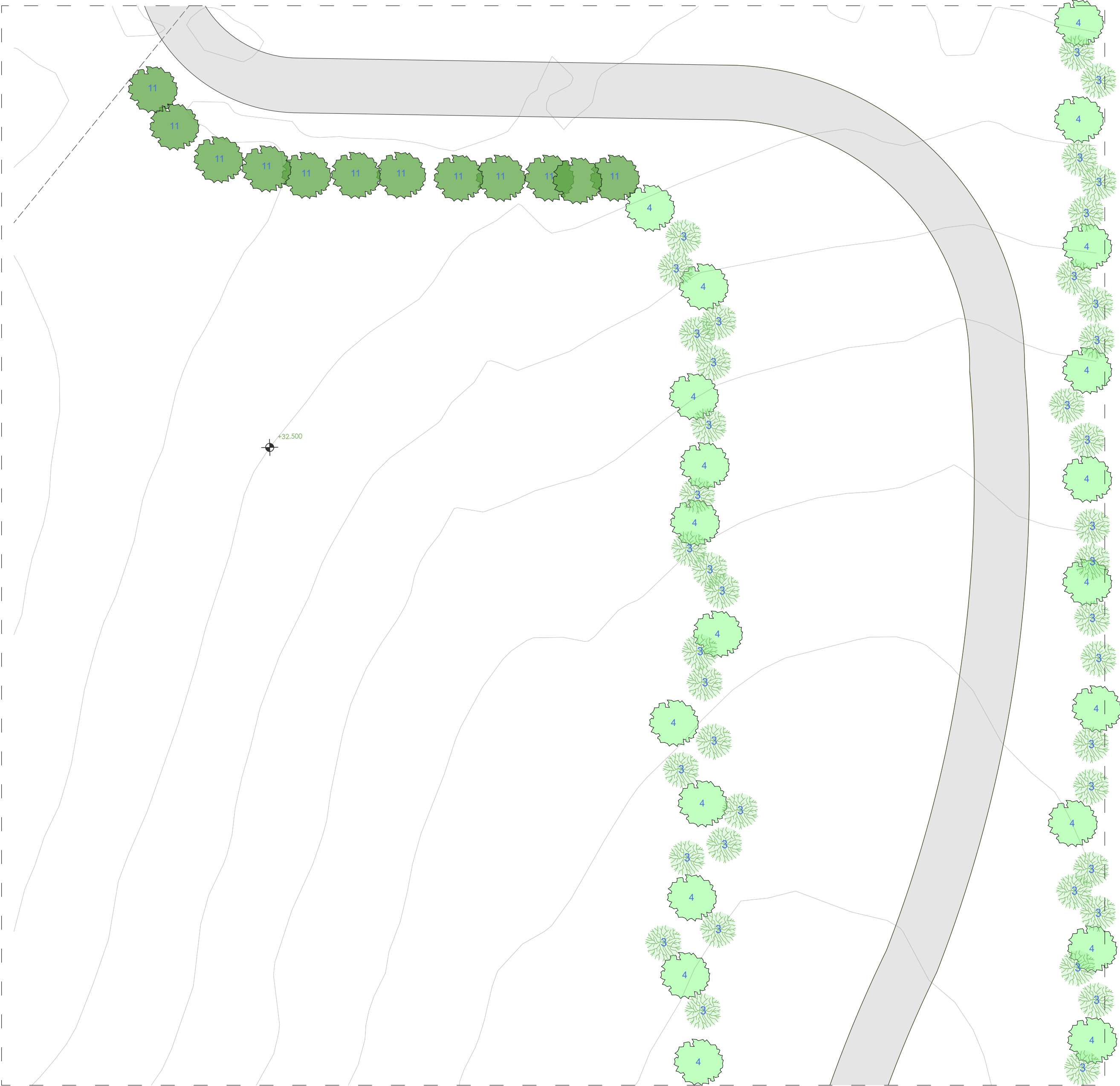
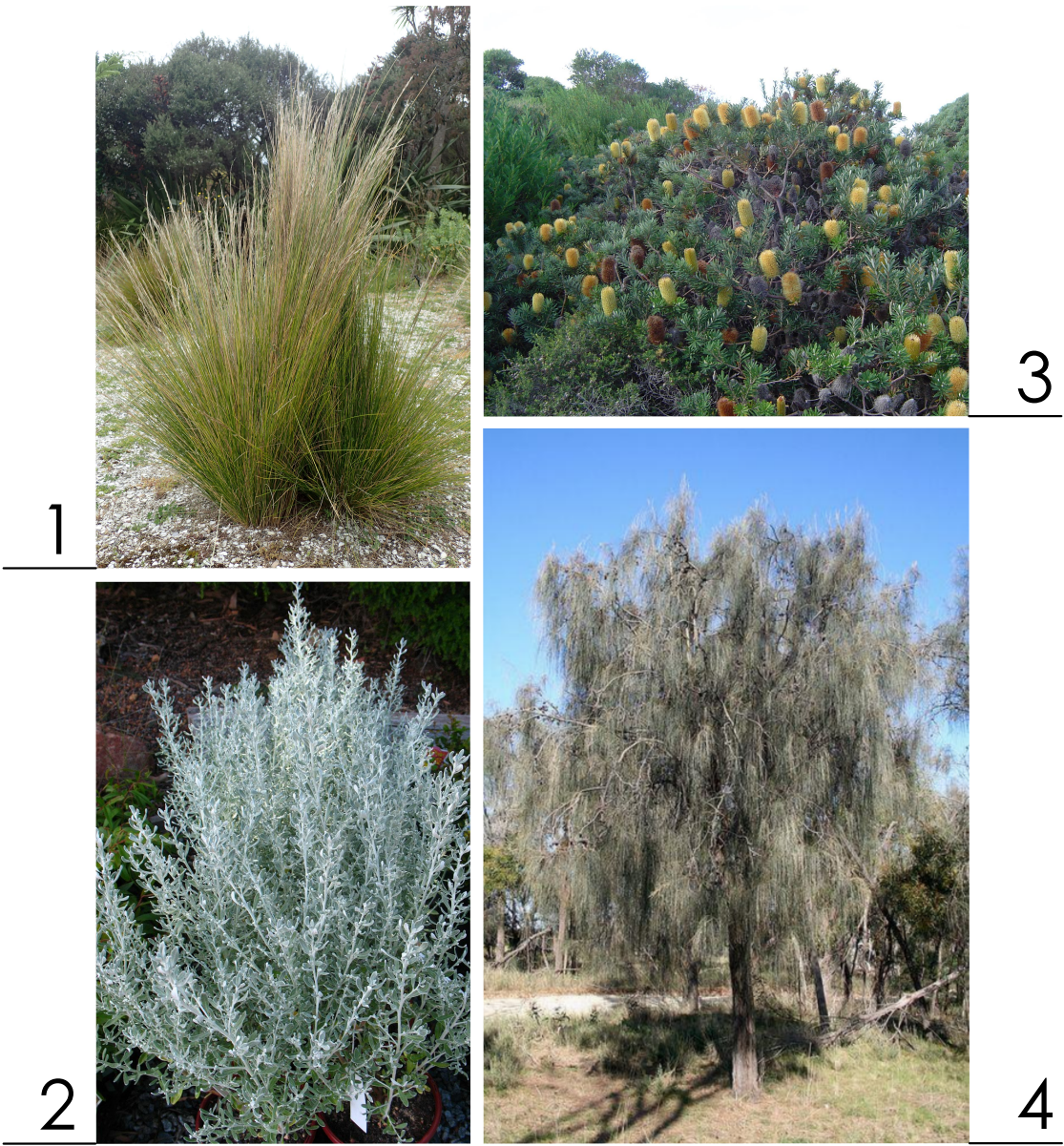
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REVISION NO. **02**  
DRAWING TITLE:  
**02**  
SHEET NO. **12**

**20-43**  
MONTGOMERY RESIDENCE  
02



ADVERTISED

LEGEND	
	Coastal spear grass
	Coastal Daisy Bush
	Silver Banksia
	Drooping Sheoak
5	Proposed new residence
6	Proposed new driveway
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8	New septic system
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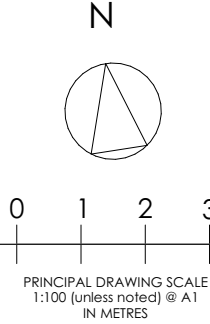
04 LANDSCAPING DETAIL  
Scale 1:200



**designers by nature**  
ABN: 280 979 253 72  
Registration Number: DP-AD 1430  
Address: REAR 79 LIEBIG STREET OZONE CARPARK WARRNAMBOOL  
VICTORIA 3280 AUSTRALIA  
P: +0499 058 417 | E: dean@designersbynature.com.au |  
W: www.designersbynature.com.au  
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				02					29/09/2020				
02	Town Planning Application - Rev. A	29/09/2020	Declan Picken										
01	Town Planning Application	26/08/2020	Declan Picken										
REV ID	ISSUED FOR	DATE	NAME	REV ID	CH ID	CHANGE	DATE	REV ID	CH ID	CHANGE	DATE		

PROJECT NAME:  
**MONTGOMERY RESIDENCE**  
CLIENT:  
DEAN  
SITE:  
**1/250 HOPKINS POINT ROAD  
WARRNAMBOOL**



DRAWN BY:  
DEAN  
PLOT DATE:  
29/10/2020

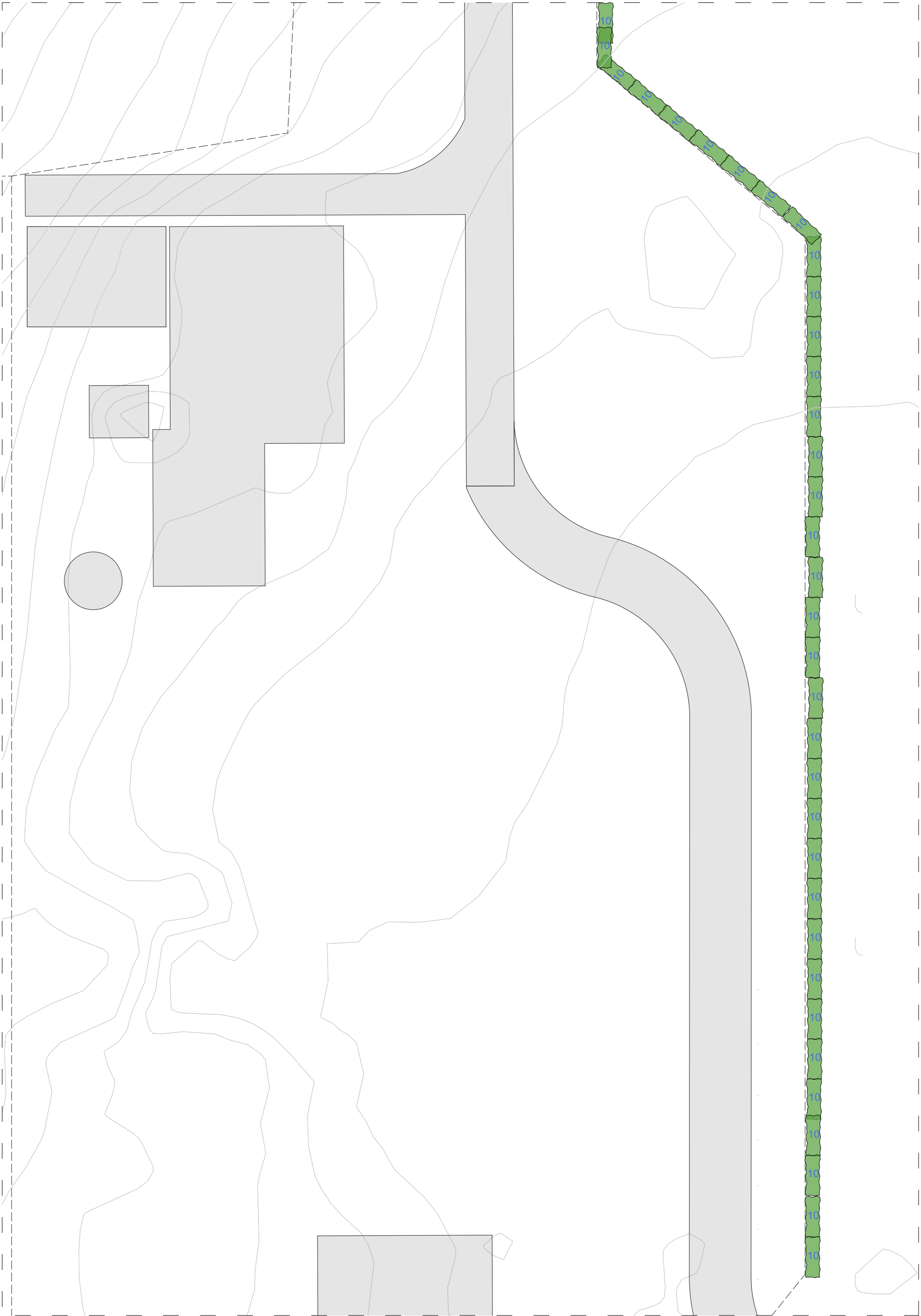
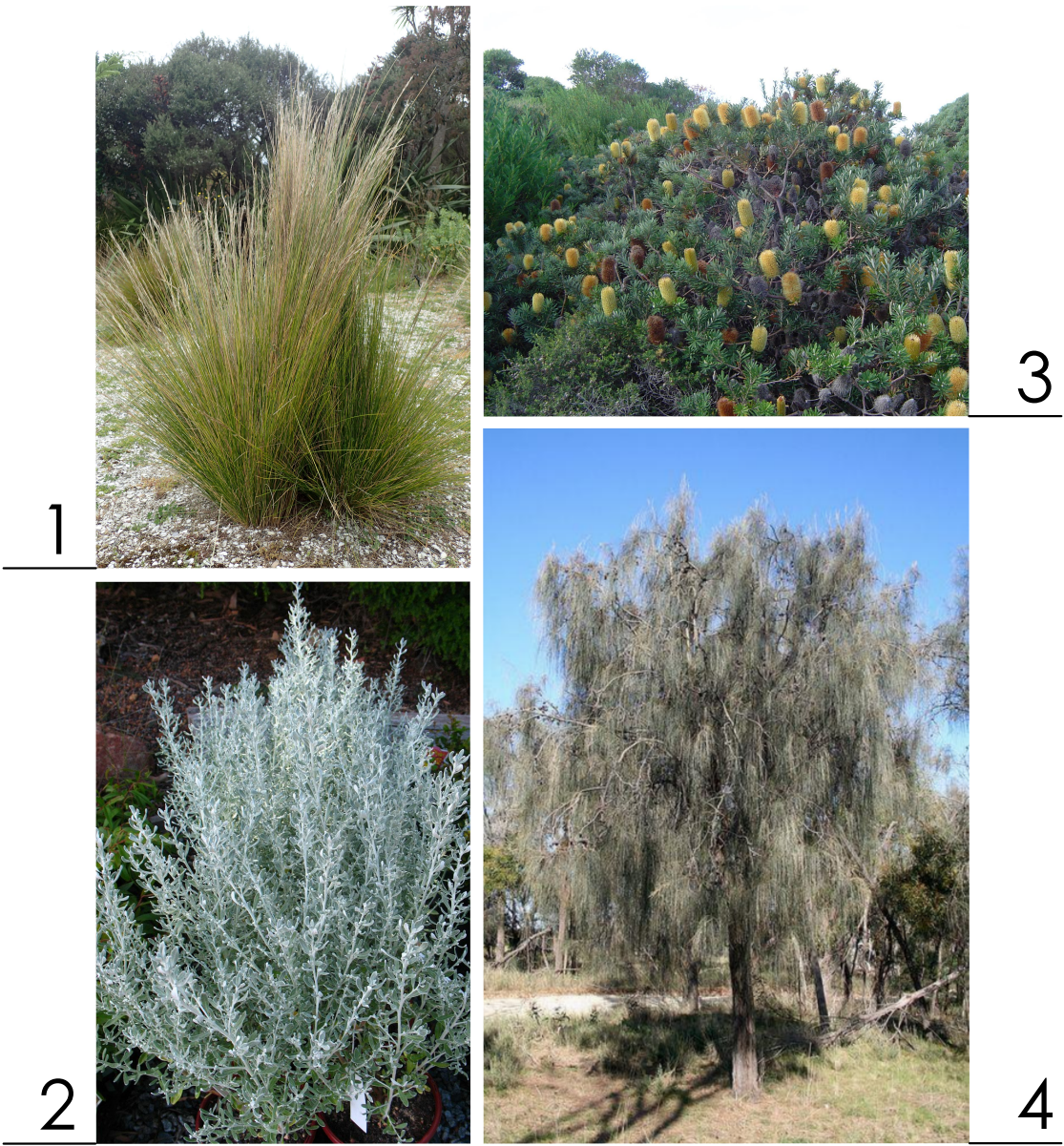
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02  
SHEET NO. **13**

**20-43**  
MONTGOMERY RESIDENCE  
02

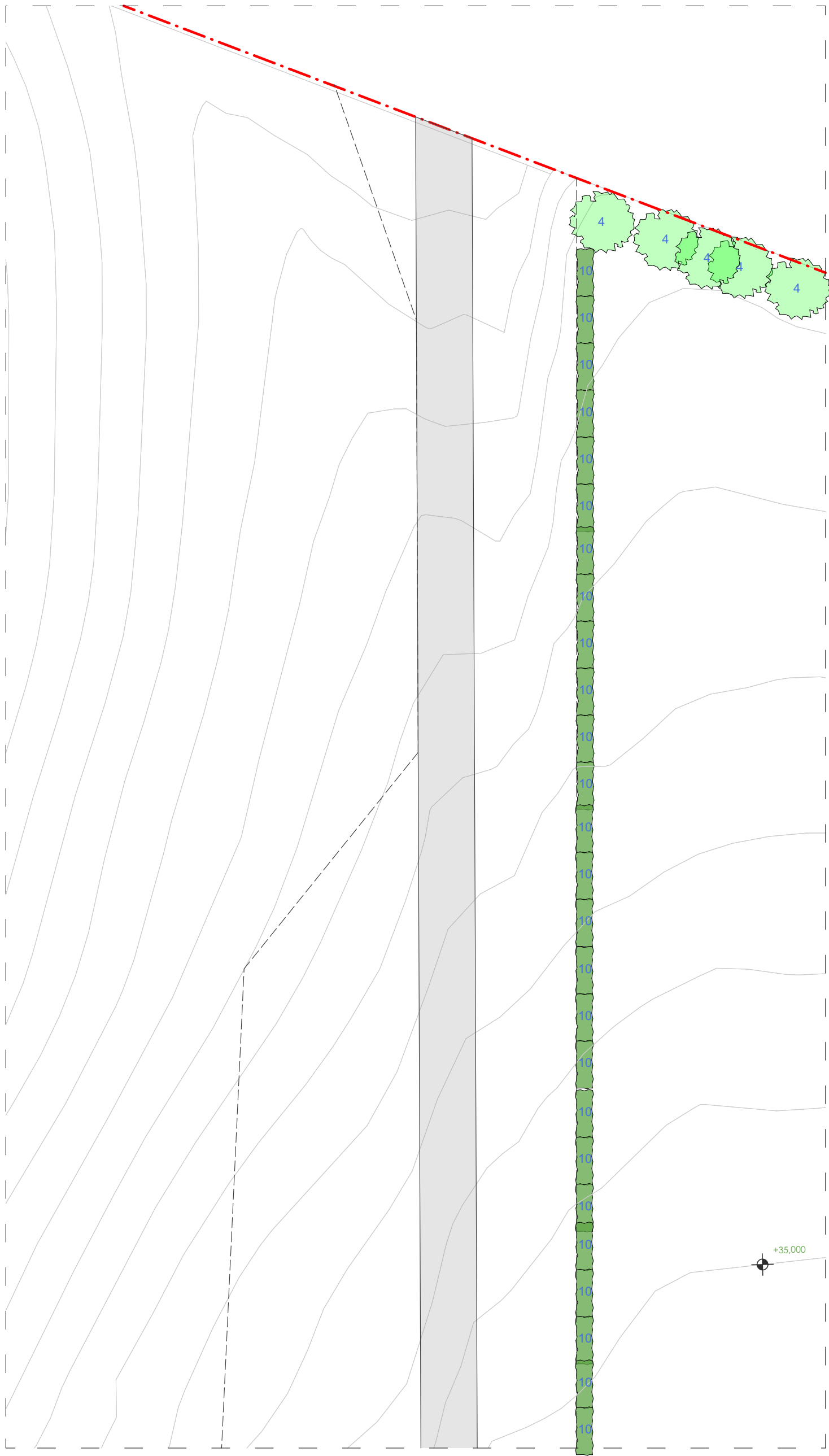


ADVERTISED

LEGEND	
	Coastal spear grass
	Coastal Daisy Bush
	Silver Banksia
	Drooping Sheoak
5	Proposed new residence
6	Proposed new driveway
7	New fences
8	New septic system
9	New water tank
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05 LANDSCAPING DETAIL  
Scale 1:200



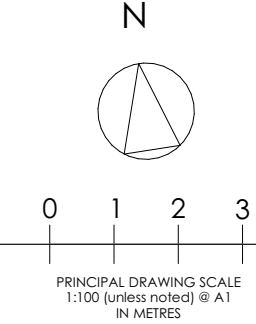
06 LANDSCAPING DETAIL  
Scale 1:200



**designers by nature**  
ABN: 280 979 253 72  
Registration Number: DP-AD 1430  
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VICTORIA 3280 AUSTRALIA  
P: +0499 058 417 | E: dean@designersbynature.com.au |  
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02				29/09/2020			
02	Town Planning Application - Rev. A	29/09/2020	Declan Picken	REV ID	CH ID	CHANGE	DATE
01	Town Planning Application	26/08/2020	Declan Picken	REV ID	CH ID	CHANGE	DATE

PROJECT NAME:  
**MONTGOMERY RESIDENCE**  
CLIENT:  
DEAN  
SITE:  
**1/250 HOPKINS POINT ROAD  
WARRNAMBOOL**



DRAWN BY:  
DEAN  
PLOT DATE:  
29/10/2020

COUNCIL DOCUMENTS  
**LANDSCAPING 5-6**  
REVISION NO. DRAWING TITLE:  
02  
SHEET NO. **14**

**20-43**  
MONTGOMERY RESIDENCE  
02



ENTRY  
N.T.S.

EAST NEIGHBOUR  
N.T.S.

DUNES  
N.T.S.

HOPKINS POINT ROAD  
N.T.S.

MIDDLE ISLAND  
N.T.S.

OCEAN  
N.T.S.

AERIAL  
N.T.S.

NORTH  
N.T.S.

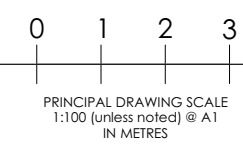


Address: REAR 79 LIEBIG STREET OZONE CARPARK WARRNAMBOOL  
VICTORIA 3280 AUSTRALIA  
P +0499 058 417 | E [dean@designersbynature.com.au](mailto:dean@designersbynature.com.au) |  
W [www.designersbynature.com.au](http://www.designersbynature.com.au)

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				02					29/09/2020						
02	Town Planning Application - Rev. A	29/09/2020	Dezhan Picken												
01	Town Planning Application	26/08/2020	Dezhan Picken												
REV ID	ISSUED FOR	DATE	NAME	REV ID	CH ID	CHANGE			DATE	REV ID	CH ID	CHANGE			DATE

WARRNAMBOOL



DEAN

REVISION NO.      DRAWING TITLE :

02

SHEET NO.

15

**20-43**  
MONTGOMERY RESIDENCE  
02



PLANNING PERMIT APPLICATION  
PP2020-0207  
250 Hopkins Point Rd Warrnambool

**Objections Received**



## Objection to Grant Planning Permit – Part A

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

### Who is objecting?

I/We (Names in Block Letters)

Name(s) CHRIS Surname BEAYNI

Name(s) ..... Surname .....

Address 1/74 MACRINA STREET  
OAKLEIGH EAST Post Code 3166

Telephone (Home) ..... Telephone (Work) 9872 4999

Mobile 0418 223145 Facsimile .....

Email cheayni@hotmail.com

Signatures(s) [Signature] Date 19/3/2021

Signatures(s) ..... Date .....

### Important notes about objections to permit applications

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
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3. To make an objection you should clearly complete the details on this form and lodge it with the responsible authority as shown on the Public Notice – Application for Planning Permit.
4. An objection must:
  - State the reasons for your objection: and
  - State how you would be affected if a permit is granted.
5. The responsible authority may reject an application which it considers has been made primarily to secure or maintain a direct or indirect commercial advantage for the objector. In this case, the Act applies as if the objection had not been made.
6. Any person may inspect an objection during office hours.
7. If your objection related to an effect on property other than at your address as shown on this form, give details of that property and of your interest in it.
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10. If despite your objection the responsible authority decides to grant the permit, you can appeal against the decision. Details of the appeal procedures are set out on the back of the Notice of Decision which you will receive. An appeal must be made on a prescribed form (obtainable from the Victorian Civil & Administrative Tribunal) and accompanied by the prescribed fee. A copy must be given to the responsible authority. The closing date for appeals is 21 days of the responsible authority giving notice of its decision.
11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



## 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 2020-0207

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

250 HOPKINS POINT ROAD WARRNAMBOOL

What is proposed? USE & DEVELOPMENT OF A SECOND

DWELLING

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

A MONSTROUS DWELLING PROPOSED TO BE BUILT ON LAND THAT IS SIMPLY WAY TOO CLOSE TO SAND DUNES - THE VERY LARGE CONSTRUCTION IS VERY LIKELY TO DISRUPT THE HABITAT & THE ENVIRONMENT OF THE ENDANGERED HOODED PLOVER THAT'S NESTLED WITHIN THE SAND DUNES OF THE BEAUTIFUL COASTLINE. IT IS AN INADMISSABLE INTERFERENCE TO THIS SPECIES IN THE CONSTRUCTION OF THIS DEVELOPMENT.

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

AS A LOCAL INVESTOR IN WARRNAMBOOL WHO FREQUENTS TO THE REGION OWING A LOT, ~~FOR THE PAST YEARS~~ I AM EXTREMELY DISTRESSED AT THE THOUGHT THAT THIS DEVELOPMENT WILL EFFECT MY LOVE & PASSION FOR NATURE & BIRD LIFE IN WARRNAMBOOL.



## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) P. Barrett Surname Barbetti

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

Address 51 Rodger Place  
Bushfield Post Code 3281

Telephone (Home) \_\_\_\_\_ Telephone (Work) \_\_\_\_\_

Mobile 0400 953 393 Facsimile \_\_\_\_\_

Email pockie-24@hotmail.com

Signatures(s) P. Barrett Date 18/3/2021

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

### Important notes about objections to permit applications

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## Objection to Grant Planning Permit – Part B

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

What application do you object to?

Planning Application Number..... PP 2020-0207

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

250 Hopkins Point Rd

Warrnambool

What is proposed? Building and using a second dwelling

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

- ① Environmental concerns – this very large dwelling is proposed to be built so close to the sandunes which will propose increased risk to the survival of the already endangered hooded plover the habitat the dunes. We should be protecting their habitat not ruining it.
- ② Aesthetic – the proposed construction is a visually monstrous idea that will ruin the landscape and be very visible from the beach. The land already has a house on it, it is zoned rural & therefore it should

How will you be affected by the grant of a permit? (If there is not enough room, attach a separate page.) <sup>stay as it is.</sup>

I am passionate about the environment & very distressed <sup>about</sup> further endangering our beautiful species that inhabit it.

I am also concerned/worried about how it will look, by having two large dwellings on a small block that is zoned as rural land.

**From:** [Betty McDowall](#)  
**To:** [Town Planning](#)  
**Subject:** Objection to PP2020-0207  
**Date:** Monday, 22 March 2021 4:17:20 PM

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**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 Warrnambool City Council,

In regard to Planning Permit Application PP2020-0207 by Myers Planning Group. I am 92 years old and I have lived within 5k of our great South West Victorian coastline ALL my life, near Childers Cove.

I have spent many many pleasurable hours swimming, exploring and enjoying the beaches and frontage mostly between Childers Cove and Port Fairy. I have spent a lot of time on Hopkins Point Road at my sister's family farm- Douglas and Patricia Logan. I am horrified at the destruction of our natural coastline with all the housing developments of late.

I have a great love of our native animals and birds.

I am horrified to read that Mr Myers Planning Group are planning to build what looks like a huge hay shed right on the beach sand dunes that are home to many small creatures and where hooded plovers nest.

I object most strongly know that is terrible news for our native creatures.

I close, hoping common sense prevails as we owe it to our future generations to preserve this natural wonder that is our coastline and bird life!!

Regards BETTY McDowall  
0409 146 189

775 Childers Cove Road  
Via Nullawarre 3268 Vic.





## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) MICHAEL Surname SLEEMAN

Name(s) ELIZABETH Surname HINGSTON

Address 95 STAFFORDS ROAD WARRNAMBOOL

Post Code 3280

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

Mobile 0439306 298 Facsimile .....

Email SLEEZE06@hotmail.com

Signatures(s) [Signature] Date 18/3/2021

Signatures(s) [Signature] Date 18/3/2021

### Important notes about objections to permit applications

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## Objection to Grant Planning Permit – Part B

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### What application do you object to?

Planning Application Number... PP 2020 - 0207

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

... 250 HOPKINS POINT ROAD WARRNAMBOOL

What is proposed?... USE & DEVELOPMENT OF A SECOND DWELLING

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

An extremely large dwelling proposed to be constructed on land very close to sand dunes. Apart from ~~the~~ the monstrous nature & size of the dwelling, it is also ~~extremely~~ likely to disrupt the habitat & environment of the endangered hooded plover who nest in the dunes.

It is unacceptable that this species be endangered further by this development

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

We are nature and especially bird lovers. We find it extremely distressing that this may further endanger this already very threatened species

Lauren Bourke and Daniel Dooly  
14 Brentani Ave  
Elsternwick VIC 3185  
0438 157 450

To whom this may concern,

We are writing to you to formally object to planning permit application PP2020-0207, for the site at 250 Hopkins Point Rd Warrnambool VIC 3280.

We have reviewed the advertised application documentation and hold concerns regarding the following aspects of the proposal:

- The proposal is not aligned with the objectives of the Planning Policy Framework (PPF), which seeks to protect productive agricultural land and ensure that any proposed use and development protects the environmental and landscape values of the land.
- The proposal is not appropriately aligned with the purposes of the site currently zoned Farming Zone (FZ) as per Clause 35.07 of the planning scheme, and other applicable overlays.
- The proposal threatens to compromise the viability of rural land and the scenic qualities of the coastline.
- The proposal seeks an intensification of the land for the purposes of a 'host farm' and places unnecessary risk upon the agricultural and environmental values therein.
- The proposal supports a development outcome which introduces adverse environmental or visual impacts.
- The proposal for a 'host farm' and the development of a replacement dwelling is incompatible with the adjoining and nearby land uses, and generally in conflict with the prevailing character of the surrounding area.
- The proposed siting and extent of the southern building envelope, adjacent the area identified as coastal dune scrub and affected by the Significant Landscape Overlay (SLO Schedule 1) introduces unnecessary risks and potential impacts to this environmentally sensitive area.
- The proposal is not aligned with the environmental objectives to be achieved through the Environmental Significance Overlay (ESO Schedule 1) affecting the site.
- The proposal will result in an intensification of the land and introduce increased traffic activity along Hopkins Point Road as a result.
- The proposal introduces unnecessary amenity impacts through visual bulk and siting of buildings.

It is my request that Council uphold their responsibility to which includes placing limitations upon the extent of coastal areas available for development and consider a more appropriate location for the proposed development. On balance we request that Council consider refusing a planning permit for the proposed development.

Yours Sincerely,

Lauren Bourke and Daniel Dooly

PLANNING PERMIT APPLICATION  
PP2020-0207  
250 Hopkins Point Rd Warrnambool

**Applicants Response to Objections**

Our ref: 2020-139  
Your ref: PP2020-0207

28 May 2021



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

Dear James,

**Re: Planning Permit Application No. PP2020-0207, 250 Hopkins Point Road, Warrnambool**

We continue to act on behalf of Dean Montgomery in regard to the above planning permit application.

The application seeks approval to subdivide land at 250 Hopkins Point Road, Warrnambool (the **subject site**) for the use and development of land for 'host farm' and buildings and works associated with a dwelling (replacement dwelling), which is required to support the use of the land as an integrated farming and accommodation property.

Please find enclosed a response to key items and planning matters raised through submissions of objection received by Council following notice of Planning Permit Application No. P2020-0137. This response should also be read in conjunction with the lodged application documentation, which includes:

- Town Planning Report (by Myers Planning Group)
- Planning Permit PP2019-0115 and the certified plan of subdivision.
- Site Plans and Architectural Drawings (prepared by Designers by Nature).
- Integrated Land Management Plan (prepared by Myers Planning Group).
- Land Capability Assessment (prepared by Greening Structural and Civil Engineers)
- Bushfire Management Statement (prepared by Okologie Consultants)
- Vegetation Assessment (prepared by Okologie Consultants)
- Coastal Hazard Vulnerability Assessment (prepared by Eco-tainable)

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



A number of issues have been raised through five (5) submissions by community members. To our knowledge, no concerns have been raised by referral authorities.

This response only seeks to address matters of planning merit. Responses to these items are outlined in the following section of this letter (below).

### **1. Environmental impacts**

The majority of submissions received raised concern regarding the proposals impact on coastal areas and native fauna and flora values of the subject site, with respect to the siting of the proposed replacement dwelling.

In addition to the content outlined in the original submitted Town Planning Report, the design of the site has been informed by thorough environmental assessments, including a Vegetation Assessment by Okologie Consultants (see **Appendix G**), a Coastal Hazard Vulnerability Assessment by Eco-tainable (see **Appendix H**) and an Integrated Land Management Plan by Myers Planning Group (see **Appendix D**), with the following key findings:

- Suitable habitat for native fauna is not present within the proposed development area, which is located in an area of exotic grassland.
- The siting of the dwelling, access track and effluent system has considered the impact to native vegetation and is designed to avoid direct or consequential removal of native vegetation.
- The location of the proposed development and associated infrastructure does not affect any areas containing significant native flora or fauna values.
- The lot currently has an insignificant risk of erosion from the ocean, and the position of the proposed building envelope is considered a suitable setback from the beach front.

In addition to the above, the proposal will result in positive environmental impacts associated with the implementation of the Integrated Land Management Plan (enabled by the proposed replacement dwelling) and landscaping outlined in the architectural drawings.



### **3. Neighbourhood character**

The majority of submissions received raised concern regarding the proposals impact on the character of the area, citing visual bulk and location of buildings. A conceptual 3D impression of the proposed development has been prepared to demonstrate the scale and form of development within the subject site.

We re-iterate from the original Town Planning report, that the proposed development seeks to enhance the valued characteristics of the area, as the proposed replacement dwelling:

- will support and enhance the sustained agricultural and environmental management of the land through the measures outlined in the Integrated Land Management Plan, and through the proposed landscaping around both building curtilages;
- will comprise natural and non-reflective materials which are appropriate for the subject site and surrounds;
- has been designed to blend into the landscape and extensively utilises glass on all elevations, with a green roof to soften the edges of the roof's concrete construction, and a cut and fill regime which nestles the building appropriately into the topography of the site;
- will be screened from viewable aspects from nearby dwellings, the coastline and Hopkins Point Road using existing topography and proposed landscaping; and
- has been designed to ensure key vantage points and view lines are protected, and to minimise visual impact so that existing vistas are not unduly impeded. The building envelope within the Integrated Land Management Plan and accompanying architectural drawings ensures the siting of the replacement dwelling is appropriate and the dwelling is constructed to a high standard, with materials and techniques that blend with the natural environment.

A number of standard conditions are invited on any permit to be granted to ensure that the development impacts are consistent with what is shown in the proposed site plans.

The proposal has gone to great lengths to ensure development will contribute positively to the coastal and rural environs of the site, and will make a significant built form contribution to the area.





### 3. Town Planning Assessment

One submission received has raised concern regarding the alignment of the proposal with the Planning Policy Framework and the purpose of the Farming Zone. A thorough assessment of the proposals alignment with the above items is contained within the lodged Town Planning Report and is supported by the assessments accompanying the application.

The submitted town planning assessment stands and it is considered that, on balance, the proposal is consistent with the Planning Policy Framework, the Municipal Planning Strategy and purpose of the Farming Zone.

### 4. Traffic impacts

One submission received raised items related to increased traffic activity on Hopkins Point Road. In response to this item, it is noted:

- Hopkins Point Road is an arterial road, zoned Road Zone - Category 1. Any increases in traffic arising from the proposal are unlikely to exceed the limits of anticipated vehicles volumes for Hopkins Point Road, which is a gateway entrance to Warrnambool's urban area.
- Hopkins Point Road is likely to carry relatively high numbers of resident and tourist vehicles unassociated with the proposal. The proposals impact on the surrounding traffic network is likely to be negligible.

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](mailto:dan@myersplanninggroup.com.au).

Yours sincerely



Daniel Pech  
Associate

**Myers Planning Group**

[enc.]



## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) CHRIS Surname BEAYNI

Name(s) ..... Surname .....

Address 1/74 MACRINA STREET  
OAKLEIGH EAST Post Code 3166

Telephone (Home) ..... Telephone (Work) 9872 4999

Mobile 0418 223145 Facsimile .....

Email cheayni@hotmail.com

Signatures(s) [Signature] Date 19/3/2021

Signatures(s) ..... Date .....

### Important notes about objections to permit applications

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
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  - State how you would be affected if a permit is granted.
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9. If you object before the responsible authority makes a decision, the authority will tell you its decision.
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11. If the responsible authority refuses the application, the applicant can also appeal. The provisions are set out on the Refusal of Planning Application which will be issued at that time.



## 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 2020-0207

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

250 HOPKINS POINT ROAD WARRNAMBOOL

What is proposed? USE & DEVELOPMENT OF A SECOND

DWELLING

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

A MONSTROUS DWELLING PROPOSED TO BE BUILT ON LAND THAT IS SIMPLY WAY TOO CLOSE TO SAND DUNES - THE VERY LARGE CONSTRUCTION IS VERY LIKELY TO DISRUPT THE HABITAT & THE ENVIRONMENT OF THE ENDANGERED HOODED PLOVER THAT'S NESTLED WITHIN THE SAND DUNES OF THE BEAUTIFUL COASTLINE. IT IS AN INADMISSABLE INTERFERENCE TO THIS SPECIES IN THE CONSTRUCTION OF THIS DEVELOPMENT.

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

AS A LOCAL INVESTOR IN WARRNAMBOOL WHO FREQUENTS TO THE REGION OWING A LOT, ~~FOR THE PAST~~ I AM EXTREMELY DISTRESSED AT THE THOUGHT THAT THIS DEVELOPMENT WILL EFFECT MY LOVE & PASSION FOR NATURE & BIRD LIFE IN WARRNAMBOOL.

**From:** [Betty McDowall](#)  
**To:** [Town Planning](#)  
**Subject:** Objection to PP2020-0207  
**Date:** Monday, 22 March 2021 4:17:20 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 Warrnambool City Council,

In regard to Planning Permit Application PP2020-0207 by Myers Planning Group. I am 92 years old and I have lived within 5k of our great South West Victorian coastline ALL my life, near Childers Cove.

I have spent many many pleasurable hours swimming, exploring and enjoying the beaches and frontage mostly between Childers Cove and Port Fairy. I have spent a lot of time on Hopkins Point Road at my sister's family farm- Douglas and Patricia Logan. I am horrified at the destruction of our natural coastline with all the housing developments of late.

I have a great love of our native animals and birds.

I am horrified to read that Mr Myers Planning Group are planning to build what looks like a huge hay shed right on the beach sand dunes that are home to many small creatures and where hooded plovers nest.

I object most strongly know that is terrible news for our native creatures.

I close, hoping common sense prevails as we owe it to our future generations to preserve this natural wonder that is our coastline and bird life!!

Regards BETTY McDowall  
0409 146 189

775 Childers Cove Road  
Via Nullawarre 3268 Vic.





FAXED

## Objection to Grant Planning Permit – Part A

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

### Who is objecting?

I/We (Names in Block Letters)

Name(s) MICHAEL Surname SLEEMAN

Name(s) ELIZABETH Surname HINGSTON

Address 95 STAFFORDS ROAD WARRNAMBOOL

Post Code 3280

Telephone (Home) Telephone (Work)

Mobile 0439306 298 Facsimile

Email SLEEZE06@hotmail.com

Signatures(s) [Signature] Date 18/3/2021

Signatures(s) [Signature] Date 18/3/2021

### Important notes about objections to permit applications

1. This form is to help you make an objection to an application in a way which complies with the Planning and Environment Act 1987, and which can be readily understood by the responsible authority. There is no requirement under the Act that you use any particular form.
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## Objection to Grant Planning Permit – Part B

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

### What application do you object to?

Planning Application Number... PP 2020 - 0207

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

... 250 HOPKINS POINT ROAD WARRNAMBOOL

What is proposed?... USE & DEVELOPMENT OF A SECOND DWELLING

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

An extremely large dwelling proposed to be constructed on land very close to sand dunes. Apart from ~~the~~ the monstrous nature & size of the dwelling, it is also ~~extremely~~ likely to disrupt the habitat & environment of the endangered hooded plover who nest in the dunes.

It is unacceptable that this species be endangered further by this development

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

We are nature and especially bird lovers. We find it extremely distressing that this may further endanger this already very threatened species



## Objection to Grant Planning Permit – Part A

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### Who is objecting?

I/We (Names in Block Letters)

Name(s) P. Barrett Surname Barbetti

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

Address 51 Rodger Place  
Bushfield Post Code 3281

Telephone (Home) \_\_\_\_\_ Telephone (Work) \_\_\_\_\_

Mobile 0400953393 Facsimile \_\_\_\_\_

Email pockie-24@hotmail.com

Signatures(s) P. Barrett Date 18/3/2021

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

### Important notes about objections to permit applications

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## Objection to Grant Planning Permit – Part B

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

What application do you object to?

Planning Application Number..... PP 2020-0207

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

250 Hopkins Point Rd

Warrnambool

What is proposed? Building and using a second dwelling

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

- ① Environmental concerns – this very large dwelling is proposed to be built so close to the sandunes which will propose increased risk to the survival of the already endangered hooded plover the habitat the dunes. We should be protecting their habitat not ruining it.
- ② Aesthetic – the proposed construction is a visually monstrous idea that will ruin the landscape and be very visible from the beach. The land already has a house on it, it is zoned rural & therefore it should

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

I am passionate about the environment & very distressed <sup>about</sup> further endangering our beautiful species that inhabit it.

I am also concerned/worried about how it will look, by having two large dwellings on a small block that is zoned as rural land.

Lauren Bourke and Daniel Dooly  
14 Brentani Ave  
Elsternwick VIC 3185  
0438 157 450

To whom this may concern,

We are writing to you to formally object to planning permit application PP2020-0207, for the site at 250 Hopkins Point Rd Warrnambool VIC 3280.

We have reviewed the advertised application documentation and hold concerns regarding the following aspects of the proposal:

- The proposal is not aligned with the objectives of the Planning Policy Framework (PPF), which seeks to protect productive agricultural land and ensure that any proposed use and development protects the environmental and landscape values of the land.
- The proposal is not appropriately aligned with the purposes of the site currently zoned Farming Zone (FZ) as per Clause 35.07 of the planning scheme, and other applicable overlays.
- The proposal threatens to compromise the viability of rural land and the scenic qualities of the coastline.
- The proposal seeks an intensification of the land for the purposes of a 'host farm' and places unnecessary risk upon the agricultural and environmental values therein.
- The proposal supports a development outcome which introduces adverse environmental or visual impacts.
- The proposal for a 'host farm' and the development of a replacement dwelling is incompatible with the adjoining and nearby land uses, and generally in conflict with the prevailing character of the surrounding area.
- The proposed siting and extent of the southern building envelope, adjacent the area identified as coastal dune scrub and affected by the Significant Landscape Overlay (SLO Schedule 1) introduces unnecessary risks and potential impacts to this environmentally sensitive area.
- The proposal is not aligned with the environmental objectives to be achieved through the Environmental Significance Overlay (ESO Schedule 1) affecting the site.
- The proposal will result in an intensification of the land and introduce increased traffic activity along Hopkins Point Road as a result.
- The proposal introduces unnecessary amenity impacts through visual bulk and siting of buildings.

It is my request that Council uphold their responsibility to which includes placing limitations upon the extent of coastal areas available for development and consider a more appropriate location for the proposed development. On balance we request that Council consider refusing a planning permit for the proposed development.

Yours Sincerely,

Lauren Bourke and Daniel Dooly

Our ref: 2020-139  
Your ref: PP2020-0207

28 May 2021



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

Dear James,

**Re: Planning Permit Application No. PP2020-0207, 250 Hopkins Point Road, Warrnambool**

We continue to act on behalf of Dean Montgomery in regard to the above planning permit application.

The application seeks approval to subdivide land at 250 Hopkins Point Road, Warrnambool (the **subject site**) for the use and development of land for 'host farm' and buildings and works associated with a dwelling (replacement dwelling), which is required to support the use of the land as an integrated farming and accommodation property.

Please find enclosed a response to key items and planning matters raised through submissions of objection received by Council following notice of Planning Permit Application No. P2020-0137. This response should also be read in conjunction with the lodged application documentation, which includes:

- Town Planning Report (by Myers Planning Group)
- Planning Permit PP2019-0115 and the certified plan of subdivision.
- Site Plans and Architectural Drawings (prepared by Designers by Nature).
- Integrated Land Management Plan (prepared by Myers Planning Group).
- Land Capability Assessment (prepared by Greening Structural and Civil Engineers)
- Bushfire Management Statement (prepared by Okologie Consultants)
- Vegetation Assessment (prepared by Okologie Consultants)
- Coastal Hazard Vulnerability Assessment (prepared by Eco-tainable)

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



A number of issues have been raised through five (5) submissions by community members. To our knowledge, no concerns have been raised by referral authorities.

This response only seeks to address matters of planning merit. Responses to these items are outlined in the following section of this letter (below).

### **1. Environmental impacts**

The majority of submissions received raised concern regarding the proposals impact on coastal areas and native fauna and flora values of the subject site, with respect to the siting of the proposed replacement dwelling.

In addition to the content outlined in the original submitted Town Planning Report, the design of the site has been informed by thorough environmental assessments, including a Vegetation Assessment by Okologie Consultants (see **Appendix G**), a Coastal Hazard Vulnerability Assessment by Eco-tainable (see **Appendix H**) and an Integrated Land Management Plan by Myers Planning Group (see **Appendix D**), with the following key findings:

- Suitable habitat for native fauna is not present within the proposed development area, which is located in an area of exotic grassland.
- The siting of the dwelling, access track and effluent system has considered the impact to native vegetation and is designed to avoid direct or consequential removal of native vegetation.
- The location of the proposed development and associated infrastructure does not affect any areas containing significant native flora or fauna values.
- The lot currently has an insignificant risk of erosion from the ocean, and the position of the proposed building envelope is considered a suitable setback from the beach front.

In addition to the above, the proposal will result in positive environmental impacts associated with the implementation of the Integrated Land Management Plan (enabled by the proposed replacement dwelling) and landscaping outlined in the architectural drawings.



### **3. Neighbourhood character**

The majority of submissions received raised concern regarding the proposals impact on the character of the area, citing visual bulk and location of buildings. A conceptual 3D impression of the proposed development has been prepared to demonstrate the scale and form of development within the subject site.

We re-iterate from the original Town Planning report, that the proposed development seeks to enhance the valued characteristics of the area, as the proposed replacement dwelling:

- will support and enhance the sustained agricultural and environmental management of the land through the measures outlined in the Integrated Land Management Plan, and through the proposed landscaping around both building curtilages;
- will comprise natural and non-reflective materials which are appropriate for the subject site and surrounds;
- has been designed to blend into the landscape and extensively utilises glass on all elevations, with a green roof to soften the edges of the roof's concrete construction, and a cut and fill regime which nestles the building appropriately into the topography of the site;
- will be screened from viewable aspects from nearby dwellings, the coastline and Hopkins Point Road using existing topography and proposed landscaping; and
- has been designed to ensure key vantage points and view lines are protected, and to minimise visual impact so that existing vistas are not unduly impeded. The building envelope within the Integrated Land Management Plan and accompanying architectural drawings ensures the siting of the replacement dwelling is appropriate and the dwelling is constructed to a high standard, with materials and techniques that blend with the natural environment.

A number of standard conditions are invited on any permit to be granted to ensure that the development impacts are consistent with what is shown in the proposed site plans.

The proposal has gone to great lengths to ensure development will contribute positively to the coastal and rural environs of the site, and will make a significant built form contribution to the area.





### 3. Town Planning Assessment

One submission received has raised concern regarding the alignment of the proposal with the Planning Policy Framework and the purpose of the Farming Zone. A thorough assessment of the proposals alignment with the above items is contained within the lodged Town Planning Report and is supported by the assessments accompanying the application.

The submitted town planning assessment stands and it is considered that, on balance, the proposal is consistent with the Planning Policy Framework, the Municipal Planning Strategy and purpose of the Farming Zone.

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One submission received raised items related to increased traffic activity on Hopkins Point Road. In response to this item, it is noted:

- Hopkins Point Road is an arterial road, zoned Road Zone - Category 1. Any increases in traffic arising from the proposal are unlikely to exceed the limits of anticipated vehicles volumes for Hopkins Point Road, which is a gateway entrance to Warrnambool's urban area.
- Hopkins Point Road is likely to carry relatively high numbers of resident and tourist vehicles unassociated with the proposal. The proposals impact on the surrounding traffic network is likely to be negligible.

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](mailto:dan@myersplanninggroup.com.au).

Yours sincerely



Daniel Pech  
Associate

**Myers Planning Group**

[enc.]



# The Residential Land Supply Report - 2021

To encourage and accommodate a growing population Warrnambool requires a large supply of land suitable for residential development

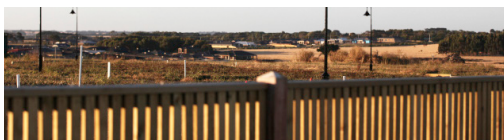
The availability of land supply also has an influence on house and land prices.

Having a long-term supply of land available for residential development helps make a city a more attractive place in which to invest in a home. The Warrnambool City-Wide Housing Strategy 2013 identified that 225 dwellings were needed annually to 2031 to meet projected population growth.

In 2018, this figure was amended to 245 dwellings per year to 2031 based on revised population growth and household size by demographic research company, .id.

Note, data informing this report is taken for the period 1 January 2020 to 31 December 2020.

## How long will the current supply last?



**2.6 years** of infill lots

**20.04 years** of zoned residential land

## How many residential lots are there?



**4211** zoned broad hectare lots – 77 per cent of supply

**1339** infill lots

**12** Estimated houses per hectare

## Population forecast



**35,181 (ABS ERP 2019)** Now

**43,304** 2031

**8123** Increase

**245** Dwellings needed each year

**5550** Total residential lots available

**22.7 years** Total years supply

# Location of housing land by suburb

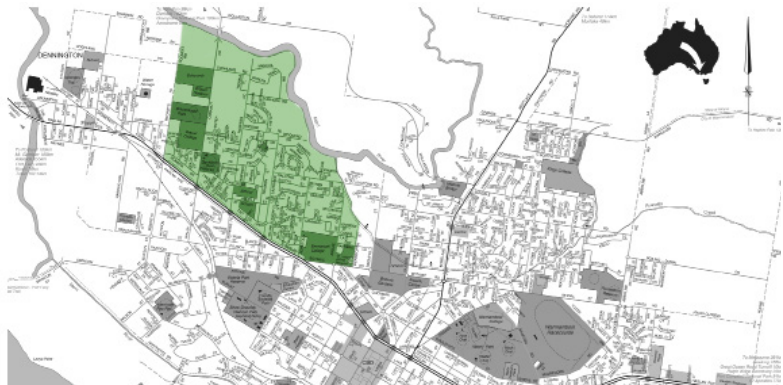
## Central Warrnambool

Residential lots: **12**



## West Warrnambool

Residential lots: **59**



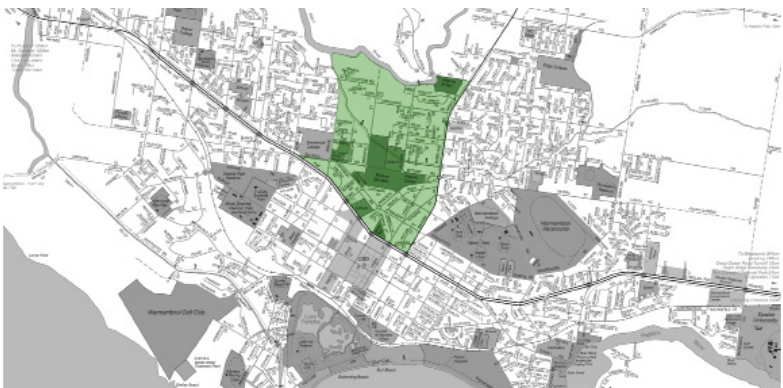
## North Warrnambool

Residential lots: **1**



## Warrnambool – Botanic precinct

Residential lots: **33**





# Location of housing land by suburb

## East Warrnambool

Residential lots: **98**



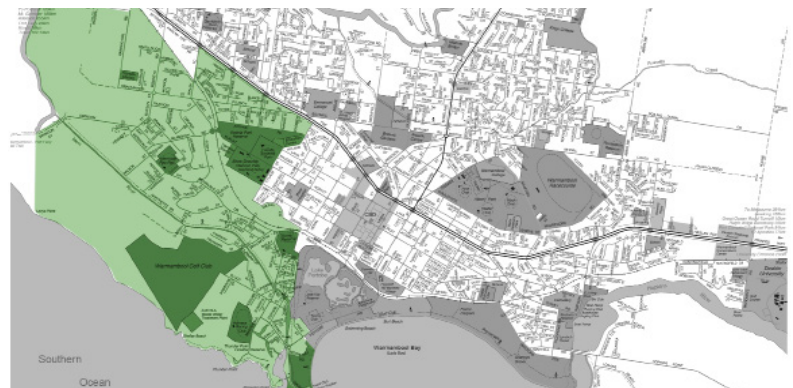
## South-east Warrnambool (north of Hopkins Point Road)

Residential lots: **1044**



## South Warrnambool and Merrivale

Residential lots: **257**



## North-east Warrnambool

Residential lots: **776**



# Location of housing land by suburb

## Warrnambool North Merri

Residential lots: **2316**



## Dennington

Residential lots: **1252**



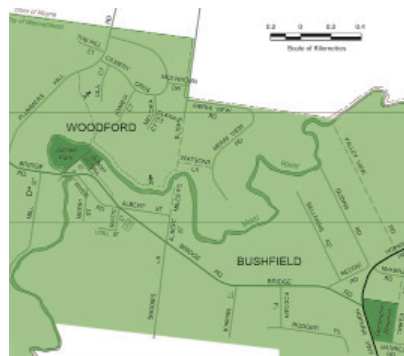
## Allansford

Residential lots: **19**



## Bushfield-Woodford

Residential lots: **82**







Planning Advisory Committee Meeting Record					
Date	Wednesday 17 November 2021	Time	4:00pm	Location	Reception Room, Warrnambool Civic Centre
Committee Members	<p>Chair Cr. Angie Paspaliaris Jeff Moreland-Hunt William Welsh Leanne Williams</p> <p>Apologies –</p> <p>Absent – Fiona Golding, John McNeil</p>				
Council Officer Attendance	<p>Luke Coughlan – Acting Manager City Strategy &amp; Development Lauren Schneider – Acting Coordinator City Strategy</p> <p>Apologies – Andrew Paton, Director City Growth, Julie Glass, Coordinator City Strategy</p>				
No	What				Who
1.	Welcome & Apologies - Chair Cr. Angie Paspaliaris opened the meeting with welcome to new Committee members and introductions.				Chair
3.	<p>Terms of Reference – An overview of the terms of reference was provided, including purpose and role of the Committee.</p> <p>Discussion around:</p> <ul style="list-style-type: none"> <li>• Roles/Objectives</li> <li>• Powers / responsibilities</li> <li>• Frequency of meetings</li> </ul>				Chair

	<ul style="list-style-type: none"> <li>• Term</li> </ul> <p>Each committee member introduced themselves and outlined their reasons for nominating for the committee and their focus</p>	
4.	<p>4.1 Warrnambool Residential Land Supply Audit Report 2021 – An overview of the Residential Land Supply Report was provided and opened up to general discussion and questions.</p> <ul style="list-style-type: none"> <li>• Discussion around the available land supply compared to land that could be immediately developed</li> <li>• A lot of the residential zoned land is not currently feasible to develop as it is well away from available services, it won't become feasible until development fronts reach these areas</li> <li>• Important for multiple developers to be available to buy into these areas to ensure many development 'fronts' can operate at once</li> </ul> <p>4.2 Municipal Planning Strategy – Deferred to next meeting.</p>	LC
5.	<p>General Business</p> <p>Opened to group discussion and suggestions for potential future agenda items.</p> <ul style="list-style-type: none"> <li>• One committee member expressed concern at media reports of using land near the Pavilion for private horse training</li> <li>• A suggestion was to review the use of the coastal crown land near the Pavilion and a previous plan by the former Land and Development Advisory Committee.</li> <li>• A reporting update on the Warrnambool 2040 plan.</li> <li>• Enforcement of dogs on lead particularly around Lake Pertobe</li> </ul>	All



Environment & Sustainability Advisory Committee Meeting Record					
Date	Thursday 18 November 2021	Time	4:00pm	Location	Reception Room, Warrnambool Civic Centre
Committee Members	<p>Chair Mayor Richard Ziegeler Sabine Schreiber Geoff Spencer Bill Yates</p> <p>Apologies –</p> <p>Absent – Shirley Duffield, Jeff Moreland-Hunt</p>				
Council Officer Attendance	<p>Andrew Paton - Director City Growth Luke Coughlan – Acting Manager City Strategy &amp; Development Lauren Schneider – Acting Coordinator City Strategy</p>				
No	What				Who
1.	Welcome & Apologies – Mayor Richard Ziegeler opened the meeting with welcome to new Committee members and introductions.				Chair
3.	<p>Terms of Reference – An overview of the terms of reference was provided, including purpose and role of the Committee.</p> <p>Discussion around:</p> <ul style="list-style-type: none"> <li>• Roles/Objectives</li> <li>• Powers / responsibilities</li> <li>• Frequency of meetings</li> </ul>				Chair

	<ul style="list-style-type: none"> <li>• Term</li> </ul> <p>Each committee member introduced themselves and outlined their reasons for nominating for the committee and their focus, along with their previous experience and qualifications relevant to the committee</p>	
4.	<p>Green Warrnambool Plan – An overview of Green Warrnambool was provided and opened to discussion and questions.</p> <ul style="list-style-type: none"> <li>• Officers presented a slideshow summarising the plan</li> <li>• Committee members had questions and discussion points throughout</li> </ul>	LS
5.	<p>General Business</p> <p>Opened to group discussion and suggestions for potential future agenda items.</p> <ul style="list-style-type: none"> <li>• The Committee would like to see greater involvement in the implementation of the Wild Coast Master Plan and the Belfast Coastal Management Plan.</li> <li>• There is interest in biodiversity data and strategic planning for biodiversity and catchment management.</li> <li>• Suggestion of the Committee contributing technical advice to inform Green Warrnambool goals and monitoring implementation.</li> <li>• Committee were keen to get in on the ground level of new Policies to be developed</li> </ul>	All

# South West Victorian Livestock Exchange Advisory Committee

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**MINUTES OF THE MEETING HELD ON FRIDAY 19 NOVEMBER 2021 AT 2PM  
IN COUNCILLORS COMMITTEE ROOM, WARRNAMBOOL CIVIC CENTRE  
AND VIA ZOOM**

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**PRESENT COMMUNITY MEMBERS:** Rodney Boyle  
Dan Carey  
Michael McClusky  
David Thompson  
Jim Doukas (via Zoom)

**PRESENT COUNCIL MEMBERS:** Cr. Ben Blain (Chairperson)  
Cr. Vicki Jellie  
Peter Utri, Director Corporate Strategies  
David Harrington, Manager Financial Services  
Aaron Huttig  
Paul White, Service Manager SWVLX

## 1. APOLOGIES

Nil.

## 2. CONFIRMATION OF MINUTES

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**MOVED:** Dan Carey  
**SECONDED:** Rodney Boyle

**That the record of the South West Victorian Livestock Exchange Advisory Committee meeting held on 18 December 2020 be confirmed.**

***CARRIED***

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Matters arising from the minutes:

Michael McCluskey queried if the motion put forward by Dan Carey in relation to if James Taylor should attend a Council meeting and outline future State Government funding had been completed.

James has been approached and at this point there is no funding available.

## 3. DECLARATION BY SPECIAL COMMITTEE MEMBERS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA

Nil.



#### **4. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE MANAGER'S REPORT**

##### **4.1. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE MANAGER'S REPORT**

Paul White presented the report.

Items raised in the Managers Report included:

- Throughout
- Seasonal conditions and forecasts
- Social value of saleyards
- Price comparisons
- Value of stock
- Value of stock throughput
- COVID-19 actions
- Stocklive online bidding platform
- Funding opportunity from ALTRA

Paul White outlined the year to date numbers ending 31 October 2021 were only slightly down on last year by just 587 adult cattle. Whilst the drop in cattle numbers is not ideal we have had some challenges in the past 12 months as all businesses have.

Store sale numbers have also been going along quite nicely with some big sales toward the back end of this year. The annual female and weaner sales are scheduled for early 2022.

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**MOVED: David Thompson**  
**SECONDED: Rodney Boyle**

**That the Managers Report be accepted.**

***CARRIED***

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#### **5. FINANCIAL REPORT**

##### **5.1. FINANCIAL REPORT**

This financial report sets out the actual revenue and expenditure financial results for the 4 months ended 31 October 2021. Income is down on expectations with lower throughput in cattle and store cattle sales. There was also an assumption of the Stock Agents fees moving to commission based model which is expected to be implemented following major improvement works.

Expenditure is slightly lower than budget to date with savings in salaries due to vacant positions.

The SWVLX capital works contains the walkways rectifications which are currently underway with committed spend of \$108,496.

The major improvement works are budgeted at \$2.5m with a market analysis completed by an external consulting firm. Works are expected to commence in the new calendar year.

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**MOVED: Vicki Jellie**  
**SECONDED: Michael McCluskey**

**That the Financial Report be accepted.**

***CARRIED***

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## **6. CAPITAL WORKS**

### **6.1. CAPITAL WORKS**

Aaron Huttig, Manager Facilities & Projects provided a verbal update.

Design and construction has been approved for the replacement of buyer walkways and should commence in the next 2 weeks. Next on the list is to construct auctioneers walkways over new undercover area.

Tenders for the roofing should be ready to go out early next year for the design and construction of a roof over the existing selling pens. There is also some work been undertaken at the crush to make it safer for all stakeholders it now requires a 2 person operation.

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**MOVED: David Thompson**  
**SECONDED: Dan Carey**

**That the Capital Works Report be accepted.**

***CARRIED***

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## **7. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE ACTION RECORD**

### **7.1. SOUTH WEST VICTORIAN LIVESTOCK EXCHANGE ACTION RECORD**

Items to add to the action record for November 2021 are a social media person and tender for roofing project. Items complete and to be removed are additional truck wash bay and upgrade of C pens. WorkSafe fit for purpose has also concluded.

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**MOVED: David Thompson**  
**SECONDED: Dan Carey**

**That the Action Record be received.**

***CARRIED***

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## **8. WH&S UPDATE**

### **8.1. WH&S UPDATE**

#### **Report from Worksafe**

Paul White presented the report.

Our last meeting with Worksafe was attended by Paul White (Service Manager SWVLX), Paul McVilly (HSR), Aaron Huttig (Manager Facilities & Projects), John Finnerty (Asset Management) and Adam Williams (Risk).

We finally have a system that is approved by Worksafe and all stakeholders. John Finnerty will list all items that need to be included on an assets register. Aaron Huttig and Paul McVilly have designed a weekly pre-sale checklist to be completed in conjunction with the maintenance records. We still have a few boxes to tick regarding auctioneers walkways and stairways but for the most part things are under control.

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**MOVED: Vicki Jellie**  
**SECONDED: Michael McClusky**

**That the Worksafe Report be received.**

***CARRIED***

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## **9. SWVLE CATTLE MARKET ANALYSIS**

### **9.1. SWVLE CATTLE MARKET ANALYSIS**

Peter Utri, Director Corporate Strategies provided a verbal update.

## **10. GENERAL BUSINESS**

Rodney Boyle presented a number of operational issues.

- 1) Loose boards at the bottom of scanning race.
- 2) No agents to receive stock before 3pm.
- 3) Gate pins at draft to scales.
- 4) Importance of branding wild cattle on the head.
- 5) Air leak at scales.
- 6) Lights installed on new roof to point out over D pens.

Paul and Rodney will look at numbers 1 to 5 next Wednesday to confirm issues. Item 6 Paul will obtain some quotes and monitor budget for next few months and if there are funds available will install extra lights.

Peter Utri asked the Committee about some thank you letters to be sent to retiring committee members Owen O'Keefe (who was community member and also the chair) and Trevor Fry (who represented the transport industry) for their time and commitment to the committee.

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**MOVED: Vicki Jellie**  
**SECONDED: Dan Carey**

**That the Director Corporate Strategies write to both past committee members thanking them for their service.**

***CARRIED***

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## **11. NEXT MEETING**

2pm, Friday 18 March 2022.

## **12. CLOSE OF MEETING**

3.48pm.

**Chairperson**

## MINUTES

COMMUNITY & INTERNATIONAL RELATIONS ADVISORY COMMITTEE					
Date:	23 <sup>rd</sup> November 2021		Time:	5pm	Location: WCC Offices
Committee Members In Attendance	Cr. Otha Akoch, Chair David McKenzie Les Gardiner Greta Perry				
Council Officer Attendance	Andrew Paton (AP) - Director City Growth Jodie McNamara – Acting Director Community Development Jaimee Millar – Social Connection Project, Community Development				
No.	What				
1.	Welcome				
2.	<b>Apologies</b> John Cook, Geoffrey Spencer, Robert Crack				
3.	<b>Conflict of Interest Declarations</b> <ul style="list-style-type: none"> <li>No conflicts of interest declared.</li> </ul>				
4.	Minutes of CIRAC 21 <sup>st</sup> September 2021.				
5.	<b>Listing of Community Groups</b> <ul style="list-style-type: none"> <li>Group discussion and information sharing regarding the range of multicultural community groups whom are operating informally or formally in Warrnambool. The CONNECT Warrnambool website <a href="http://www.connectwarrnambool.com.au">www.connectwarrnambool.com.au</a> was recognised as a valuable resource to find local groups, clubs and organisations; to get involved, ask questions &amp; share ideas. It was recognised this resource is not an exhaustive listing but a work in progress and would benefit from a review and update to keep the listing current. <b>Action.</b> AP</li> <li>Leaders / representatives of multicultural community groups to be invited to a future informal function/event to establish connections, enhance co-ordination and most importantly listen to the challenges and opportunities to support these groups. <b>Action.</b> AP</li> </ul>				

	<ul style="list-style-type: none"> <li>Importance of festivals and events to celebrate culture and to bring our community together and promote education and awareness of cultural diversity and inclusion practices. Members were advised a number of grant opportunities were presently being investigated to develop this idea.</li> </ul>
6.	<p><b>Social Connection Project, Warrnambool</b></p> <ul style="list-style-type: none"> <li>Presentation by Jaimee Millar on activities of the Social Connection Project over the past 12 months.</li> <li>Members thanked officers for the work undertaken to date in the Social Connection Project, particularly the initiatives to increase neighbourhood engagement and the promotion of welcoming and inclusive activities. Members also recognised the opportunity to build on these type of initiatives which closely align with the objectives of the</li> <li>Discussion around information needs of new residents to our City and the balance of hard copy collateral versus digital presence. Examples presented of some collateral developed by residents of our City which was well received by members. Agreed this is an area that CIRAC can lead and support through 2022.</li> </ul>
7.	<p><b>Sister City Update - Miura, Japan</b></p> <ul style="list-style-type: none"> <li>Update on Warrnambool resident enjoying their time living and working in Miura as part of the Warrnambool Miura Cultural Exchange program.</li> <li>Project in planning to upgrade the Miura Friendship Garden with \$10,000 support from the Fletcher Jones Foundation and \$20,000 from Warrnambool City Council. This project will be delivered through 2021/22 and CIRAC will have oversight of this project.</li> </ul> <p><b>Mariestad, Sweden</b></p> <ul style="list-style-type: none"> <li>Warrnambool City Council received an invitation from Mariestad, Sweden to participate (remotely) in COP26 in Glasgow. By webcast, Warrnambool presented its Green Plan and various work streams to mitigate the impacts of climate change. <b>Action:</b> a letter of thanks to be sent to Mariestad for the opportunity to participate.</li> </ul>
9.	<p><b>Next Meeting</b></p> <ul style="list-style-type: none"> <li>Meeting closed 6.35pm.</li> <li>Next meeting – early 2022 tba.</li> </ul>



Informal Meeting of Council Record		
<b>Name of Committee or Group (if applicable):</b>	Informal Meeting of Council (Councillor Briefing)	
<b>Date of Meeting:</b>	8 November 2021	
<b>Time Meeting Commenced:</b>	3.00pm	
<b>Councillors in Attendance:</b>	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. V. Jellie AM Cr. A. Paspaliaris Cr. M. Taylor	
<b>Council Officers in Attendance:</b>	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Julie Anderson, Manager Governance Projects, Property & Legal Ashish Sitoula, Manager, Strategic Community Planning & Policy	
<b>Other persons present:</b>	<ul style="list-style-type: none"> <li>• Emma Steele, Regional Rail Revival, Manager Communications &amp; Stakeholder Relations, South West</li> <li>• Jasminder Singh, Principal Project Manager, Rail Assets, Projects &amp; Compliance, Department of Transport</li> <li>• Nicola Belcher, Director, Rail Assets, Projects &amp; Compliance, Rail Services Division, Transport Service Group, Department of Transport</li> </ul>	
<b>Apologies</b>		
<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>• Gilles Street Crossing.</li> <li>• Winter Sports Ground Tenants Refund Request.</li> <li>• Development of a Reconciliation Action Plan for Council.</li> <li>• Merri River connections project.</li> <li>• Open space contributions review.</li> <li>• Council meeting procedures</li> </ul>	
<b>Other Matters Considered</b>	<ul style="list-style-type: none"> <li>• Parking update</li> </ul>	
<b>Councillor Conflicts of interest Disclosures:</b>		
<b>Councillor /officer Name</b>		
<b>Meeting close time:</b>	5:30pm	
<b>Record Completed by:</b>	Peter Utri Director Corporate Strategies	

<b>Informal Meeting of Council Record</b>	
<b>Name of Committee or Group (if applicable):</b>	Informal Meeting of Council (Councillor Briefing)
<b>Date of Meeting:</b>	15 November 2021
<b>Time Meeting Commenced:</b>	3.00pm
<b>Councillors in Attendance:</b>	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. V. Jellie AM Cr. A. Paspaliaris Cr. M. Taylor
<b>Council Officers in Attendance:</b>	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Val Attrill, Revenue Co-ordinator Sally Conheady, Revenue Co-ordinator Ali Kemp, Manager Recreation & Culture Glen Reddick, Manager City Amenity Luke Coughlan, Acting Manager City Strategy and Planning Peter McArdle, Local laws Coordinator
<b>Other persons present:</b>	<ul style="list-style-type: none"> <li>Lyn Eales, Manager, School and CommunityTeam, SAFE in the South West Co-ordinator and Welcome 2 Warrnambool – Multicultural Project</li> <li>Sparklez Herman – Brophy Family &amp; Youth Services</li> <li>Tim Gleeson, Contract Valuer – Virtual attendance</li> </ul>
<b>Apologies</b>	Nil.
<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>Rainbow Diversity &amp; Inclusion</li> <li>Rates &amp; Valuation Update</li> <li>Warrnambool Residential Land Supply Audit Report 2021</li> <li>Warrnambool Library - Fees and Charges</li> <li>Naming of new Pavilion at Reid Oval Redevelopment</li> <li>Heritage Research Centre Building Compliance</li> <li>Reid Oval Redevelopment</li> <li>Car Parking Strategy</li> <li>Speed Limit Review Process</li> <li>Building a Better Lake Pertobe Project Progress</li> <li>South West Livestock Exchange</li> </ul>
<b>Other Matters Considered</b>	<ul style="list-style-type: none"> <li>Request in relation to Tourism update</li> <li>Review of further work in relation to rating strategy</li> <li>Warrnambool lifesaving development proposal and support</li> <li>Telecommunication tower update</li> <li>Reconciliation action plan development proposal</li> <li>Resident proposal to address Council</li> <li>Advisory committee service acknowledgement</li> </ul>
<b>Councillor Conflicts of interest Disclosures:</b>	

<b>Councillor Conflicts of interest Disclosures:</b> Cr. A. Paspaliaris Cr. D. Arnott Cr. M. Taylor Direct conflict in relation to business operating in the CBD around the parking strategy issue discussed Crs left the room at 4:58pm and returned at the completion of the item at 5:10pm.		
<b>Meeting close time:</b>	6:35pm	
<b>Record Completed by:</b>	Peter Utri Director Corporate Strategies	

Informal Meeting of Council Record		
<b>Name of Committee or Group (if applicable):</b>	Informal Meeting of Council (Councillor Briefing)	
<b>Date of Meeting:</b>	22 November 2021	
<b>Time Meeting Commenced:</b>	3.00pm	
<b>Councillors in Attendance:</b>	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. V. Jellie AM Cr. A. Paspaliaris Cr. M. Taylor	
<b>Council Officers in Attendance:</b>	Peter Schneider, Chief Executive Officer Peter Utri, Director Corporate Strategies Andrew Paton, Director City Growth David Leahy, Director City Infrastructure Jodie McNamara, Acting Director Community Development Julie Anderson, Manager Governance Projects, Property & Legal Ali Kemp, Manager Recreation & Culture David Harrington, Manager Financial Services	
<b>Other persons present:</b>	<ul style="list-style-type: none"> <li>Rob Wallis, Chair, Audit &amp; Risk Committee</li> </ul>	
<b>Apologies</b>		
<b>Matters Considered:</b>	<ul style="list-style-type: none"> <li>Audit &amp; Risk Committee - Biannual Report of Activities</li> <li>Leases and Rent Reviews</li> <li>Learning &amp; Library Hub Development</li> <li>Stadium – Update to fees and charges schedule</li> <li>Investment Policy</li> <li>Borrowing Policy</li> <li>Update on TAC Funded Botanic LATM Project</li> <li>Footpath Prioritisation – Principal Pedestrian Network Status</li> <li>Mayoral Diary Update</li> </ul>	
<b>Other Matters Considered</b>	<ul style="list-style-type: none"> <li>Pavilion facility provision</li> <li>McGennans Footpath condition</li> <li>Tooram road Property drainage issues</li> <li>Covid restrictions clarification for entry to facilities by young aged users</li> <li>Barbaro Terrace vegetation concerns</li> <li>Allansford Café parking issues</li> </ul>	
<b>Councillor Conflicts of interest Disclosures:</b>		
<b>Councillor /officer Name</b>		
<b>Meeting close time:</b>	5:50pm	
<b>Record Completed by:</b>	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:	25 November 2021	
Time Meeting Commenced:	5.00pm	
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. D. Arnott Cr. B. Blain Cr. A. Paspaliaris Cr. M. Taylor	
Council Officers in Attendance:	James Phillips, Co-ordinator, City Development Luke Coughlan, Acting Manager City Strategy & Development	
Other persons present:	<i>Objectors:</i> Dan Dooly (Objector) Paul & Helen Bourke (Objectors)  Jon Ryan (observer)  <i>For applicant:</i> Dan Pech (Myers Planning)	
Apologies	Cr V. Jellie AM Cr O. Akoch	
Matters Considered:	Objections to planning application PP2020-0207 to use land for a host farm and develop the land for a replacement dwelling; <ul style="list-style-type: none"><li>• Design of the new dwelling</li><li>• Genuine intention to run host farm</li><li>• Absence of ‘business plan’</li><li>• Traffic in local area</li></ul>	
Other Matters Considered	Nil.	
Councillor Conflicts of interest Disclosures:		
No conflict of interest declared.		
Meeting close time:	6:00pm	
Record Completed by:	James Phillips, Co-ordinator, City Development	



Informal Meeting of Council Record		
Name of Committee or Group (if applicable):	Informal Meeting of Council (Councillor Briefing)	
Date of Meeting:	29 November 2021	
Time Meeting Commenced:	10.00am	
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. V. Jellie AM Cr. A. Paspaliaris Cr. M. Taylor	
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, Acting Director Community Development Simon Fleming, Manager Organisation Development Adam Williams, Health & Safety/Return To Work Specialist	
Other persons present:	<ul style="list-style-type: none"><li>Tony Mc Kenzie risk consultant</li></ul>	
Apologies		
Matters Considered:	<ul style="list-style-type: none"><li>Strategic Risk Management Workshop</li></ul>	
Councillor Conflicts of interest Disclosures:		
Councillor /officer Name		
Meeting close time:	2:30pm	
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:	29 November 2021	
Time Meeting Commenced:	3.00pm	
Councillors in Attendance:	Cr. R. Ziegeler, Mayor/Chairman Cr. O. Akoch Cr. D. Arnott Cr. B. Blain Cr. V. Jellie AM Cr. A. Paspaliaris Cr. M. Taylor	
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, Acting Director Community Development Julie Anderson, Manager Governance Projects, Property Juan Donnis, Environment Officer Luke Coughlan, Acting manager Strategy and Planning	
Other persons present:		
Apologies	Nil.	
Matters Considered:	<ul style="list-style-type: none"><li>• Appointments to Advisory Committees &amp; External Bodies</li><li>• Draft Advocacy Plan</li><li>• Complaints Policy</li><li>• Planning Scheme Amendment C209Warr-Deakin University</li><li>• Planning Application - 250 Hopkins Point Road</li><li>• Amendment to Moyne Planning Scheme Amendment C70moyn – Rural Housing and Settlement Strategy</li><li>• October Finance Report</li><li>• Supply and Installation of Solar Panels Tender</li><li>• Australia Day Awards</li><li>• CEEMAC matters</li></ul>	
Other Matters Considered	<ul style="list-style-type: none"><li>• Odd ball reboot opportunity</li><li>• Fisher Street fencing issue</li><li>• Belfast Coast management plan update for submission process</li><li>• Hopkins point subdivision enquiry</li></ul>	
Councillor Conflicts of interest Disclosures:		
Councillor /officer Name		
Cr. A. Paspaliaris Solar panel installation tender close personal association left at 4:13pm returned at 4:20pm		
Meeting close time:	4:45pm	
Record Completed by:	Peter Utri Director Corporate Strategies	