

# AGENDA

**SCHEDULED COUNCIL MEETING  
WARRNAMBOOL CITY COUNCIL  
5:45 PM - MONDAY 7 JUNE 2021**



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## **VENUE:**

**Lighthouse Theatre Studio  
Timor Street  
Warrnambool**

## **PLEASE NOTE:**

Due to social distancing measures, members of the public will not be permitted in the public gallery. The meeting will be livestreamed via Council's website – [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au).

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### **COUNCILLORS**

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

Copies of the Warrnambool City Council's Agendas & Minutes can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au)

**Gary Gaffney  
ACTING CHIEF EXECUTIVE OFFICER**

## **AUDIO RECORDING OF COUNCIL MEETINGS**

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

## **BEHAVIOUR AT COUNCIL MEETINGS**

Thank you all for coming – we really appreciate you being here. These meetings are the place where, we as Councillors, make decisions on a broad range of matters. These can vary greatly in subject, significance and the level of interest or involvement the community has. As part of making these decisions, we are presented with comprehensive information that helps us to form our position – you will find this in the agenda. It should also be remembered that the Council meeting is a “meeting of the Council that is open to the public”, not a “public meeting with the Council.” Each Council is required to have a local law that pertains to governance meeting procedures. Warrnambool City Council has followed best practice in this regard and its Local Law No.1 - Governance (Meeting Procedures) Local Law provides regulations and procedures for the governing and conduct of Council meetings. Copies of the Conduct and Behaviour excerpt from Warrnambool City Council Local Law No. 1 - Governance (Meeting Procedures) Local Law can be obtained online at [www.warrnambool.vic.gov.au](http://www.warrnambool.vic.gov.au) or are available from the table at the rear of the room.

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

## ORDER OF BUSINESS

### Page No.

1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT .....	4
2. APOLOGIES.....	4
3. CONFIRMATION OF MINUTES.....	4
4. DECLARATION BY COUNCILLORS AND OFFICERS OF ANY CONFLICT OF INTEREST IN ANY ITEM ON THE AGENDA.....	4
5. MAYORAL PRESENTATION .....	5
6. PUBLIC QUESTION TIME .....	5
7. REPORTS .....	6
7.1. SUBMISSIONS ON DRAFT COUNCIL PLAN, DRAFT REVENUE & RATING PLAN, DRAFT BUDGET AND DRAFT FINANCIAL PLAN.....	6
7.2. MAV SELF INSURANCE.....	9
7.3. AUDIT & RISK COMMITTEE - BIENNIAL REPORT OF ACTIVITIES.....	12
7.4. ROAD MANAGEMENT PLAN REVIEW 2021 .....	14
7.5. PLANNING APPLICATION PP2019-0236 - 62 BOSTOCK STREET, WARRNAMBOOL .....	17
7.6. PLANNING APPLICATION PP1996-3145.01 - USE OF LAND FOR CHILDCARE CENTRE AND WAIVER OF CARPARKING - 76 BOSTOCK STREET AND 17 EMMA AVENUE.....	22
7.7. PLANNING APPLICATION PP2020-0264 - USE OF LAND FOR SALE AND CONSUMPTION OF LIQUOR (GENERAL LIQUOR LICENSE) AND WAIVER OF CARPARKING AT 95 KEPLER STREET, WARRNAMBOOL.....	28
7.8. OPEN SPACE STRATEGY IMPLEMENTATION.....	33
7.9. INFORMAL MEETINGS OF COUNCIL REPORTS.....	37
7.10. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT.....	38
8. GENERAL BUSINESS .....	40
9. URGENT BUSINESS .....	40
10. CLOSE OF MEETING .....	40

## 1. OPENING PRAYER & ORIGINAL CUSTODIANS STATEMENT

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

### ORIGINAL CUSTODIANS STATEMENT

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

## 2. APOLOGIES

## 3. CONFIRMATION OF MINUTES

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### RECOMMENDATION

**That the Minutes of the Scheduled Meeting of Council held on 3 May 2021 and the Additional Council Meeting held on 24 May 2021, be confirmed.**

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

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

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

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

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

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

## **5. MAYORAL PRESENTATION**

## **6. PUBLIC QUESTION TIME**

### **6.1. PUBLIC QUESTION TIME**

- All questions must be received no later than two (2) hours before the commencement of the Scheduled Council Meeting or 4pm on the day of the Scheduled Council Meeting where it is scheduled to commence at 5.45pm, at which the question is to be asked.
- Thirty (30) minutes will be allocated at each meeting for Public Question Time. Where the thirty (30) minutes allocated has been exhausted, a motion to extend must be put and passed for Public Question Time to be extended.

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## **7. REPORTS**

### **7.1. SUBMISSIONS ON DRAFT COUNCIL PLAN, DRAFT REVENUE & RATING PLAN, DRAFT BUDGET AND DRAFT FINANCIAL PLAN**

#### **PURPOSE:**

*To present the submissions received from the community in response to Council's draft strategic and financial plans.*

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#### **EXECUTIVE SUMMARY**

At its 3 May 2021 meeting, Council approved the release of several key draft strategic and financial plans in order to receive feedback on these documents from the community.

The documents included the Draft Council Plan 2021-2025, Draft Budget 2021-2022, Draft Revenue and Rating Plan 2021-2022 and the Draft Long-Term Financial Plan 2021-2031.

Following the release of the documents Council received several submissions from community members.

These included three submissions on the Draft Council Plan, 18 on the Draft Revenue and Rating Plan, one on the Draft Long-Term Financial Plan and 12 on the Draft Budget.

Three residents have asked to present to Council in support of their submissions.

They are Donna Monaghan (Airbnb rating proposal), Kim Wines (Bushfield Recreation Reserve) and Joan Kelson (Warrnambool Ratepayers Association president).

The submissions will help inform the final drafts of the Council Plan, Annual Budget, Long-Term Financial Plan and the Rating and Revenue Plan which will be considered for adoption at a meeting of Council to be held on June 28.

The submissions are attached for noting by Council - refer **Attachments 1 – 4**.

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#### **RECOMMENDATION**

**That Council hear and note the submissions from the community in relation to Draft Council Plan 2021-2025, Draft Budget 2021-2022, Draft Revenue and Rating Plan 2021-2022 and the Draft Long-Term Financial Plan 2021-2031 which will inform the final drafts of these key strategy and financial documents.**

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#### **BACKGROUND**

Over March and April Council undertook an extensive community engagement to inform the development of the Council Plan.

In February this year, a two-day workshop was held involving all newly elected Councillors who reviewed the community vision, Warrnambool 2040, and discussed their aspirations for the community over the next four years.

This process considered the realities of resource limitations, new legislative requirements and the implications of COVID-19. The engagement process continued with a staff workshop, community listening posts and two deliberative engagement workshops.

The Local Government Act requires that the development of the Council Plan, a Community Vision, Financial Plan and annual Budget are done in accordance with Council's Community Engagement Policy.

An extensive community engagement process was undertaken because the Council Plan and associated plans met criteria outlined in the Community Engagement Policy which included that council should engage with the community when:

- it is setting its strategic direction; and,
- council needs to identify and understand community issues, needs and priorities.

Following the engagement process a Draft Council Plan was developed. The Draft Council Plan has influenced the development of Council's Budget, Revenue and Rating Plan and the Long-Term Financial Plan which describe how the Council Plan will be resourced.

At its meeting on 3 May 2021, Council adopted the community vision, Warrnambool 2040 and voted to publicly release the Draft Council Plan 2021-2025, the Draft Budget 2021-2022, the Draft Revenue and Rating Plan 2021-2022 and the Long-Term Financial Plan 2021-2031 and to call for reviews and submissions.

The draft documents were made available in hard copy form at the Civic Centre and online at Council's community engagement website: [www.yoursaywarrnambool.com.au](http://www.yoursaywarrnambool.com.au)

The formal submission process also provided an opportunity for those making a submission to speak directly to the Council, at an open council meeting, in support of their submission.

Council now has an opportunity to listen to any submissions and to consider written submissions prior to the proposed formal adoption of the Draft Council Plan 2021-2025, the Draft Budget 2021-2022, the Draft Revenue and Rating Plan 2021-2022 and the Long-Term Financial Plan 2021-2031 at an Additional Council meeting on 28 June 2021.

Submissions received from the public in relation to the above documents are attached – refer **Attachments 1-4**.

## **ISSUES**

Nil.

## **FINANCIAL IMPACT**

The draft documents released for public comment describe the proposed allocation of Council resources in the short and long-term.

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

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

5.1 Provision of opportunities for the community to actively participate in Council's decision-making through effective promotion, communication and engagement

## **TIMING**

Council is in a position to ensure timely adoption of these key strategic and financial documents which are required under the Local Government Act 2020.

## **COMMUNITY IMPACT/CONSULTATION**

Council will now consider the submissions it has received in relation to the strategic and financial documents.

## **OFFICERS' DECLARATION OF INTEREST**

N/A

## **CONCLUSION**

That Council hear and note the submissions from the community.

## **ATTACHMENTS**

1. Draft Budget feedback June 2, 2021 a [7.1.1 - 24 pages]
2. Draft Council Plan feedback June 2, 2021 a [7.1.2 - 3 pages]
3. Draft Long- Term Financial Plan feedback June 2, 2021 a [7.1.3 - 1 page]
4. Draft Revenue and Rating Plan feedback June 2, 2021 a [7.1.4 - 26 pages]



## **7.2. MAV SELF INSURANCE**

### **PURPOSE:**

***This report provides information surrounding Council Workers Compensation Insurance issues and seeks approval for the CEO to enter a Workcover insurance arrangement to maintain insurance coverage.***

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### **EXECUTIVE SUMMARY**

The MAV Self Insurance Scheme ends as of 30 June 2021 resulting in Council needing to obtain Workers Compensation Insurance from a registered WorkSafe Agent prior to 1 July 2021 to be legally able to operate. All employers must have workers compensation insurance.

The cost of transition to another provider would under normal circumstances require compliance with Council procurement process, however the short timeframes involved make this requirement unachievable.

The Organisation Development Branch has commenced work in obtaining WorkCover insurance with Gallagher Basset.

To date no true up of the liabilities involved in the exit of the self-insurance scheme with MAV have been provided to Council.

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### **RECOMMENDATION**

**That Council approve that the CEO enters into WorkCover insurance with the nominated Workcover Agent Gallagher Bassett Services Workers Compensation Vic Pty Ltd for the provision of Workers compensation insurance.**

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### **BACKGROUND**

Warrnambool City Council was notified on the 22nd of October 2020 that WorkSafe Victoria has advised MAV WorkCare that its application for self-insurance renewal has been refused. In the same notification it was detailed that MAV WorkCare have sought a judicial review of the decision, and for the immediate term WCC would remain covered by MAV WorkCare's Workers Compensation Self Insurance License.

The judicial review into the license renewal was unsuccessful and Council was subsequently advised that MAV would need to transition member Councils to a Worksafe agent The MAV was continuing to engage with WorkSafe Victoria (WorkSafe) as part of developing (and agreeing to) the key transition activities - activities designed to ensure a smooth transition for Scheme members and their injured and ill workers.

Key points regarding advice to Council:

- MAV is currently seeking an exemption from the Minister for Local Government to remove the need for member councils to complete required procurement processes when placing workers' compensation insurance. The MAV will inform councils of the outcome of the exemption request as soon as possible.
- Council was requested to notify WorkSafe of Council's Agent preferences (from preferred to least preferred) by no later than 14 May 2021. This action was completed.
- On 19th May 2021 WorkSafe advised Council that the appointed Agent for Warrnambool City Council is Gallagher Bassett Services Workers Compensation Vic Pty Ltd, (our preferred preference).

- Council was also informed that: “You are required to register for a WorkCover Insurance policy with the appointed Agent on or before 30 June 2021”.
- Officers are liaising with Gallagher Bassett to ensure transition arrangements are in place by the due date.

## **ISSUES**

Ministerial exemption for Local Government to remove the need to complete required procurement processes has not yet been provided to purchase WorkCover Insurance.

- Officers are seeking Council approval to proceed with the transition to ensure continuous workers compensation insurance coverage.
- MAV and Workcover will undertake an actuarial assessment to determine the cost of ongoing current claim liabilities and the costs to exit the self-insurance scheme related to the wind up of the self-insurance business.
- The liability for current claims sits with Council for 6 years and the outstanding liabilities will be reviewed by Worksafe to provide either a rebate or reconciliation of costs associated with current claims.
- These costs will not be finalized until September 2021 and a contingent liability will be assessed as part of Councils end of year reporting in our annual report.
- Councils' new insurance will be undertaken as a new employer as previous claims will be dealt with under the true up of the self-insurance scheme closure.
- There are currently only 4 remaining Workcover insurers operating in the State as agents to The WorkCover Authority.
- Gallagher Bassett was Warrnambool Councils Workcover agent prior to the transition to the MAV self-insurance scheme

## **FINANCIAL IMPACT**

The liability associated with the closure of the scheme has not been revealed by the MAV

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

Workers Compensation Act 1958

## **TIMING**

Council needs to have in place a new WorkCover Insurance Policy by 1 July 2021.

## **COMMUNITY IMPACT / CONSULTATION**

Maintaining workers compensation insurance is legislative requirement.

## **LEGAL RISK / IMPACT**

Council needs to maintain an accredited provider for workers compensation insurance. Council is subject to an unknown liability associated with the closure of this scheme. A report around this risk has been presented to Councils Audit and Risk Committee

## **OFFICERS' DECLARATION OF INTEREST**

The officers involved in the preparation of this report have no conflict of interest on the matter.

## **CONCLUSION**

Council is required to maintain current Workers Compensation Insurance.

## **ATTACHMENTS**

Nil

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### **7.3. AUDIT & RISK COMMITTEE - BIENNIAL REPORT OF ACTIVITIES**

#### **PURPOSE:**

***To present the Audit and Risk Committee biennial report.***

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#### **EXECUTIVE SUMMARY**

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

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#### **RECOMMENDATION**

**That Council notes the Audit and Risk Committee biennial report which details activities of the Committee covering the meetings held on the 9<sup>th</sup> of March and 18<sup>th</sup> of May 2021.**

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#### **BACKGROUND**

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

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

The Committee is accountable to and reports directly to Council.

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

#### **FINANCIAL IMPACT**

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

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

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

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

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

#### **COMMUNITY IMPACT/CONSULTATION**

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

## **LEGAL RISK/IMPACT**

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

## **OFFICERS' DECLARATION OF INTEREST**

No officer's declaration of interest noted.

## **CONCLUSION**

That Council notes the Audit and Risk Committee biannual report.

## **ATTACHMENTS**

1. Audit and Risk Committee Biannual Report [7.3.1 - 7 pages]

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

### **PURPOSE:**

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

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### **EXECUTIVE SUMMARY**

- The Road Management Act (2004) provides the opportunity for Councils to develop a Road Management Plan to establish a management system to prioritise road functions. The Road Management Plan is based on Council's policy and operational objectives and sets relevant standards in relation to Council's road management function.
- A review of Warrnambool City Council's Road Management Plan (April 2017 version) has been undertaken by Council officers.
- It is proposed that the Road Management Plan be amended in accordance with the recommendations provided - **Refer Attachments 1, 2 and 3.**
- In accordance with the Road Management (General) Regulations (2016), Road Management Act (2004) and the Local Government Act (2020) Council will need to publish the draft plan and proposed amendments for public comment.

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### **RECOMMENDATION**

- 1. That Council endorses the enclosed Draft Road Management Plan (2021) and amendments for Public consultation.**
  - 2. That Council give notice of the proposed amendments of the Draft Road Management Plan (2021) inviting submissions as per the procedures set under the Road Management Act 2004.**
- 

### **BACKGROUND**

The Road Management Act (2004) provides the opportunity for councils to develop a Road Management Plan to establish a management system to prioritise road functions. The Road Management Plan is based on Council's policy and operational objectives and sets relevant standards in relation to Council's road management function.

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

### **ISSUES**

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

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



## FINANCIAL IMPACT

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

## CURRENT STATUS

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

The review of the document included the following:

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

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

## LEGISLATION / POLICY / COUNCIL PLAN CONTEXT

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

## KEY CONSIDERATIONS

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

- The removal of "Intensive Defect Inspections" from the Road Management Plan.
- The changing of wording around "made safe" to "temporary measures implemented."
- The inclusion of "Reactive Inspections" following a complaint by a member of the public
- The inclusion of measurable defects for bridges and culverts.

- The amendment of a number of response times to align with industry standards and recommendations by MAV Insurance.

## **TIMING**

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

## **COMMUNITY IMPACT / CONSULTATION**

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

The following forums will be used to seek submissions on the draft plan.

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

## **LEGAL RISK / IMPACT**

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

## **OFFICERS' DECLARATION OF INTEREST**

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

## **CONCLUSION**

Council adopts the proposed amendments of the Road Management Plan 2021 for public notice to seek submissions.

## **ATTACHMENTS**

1. Attachment 1 Road Management Plan Minor Amendments Administrative [7.4.1 - 1 page]
2. Attachment 2 Road Management Plan Intervention Level Amendments [7.4.2 - 2 pages]
3. Attachment 3 Road Management Plan Inspection Frequency Amendments [7.4.3 - 1 page]
4. Attachment 4 Road Management Plan April 2017 [7.4.4 - 25 pages]
5. Attachment 5 Road Management Plan June 2021 [7.4.5 - 22 pages]



## **7.5. PLANNING APPLICATION PP2019-0236 - 62 BOSTOCK STREET, WARRNAMBOOL**

### **PURPOSE:**

***This report recommends that Council determine to issue a Notice of Decision to Grant a Permit PP2019-0236 for the construction of three (3) dwellings at 62 Bostock Street, Warrnambool.***

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### **EXECUTIVE SUMMARY**

- A planning application has been submitted to Council for the construction of three (3) double storey dwellings at 62 Bostock Street, Warrnambool;
- Public notice and referral has been carried out and eight (8) objections from residents have been received;
- The detail contained in the application is sufficient to enable Council to support the proposal against the relevant provisions of the Warrnambool Planning Scheme;

### **RECOMMENDATION**

**That Council having caused notice of Planning Application No. PP2019-0236 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to determine to issue a Notice of Decision to Grant a Planning Permit for PP2019-0236 under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 44 LP 20061 PSH WAN TSH WARR, 62 Bostock Street, WARRNAMBOOL VIC 3280, for the Construction of three (3) double storey dwellings in accordance with the endorsed plans, subject to the following conditions:**

- 1. The development as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.**
- 2. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:**
  - a. Stockpiles of topsoil, sand, aggregate, spoil or other material must be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and must have measures in place to prevent the movement of such material off site.**
  - b. Building operations such as brick cutting, washing tools, concreting and bricklaying must be undertaken on the building block. The pollutants from these building operations must be contained on site.**
  - c. Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot.**
- 3. All works must occur within the title boundary and no disturbance to any adjoining property shall occur as a result of this application to the satisfaction of the Responsible Authority.**

#### **4. Stormwater Management Plan**

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

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

#### **5. Stormwater Works**

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

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

**Before the Use or Occupation of the development the internal common traffic and parking areas must be constructed to the satisfaction of the Responsible Authority, and must:**

- a) be in accordance with endorsed plans**
- b) be in accordance with Australian Standards**
- c) be finished with an all-weather sealed surface**
- d) be drained**

**Areas designated for car parking on the endorsed plan are to be kept free and clear for that purpose.**

#### **7. Vehicle Entry & Exit**

**Vehicles associated with each townhouse must enter and exit the land in a forward direction.**

#### **8. Vehicle Access**

**Before the use or occupation of the development, the applicant must provide vehicle access to the land to the satisfaction of the Responsible Authority. This may include the removal of existing redundant vehicle crossings and reinstatement of affected kerb, nature strip and footpath. Satisfactory clearance is to be provided to any stormwater pit, power or telecommunications pole, manhole cover, marker, or street**

**tree. Any relocation, alteration or replacement required shall be at the applicant's expense.**

## **PERMIT NOTES**

### **Expiry**

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

- a. the 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.**  
**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:**
  - a. Within six months afterwards for commencement, or**
  - b. Within twelve months afterwards for completion.**

### **Road Reserve Works Permit**

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

### **Asset Protection Permit**

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

### **Fencing**

**Boundary fencing must not interfere with safe sight distance between vehicles exiting the site and pedestrians on the footpath.**

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## **BACKGROUND**

The proposal is for the construction of three, double storey dwellings. The existing dwelling is proposed to be removed. The plans considered in the assessment are referenced as Sheets 1- 6 #19-043 Revision E dated February 2021 and received 24 February 2021. Each dwelling will comprise of two bedrooms, single carparking space and secluded private open space.

The subject site slopes from north to the south with a fall of approximately 3.0 metres (northeast corner to southwest corner). The land will be cut and filled in order to provide flat building pads for each dwelling. There will be a retaining wall at the northern end and north east corner of the site.

The proposal indicates that the rear dwelling will have an overall height of 6.35 metres from finished ground level, which is the highest point of any dwelling on the site. The remaining dwellings are proposed to be below this height. The plans propose townhouse 3 to be approximately 4.5m above 'natural' ground level at 1m from the northern boundary.

A schedule of materials and colours, including a landscaping plan have been submitted to accompany the application. The application documents are at **Attachment 2**.

The subject site is located within an established residential area approximately 2km east of the Warrnambool CBD, south of Raglan Parade . The site and surrounds are zoned General Residential 1 (GR1Z) within the Warrnambool Planning Scheme. No overlays apply to the land.

The application has been referred internally to Council's Infrastructure Services Branch who have recommended conditions to be applied to a permit if issued.

## **ISSUES**

A planning application is required for the construction of more than one dwelling on a site within the General Residential 1 zone.

Council is required to consider various matters under the Warrnambool Planning Scheme, including the objections received to the application.

Eight (8) objections have been received and include the following matters of objection:-

1. Neighbourhood character;
2. View sharing;
3. Overlooking, Overshadowing, Bulk and Height;
4. Carparking and Traffic Safety;
5. Noise

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

## **FINANCIAL IMPACT**

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

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

### **2 Foster a healthy welcoming City that is socially and culturally rich**

2.7 Actively acknowledge local Aboriginal culture.

### **3 Maintain and improve the physical places and visual appeal of the City**

3.3 Build Infrastructure that best meets current and future community needs.

### **4 Develop a smarter economy with diverse and sustainable employment**

4.1 Grow the Cities population through local economic growth

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

5.1 Provision of opportunities for the community to actively participate in Council's decision-making through effective promotion, communication and engagement

## **TIMING**

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

## **COMMUNITY IMPACT / CONSULTATION**

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

Council facilitated an on site meeting with the applicant, objectors, Councillors and Council Officers on 29 April 2021.

## **LEGAL RISK / IMPACT**

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

## **OFFICERS' DECLARATION OF INTEREST**

None

## **CONCLUSION**

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

## **ATTACHMENTS**

1. Planning Planning Assessment Report PP2 [7.5.1 - 18 pages]
2. P P 2019-0236 - Application for Planning Permit [7.5.2 - 3 pages]
3. P P 2019-0236 - Title re 62 Bostock St - Merri Desig [7.5.3 - 4 pages]
4. P P 2019-0236 - Planning Report re 62 Bostock St - Merri Designs [7.5.4 - 7 pages]
5. P P 2019-0236 Amended plans REV [7.5.5 - 6 pages]
6. P P 2019-0236 - Amended Plans [7.5.6 - 6 pages]
7. P P 2019-0236 - Objections [7.5.7 - 32 pages]
8. Applicant Response to Objections, P P 2019-0236, 62 Bostock Street, Warrnambool [7.5.8 - 2 pages]
9. Applicant response to objectors report - 62 Bostock Street, Warrnambool [7.5.9 - 15 pages]
10. Applicant response Appendix A - Updated plans, P P 2019-0236 [7.5.10 - 6 pages]
11. Applicant response Appendix B - View Lines, P P 2019-0236 [7.5.11 - 2 pages]
12. Applicant response Appendix C - Features and Levels Plan, P P 2019-0236 [7.5.12 - 1 page]

## **7.6. PLANNING APPLICATION PP1996-3145.01 - USE OF LAND FOR CHILDCARE CENTRE AND WAIVER OF CARPARKING - 76 BOSTOCK STREET AND 17 EMMA AVENUE**

### **PURPOSE:**

***This report recommends that Council determine to issue a Notice of Decision to Grant an Amendment to Planning Permit PP1996-3145 for Use of the Land for a Childcare Centre and waiver of Carparking at 76 Bostock Street and 17 Emma Avenue, Warrnambool***

### **EXECUTIVE SUMMARY**

- A planning application has been submitted to Council for the use of land at 76 Bostock Street and 17 Emma Avenue, Warrnambool for the purposes of a childcare centre. The application includes a waiver of carparking requirements.
- Public notice and referral has been carried out and eighteen (18) objections from residents have been received.
- The detail contained in the application, including objections, is sufficient to enable Council to support the proposal against the relevant provisions of the Warrnambool Planning Scheme.

### **RECOMMENDATION**

**That Council having caused notice of Planning Application No. PP1996-3145.01 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme and having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to determine to issue a Notice of Decision to Grant an amended permit for PP1996-3145.01 under the relevant provisions of the Warrnambool Planning Scheme in respect of the land known and described as Lot 51 LP 20061 TSH WARR, 76 Bostock Street WARRNAMBOOL VIC 3280, for the use and development of land for a child care centre (including kindergarten) and car parking waiver in accordance with the endorsed plans, subject to the following conditions:**

#### **1. Amended plans**

**Before the use and/or development starts, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) copies but modified to show:**

- a. **Two (2) bicycle facilities in accordance with the recommendations of the Traffic Report prepared by C. Margaos & Associates.**
- b. **All changes associated with the recommendation(s) of the Acoustic Report (Condition 5).**
- c. **All changes associated with the recommendation(s) of the Parking Management Plan (Condition 6).**

#### **2. Secondary consent**

**The use as shown on the endorsed plan must not be altered unless with the written consent of the Responsible Authority.**

#### **3. Maximum patronage**

**Unless with the further written consent of the Responsible Authority, the Child Care Centre shall be operated with no more than 62 places at any time.**

#### **4. Operating hours**

The hours of operation shall be restricted to 7:00am to 6:00pm Monday to Friday, unless with the further written consent of the Responsible Authority.

#### **5. Acoustic report**

Prior to the commencement of the use, an Acoustic Report prepared by a suitably qualified Acoustic Engineer must be submitted to and approved by the Responsible Authority. The report is to recommend suitable mitigation measures and/or acoustic treatments to ensure all noise sources associated with the child care centre will abide by Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) and State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 and not adversely affect adjoining residential properties.

#### **Parking construction and management**

- 6. Prior to the commencement of the use, a Parking Management Plan 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. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:**
  - a. How the allocation of car spaces will be managed, including the provision of staff parking during the operating hours and the provision of parent car spaces during the morning and afternoon peak periods;**
  - b. Which car spaces will be occupied by staff first;**
  - c. Arrangements for delivery vehicles;**
  - d. Encouraging use of bicycles and shared transport arrangements;**
  - e. Appropriate bicycle parking;**
  - f. Staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time;**
  - g. The means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site; and**
  - h. Intended education of parents and instructions to staff about the Parking Management Plan, use of the nearby western alleyway, and the need for no parking in Emma Avenue such as through an orientation session, information package, or the like.**
- 7. All staff car parking must be carried out within the title boundaries of the site. Directional signage must be erected on site to the satisfaction of the Responsible Authority to advise patrons and staff on-site parking is reserved for staff only. In accordance with the Parking Management Plan.**
- 8. Any outdoor and/or security lighting provided must be designed to prevent adverse light spill on adjoining land or road reserve to the satisfaction of the Responsible Authority.**
- 9. Before the use and occupation of the development hereby permitted starts, the traffic management and parking areas must be constructed to the satisfaction of the Responsible Authority and must be:**
  - a. In accordance with the parking management plan**
  - b. Constructed pavement with an all-weather-seal coat.**
  - c. Drained.**

- d. Line marked to indicate each car space and all access lanes.
  - e. The existing on-street parking along Bostock Street be reconstructed and line marked to accommodate 5 car spaces to meet current standards to the satisfaction of the responsible authority.
  - f. Contain relevant lighting.
  - g. All works associated with this condition including works within Council's road reserve, are to be undertaken at the full cost of the owner of the site.
10. The areas set aside for the parking of vehicles within the title boundary must be set aside for the specified use and must not be used for any other purpose.
11. All stormwater runoff must be collected and discharged to an approved outlet or retained on-site to the satisfaction of the Responsible Authority.

**12. Waste Management Plan and Collection**

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

**Deliveries**

13. Deliveries to and from the site must only take place between 8am and 6pm Monday to Friday, to the satisfaction of the Responsible Authority.
- 14.
15. All loading and unloading of goods must be undertaken wholly on the site and must not occur in the adjacent road area.

**16. Landscaping works**

The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

**General amenity**

17. The amenity of the area must not be detrimentally affected by the use or development, through the:
- a. Transport of material, goods or commodities to or from the land.
  - b. Appearance of any building, works or material.
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
  - d. Presence of vermin.
  - e. The site including all buildings, works and landscaping shall be maintained in a neat, tidy and safe condition in accordance with the endorsed plan to the satisfaction of the Responsible Authority.
18. Effective noise levels from the use of the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.



19. **No external amplified equipment, loud speakers or public address system shall be used in conjunction with the use hereby permitted.**
20. **Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the Responsible Authority.**
21. **Any external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**

## **NOTES**

### **i. Expiry**

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

- a. **The development and use is/are 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.**

**The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six (6) months afterwards.**

- ii. **The use must at all times comply with the *Children's Services Centres Regulations 2020* and *State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2* or as amended.**

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## **BACKGROUND**

The proposal seeks to amend the existing planning permit to expand the existing 'Honey Pot' child care centre operations of 76 Bostock Street into an adjoining residential lot to the north at 17 Emma Avenue. This includes an increase of children places from 20 to 62. No buildings and works requiring a planning permit are proposed.

The current use of 76 Bostock Street for childcare purposes has been in operation since 1996. The proposal is seeking to increase the number of patrons, currently operating on the land by increasing the operating area from the original site (76 Bostock St) to include 17 Emma Avenue (to the rear of 76 Bostock Street). It is proposed that the 17 Emma Avenue site will accommodate 22 children associated with a 4-5 year old kindergarten.

It is proposed that access / connectivity between the two sites will be via an internal boundary gate between the two properties. The proposal also includes a carparking waiver of five (5) spaces. The application documents are provided at **Attachment 2**.

The subject site/s are located within an established residential area and are both zoned General Residential (GR1Z) within the Warrnambool Planning Scheme. No overlays apply to the land.

The application has been referred externally to the Department of Education and Training and Department of Children Services and also internally to Council's Infrastructure Services Branch. No objections to the application have been received from the agencies and/or infrastructure services.

## ISSUES

A planning application is required to amend an existing planning permit and for the use of land for the purposes of a childcare centre within the General Residential 1 zone.

Council is required to consider various matters under the Warrnambool Planning Scheme, including the objections received to the application.

Eighteen (18) objections have been received and include the following matters of objection:-

1. Traffic and Pedestrian Safety
2. Noise and loss of amenity
3. Carparking

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

## FINANCIAL IMPACT

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

## LEGISLATION/POLICY/COUNCIL PLAN CONTEXT

### **2 Foster a healthy welcoming City that is socially and culturally rich**

2.2 Increase participation, connection, equity, access and inclusion

2.3 Increase community health and social connections.

2.5 Encourage and support more lifelong learning.

2.8 Increase participation opportunities for disadvantaged members of the community.

### **3 Maintain and improve the physical places and visual appeal of the City**

3.3 Build Infrastructure that best meets current and future community needs.

### **4 Develop a smarter economy with diverse and sustainable employment**

4.1 Grow the Cities population through local economic growth

4.2 Encourage more sustainable local business.

4.5 Create stronger links between education providers, business and industry.

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

5.1 Provision of opportunities for the community to actively participate in Council's decision-making through effective promotion, communication and engagement

## TIMING

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

## COMMUNITY IMPACT/CONSULTATION

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

Council facilitated an on site meeting with the applicant, objectors, Councillors and Council Officers on 25 May, 2021.

## **LEGAL RISK/IMPACT**

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

## **OFFICERS' DECLARATION OF INTEREST**

None.

## **CONCLUSION**

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

## **ATTACHMENTS**

1. Planning Assessment Report [7.6.1 - 14 pages]
2. P P 1996-3145.01 - Application Documents - 76 Bostoc [7.6.2 - 22 pages]
3. P P 1996-3145.01 objections [7.6.3 - 43 pages]
4. P P 1996-3145.01 - Amended application Documents - 76 Bostoc [7.6.4 - 27 pages]
5. P P 1996-3145.01 - Objections from Re- Advertising [7.6.5 - 4 pages]
6. P P 1996-3145.01 - Withdrawal of Objection re 76 Bos [7.6.6 - 1 page]

## **7.7. PLANNING APPLICATION PP2020-0264 - USE OF LAND FOR SALE AND CONSUMPTION OF LIQUOR (GENERAL LIQUOR LICENSE) AND WAIVER OF CARPARKING AT 95 KEPLER STREET, WARRNAMBOOL**

### **PURPOSE:**

*This report recommends that Council determine to issue a Notice of Decision to Grant a Permit PP2020-0264 for the use of land for the sale and consumption of liquor in association with a bar (general liquor license) and waiver of carparking at 95 Kepler Street, Warrnambool.*

### **EXECUTIVE SUMMARY**

- A planning application has been submitted to Council for the establishment of a bar, including a general liquor license, and waiver of carparking at 95 Kepler Street, Warrnambool.
- Public notice and referral has been carried out and six (6) objections from surrounding property owners have been received.
- The detail contained within the application is sufficient to enable Council to support the proposal against the relevant provisions of the Warrnambool Planning Scheme.

### **RECOMMENDATION**

That Council having caused notice of Planning Application No. PP2020-0264 to be given under Section 52 of the *Planning and Environment Act 1987* and or the planning scheme having considered all the matters required under Section 60 of the *Planning and Environment Act 1987* decides to issue a Notice of Decision to Grant a planning permit for application for PP2020-264 under the provisions of Clause 52.06 (Car Parking) and Clause 52.27 (Licensed Premises) of the Warrnambool Planning Scheme in respect of the land known and described as Lot 1 TP 017069F PSH WAN TSH WARR, 95 Kepler Street, WARRNAMBOOL VIC 3280, for a Liquor Licence (sale and consumption of liquor) and waiver of car parking requirement in accordance with the endorsed plans, subject to the following conditions:

#### **Amended Plans**

1. Before the use commences (the sale and consumption of liquor) 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 submitted with the application (received by Council on 11 March 2021) but modified to show:

1. Details of the gates to laneway
2. Deletion of shipping container bar
3. The inclusion of any noise mitigation measures identified in the acoustic report

#### **Acoustic Report**

2. Before the Use commences, an Acoustic Report prepared by a suitably qualified Acoustic Engineer must be submitted to and approved by the Responsible Authority. The report is to recommend suitable mitigation measures and/or acoustic treatments to ensure all noise sources associated with the use will abide by State Environment Protection Policy (Control of Music Noise from Public Premises) No. N-2 and not adversely affect adjoining residential properties.

## **Patron management plan**

3. **Before the use commences, an amended Patron Management Plan (PMP) to the satisfaction of the responsible authority must be submitted to and approved by the authority. When approved, the plan will be endorsed and will then form part of the permit. The PMP must be generally in accordance with the Plan received 11 March 2021 but modified to include/ address the following:**

**The plan must include:**

- I. **permitted hours of trade consistent with the hours identified in this permit**
  - II. **the provision of security staff at a rate of two (2) per 100 patrons and one (1) per additional 100 patrons thereafter**
  - III. **staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time**
  - IV. **the means of ‘closing’ the laneway access to patrons after 11pm and provision of associated signage**
  - V. **the means of monitoring the laneway after 11pm to ensure it is used only by smokers and staff where required**
  - VI. **the provision of signage near the main exit advising patrons to ‘leave quietly’**
  - VII. **confirmation that after 11pm the door to the rear of the building will remain closed and only accessed by smokers or staff where required**
  - VIII. **a complaints handling procedure to include record keeping. Such a record must be available to Council at its request.**
  - IX.
  - X. **All activities forming part of the use must comply with the endorsed plan.**
4. **Access to the site via the laneway (on Kepler Street) after 11pm on any day is not permitted unless with the further written consent of the Responsible Authority.**
5. **Access to the premises after 11pm is only permitted via the main front door (off Kepler Street).**

## **Layout Not Altered**

6. **The location of the red line for the licenced premises endorsed to form part of the permit must not be altered or modified without the prior written consent of the responsible authority.**

## **Use Operations**

7. **Up to 11pm on any day the maximum number of patrons permitted on the land at any one time must not exceed 362 patrons.**
8. **After 11pm the maximum number of patrons permitted on the land at any one time must not exceed 250 patrons.**
9. **The sale and consumption of liquor on the premises hereby permitted must not operate outside the hours of:**

- **Sunday - 10am – 1am the next day**
- **Good Friday/Anzac Day - 12pm – 1am the next day**
- **Any other day - 7am – 1am the next day**

**10. The sale and consumption of liquor outside the premise hereby permitted must not operate outside the hours of:**

- Any other day - 7am – 11pm
- Sunday - 10am – 11pm
- Good Friday/Anzac Day - 12pm – 11pm

**11. The loading and unloading of vehicles (including waste collection) and the delivery of goods to and from the land must be conducted outside the operating times to ensure there is no conflict with pedestrians.**

**12. No amplified music is permitted outside the building, other than at ‘background’ noise levels up to 11pm on any day.**

**13. Noise levels emanating from the premises must not exceed those required to be met under *State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2.***

**14. The use must not detrimentally affect the amenity of the neighbourhood, including through the:**

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

**NOTE:**

**a. This permit will expire if:**

- The use does not start within one (1) year of the completion of the development, or
- The use is discontinued for a period of two (2) years.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit.

- b. This permit does not authorise the ‘shipping container’ bar (shown on plans as relocatable unit).
- c. The premises will be required to comply with the Health Act 1984. No development is to commence until plans have been approved by Council's City Amenity and Health Branch.
- d. Accommodation, amusement machines and gambling are not approved as part of this permit.

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**BACKGROUND**

The proposal is for the use of land at 95 Kepler Street for a liquor licence to enable the sale and consumption of liquor on-site for up to 362 persons and for the waiver of 144.8 car spaces.

The sale and consumption of liquor is proposed to occur during the following times:

- Any other Day 7am-1am
- Sunday 10am-1am
- Good Friday / Anzac Day 12 noon – 1am
- Amended hours for the service of liquor outdoors to 7am-11pm.

The application does not propose accommodation, entertainment, dancing, amusement machines and gambling. The use is proposed to operate as a wine bar on the upper level, with access from Kepler Street. The whisky bar on the ground floor would be accessed via the laneway with an entry at the rear. Each floor is proposed to be connected by a new internal stairwell.

The application is accompanied by a draft Patron Management Plan which includes details of hours of opening, areas able to accommodate patrons, behaviour management and preserving amenity of the area. The application documents are at **Attachment 2**.

The subject site is located within the Warrnambool Central Business District. The site fronts Kepler Street and is located approximately 50m south of the intersection with Koroit Street. Pedestrian and vehicular access to the site is via Kepler Street.

The application has been referred to Warrnambool Police and Council's Infrastructure, Local Laws and City Amenity branches.

## **ISSUES**

A planning application is required for a liquor license for the sale and consumption of alcohol in conjunction with a bar, including carparking waiver, pursuant to the Warrnambool Planning Scheme.

Council is required to consider various matters under the Warrnambool Planning Scheme, including the objections received to the application.

Six (6) objections have been received and include the following matters of objection:-

- Characterisation of the use
- Hours of operation
- Number of patrons
- Traffic and parking
- Cumulative impact
- Amenity based concerns

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

## **FINANCIAL IMPACT**

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

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

### **3 Maintain and improve the physical places and visual appeal of the City**

3.2 Create a more vibrant City through activating high quality public places.

3.3 Build Infrastructure that best meets current and future community needs.

### **4 Develop a smarter economy with diverse and sustainable employment**

4.1 Grow the Cities population through local economic growth

4.2 Encourage more sustainable local business.

4.3 Enhance the visitor experience.

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

5.1 Provision of opportunities for the community to actively participate in Council's decision-making through effective promotion, communication and engagement

### **TIMING**

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

### **COMMUNITY IMPACT/CONSULTATION**

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

Council facilitated an on-site meeting with the applicant, objectors, Councillors and Council officers on 19<sup>th</sup> May 2021.

### **LEGAL RISK/IMPACT**

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

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

None.

### **CONCLUSION**

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

### **ATTACHMENTS**

1. planning assessment report [P3J4] [7.7.1 - 25 pages]
2. 95 Kepler St - Application Documents [7.7.2 - 74 pages]
3. 95 Kepler - Objections [7.7.3 - 23 pages]
4. 95 Kepler - Amended Application and response to objections [7.7.4 - 44 pages]



## **7.8. OPEN SPACE STRATEGY IMPLEMENTATION**

### **PURPOSE:**

***This report informs Council on progress made towards the ten year Warrnambool Open Space Strategy, which was adopted by Council in 2014.***

***The report includes: 1) a progress report on the strategy –refer Attachment 1, 2) a ‘dashboard view’ to show progress on the strategy at a glance and to streamline regular Council reporting – refer Attachment 2, and 3) a revised Warrnambool Open Space Policy – refer Attachment 3.***

### **EXECUTIVE SUMMARY**

- The Warrnambool Open Space Strategy is progressing on track after nearly 6.5 years, with 85% of recommendations underway or completed.
- Significant improvements have been made to the open space network since adoption of the Strategy. These include nearly 18ha of new open space contributing towards the Open Space Framework Plan (with a further 12ha soon to be transferred via the development process), 2ha of additional local parks/linkage open spaces, 6.4km of new paths/connections improving access to open spaces, 3.1km new paths within open spaces, four newly developed local/neighbourhood parks, and five new road/waterway crossings creating safe access to open spaces for hundreds of properties.
- Master Plans have been completed for priority open spaces and precincts, including Lake Pertobe and the Warrnambool Botanic Gardens. A key planning initiative of the Open Space Strategy was development of the South of Merri Open Space Precinct Plan, which had extensive community support and was adopted in 2020.
- An interactive and automated ‘dashboard’ has been developed to track strategy progress and helps with transparency and accountability in implementing the plan, as it is implemented across three different Council directorates.
- The 2014 Open Space Policy has been reviewed and revised to include recent changes in terminology, to reflect a greater focus on community partnerships, and recognition of the role Eastern Maar people have in open space planning. A full review will take place when the Open Space Strategy is renewed.
- The next major review of the Open Space Strategy will be a full refresh as it nears its 10 year intended life.

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### **RECOMMENDATION**

**That Council receive the Open Space Strategy Implementation Report.**

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### **BACKGROUND**

Access to quality public open space is a key contributor to the liveability, prosperity, and wellbeing of Warrnambool residents. During the COVID pandemic, the importance of access to open space was highlighted, and has led to an increase in the use of open spaces. ‘Open space’ includes all publically owned or managed parks, sports reserves, gardens, and nature reserves.

The Warrnambool Open Space Strategy was adopted by Council in 2014, the first open space strategy for the City. The strategy set up a high level vision and principles for the Warrnambool open space network. It established a classification system identifying the hierarchy and function of all open spaces in the City, developed associated infrastructure guidelines to direct the appropriate level of development based on the classification of open spaces, and provided an assessment of the adequacy of the open space network at that time against standard assessment criteria. Seventy nine priority recommendations were then made to improve the network, divided into City-wide and Precinct-based recommendations.

In 2017 a three-year progress report was presented to Council on progress towards the implementation of the strategy. The Strategy was found to be progressing on track, with 31% of City-wide recommendations completed, and 27% of precinct-based recommendations completed.

An updated progress report has been completed for the Open Space Strategy – refer **Attachment 1**. Progress on City-wide recommendations has now increased to 52% completed, and 48% in progress. Progress on Precinct-based recommendations has increased to 48% completed, 30% in progress, and 22% not started.

In 2020, the regular tracking system for the strategy was updated to include a ‘dashboard view’, which automatically updates as recommendations are completed or change from ‘not started’ to ‘in progress’ – refer **Attachment 2**. The benefit of the dashboard view is that progress can be seen at a glance, issues with progress quickly identified, and is automated. It provides a real-time % of recommendations completed that can inform regular Council reporting.

The Warrnambool Open Space Policy was adopted in 2014 alongside the Open Space Strategy. The purpose of the policy is to inform high level decisions on open space planning and management. The policy has been updated to reflect: 1) terminology changes since adoption, and 2) consistency with more recently adopted Council policies and strategies that reference open space planning, and 3) consistency with the Warrnambool Open Space Strategy- refer **Attachment 3**.

## **ISSUES**

### **Open Space Strategy**

Keeping track of the implementation of adopted strategies contributes to accountability and transparency. An automated dashboard assists with regular reporting on Council Plan KPI's. It is important to ensure that the priorities identified by the community during development of a strategy are followed through and reported back to Council.

Some recommendations of the Open Space Strategy may no longer be priorities for Council or may not be achievable in the current budget environment. So it is not anticipated that all 79 recommendations of the Open Space Strategy will be complete in the next 3 years. It is appropriate that progress towards an updated Open Space Strategy is commenced within the next 3 years, to reflect current community and Council priorities.

### **Open Space Policy**

The open space policy has not been reviewed since its adoption in 2014. Since that time, a number of Council Plans and Strategies have been adopted that include strategic direction relevant to open space, including Warrnambool 2040, Green Warrnambool, Active Warrnambool, Warrnambool – A Healthy City, updates to the Warrnambool Planning Scheme, and the Merri River Parklands Framework.

A review of the 2014 Open Space Policy against relevant goals and objectives of these plans identified a number of gaps: 1) recognition of the role of Traditional Owners in planning of open spaces, 2) recognition of the role of the Merri River as a future open space corridor, 3) the need to provide new open space and recreation infrastructure via structure plans and development plans, and 4) the importance of working in partnerships. The review of the policy has introduced new policy statements to address these gaps and make them consistent with more recent Council policy, without introducing any new policy statements that have not been through public consultation.

## **FINANCIAL IMPACT**

Implementation tracking of the open space strategy is not expected to have any significant impact on the resources and administrative costs of Council. It is currently done within internal council resources.

The Open Space Strategy helps inform priorities for open space upgrades and avoids ad-hoc developments that do not provide value-for-money in terms of their contribution to the open space network.

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

### **2 Foster a healthy welcoming City that is socially and culturally rich**

2.1 Promote healthy lifestyles

2.4 Encourage and support participation in sport, recreation and physical activity.

### **3 Maintain and improve the physical places and visual appeal of the City**

3.1 Enhance movement in and around the city including better connections for cyclists and pedestrians

3.2 Create a more vibrant City through activating high quality public places.

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

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

## **TIMING**

Routine.

## **COMMUNITY IMPACT / CONSULTATION**

The Warrnambool Open Space Strategy went through two community consultations prior to its adoption in 2014. The Warrnambool Open Space policy was also made public during adoption of the Open Space Strategy. The revised policy will be made available online following the Council briefing.

Consultation on the progress report and dashboard is not required.

## **LEGAL RISK / IMPACT**

The Warrnambool Open Space Strategy is an adopted Council strategy and a reference document to the Warrnambool Planning Scheme. As such, implementation should continue, and the document be updated at the appropriate time.

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

None declared.

## **CONCLUSION**

The Warrnambool Open Space Strategy is an important strategic document for Council in helping it become a 'thriving city at the heart of coast and country'. Implementation is current progressing on-track.

The next review of the strategy will be development of a new strategy, as the current strategy nears the end of its intended ten year implementation period.

**ATTACHMENTS**

1. Attachment 1 Progress Report Open Space Strategy 2014 to 2021 [7.8.1 - 34 pages]
2. Attachment 2 Dashboard view of Open Space Strategy progress [7.8.2 - 1 page]
3. Attachment 3 Open Space Policy revised 2021 [7.8.3 - 7 pages]

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## **7.9. INFORMAL MEETINGS OF COUNCIL REPORTS**

### **PURPOSE**

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

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### **BACKGROUND INFORMATION**

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

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

### **REPORT**

The record of the following Informal Meetings of Council are enclosed:-

- Monday 10 May 2021 – refer **Attachment 1**.
- Monday 17 May 2021 – refer **Attachment 2**.
- Wednesday 19 May 2021 – refer **Attachment 3**.
- Monday 24 May 2021 – refer **Attachment 4**.
- Tuesday 25 May 2021 – refer **Attachment 5**.
- Tuesday 25 May 2021 – refer **Attachment 6**.
- Monday 31 May 2021 – refer **Attachment 7**.

### **ATTACHMENTS**

1. Assembly of Councillors Record 10 May 2021 [7.9.1 - 1 page]
2. Assembly of Councillors Record 17 May 2021 [7.9.2 - 1 page]
3. Assembly of Councillors Record 19 May 2021 [7.9.3 - 1 page]
4. Assembly of Councillors Record 24 May 2021 [7.9.4 - 1 page]
5. Assembly of Councillors Record 25 May 2021 (2.08pm) [7.9.5 - 1 page]
6. Assembly of Councillors Record 25 May 2021 (4.30pm) [7.9.6 - 1 page]
7. Assembly of Councillors Record 31 May 2021 [7.9.7 - 1 page]

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### **RECOMMENDATION**

**That the record of the Informal Meetings of Council held on 10, 17, 19, 24, 25 x 2 and 31 May 2021 be received.**

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## **7.10. MAYORAL & CHIEF EXECUTIVE OFFICER COUNCIL ACTIVITIES - SUMMARY REPORT**

### **PURPOSE**

*This report summarises Mayoral and Chief Executive Officer Council activities since the last Ordinary Meeting which particularly relate to key social, economic and environmental issues of direct relevance to the Warrnambool community.*

### **REPORT**

<b>Date</b>	<b>Location</b>	<b>Function</b>
30 April 2021	Warrnambool	Mayor – Attended the launch of the VR film on the life of Uncle Rob Lowe.
1 May 2021	Warrnambool	Mayor – Attended the Warrnambool Youth Council Induction Day.
	Warrnambool	Mayor – Attended the finish of the Melbourne to Warrnambool Cycle Race and assisted in the presentations.
5 May 2021	Warrnambool	Mayor – Attended the Warrnambool Greyhound Racing Cup and assisted with the presentations for the “Match Race”.
11 May 2021	Warrnambool	Mayor & a number of Councillors – Attended the Warrnambool Riverside Care Community dinner following recent refurbishments at Warrnambool Riverside.
17 May 2021	Warrnambool	Mayor – Hosted the IDAHOBIT flag raising ceremony followed by a small reception.
18 May 2021	Warrnambool	Mayor – Met with Member for Wannon, Hon. Dan Tehan MP during a visit to Lake Pertobe to inspect the proposed car park redevelopment as part of the Australian Government’s Local Roads & Community Infrastructure Program funding.
	Warrnambool	Mayor & Acting Chief Executive Officer – Met with visiting Melbourne-based Consular Corps representing 28 different countries during a recent visit focussing on Western Victoria, which highlighted the region’s unique offering, responses to the challenges and impact of a global pandemic and new trade and investment opportunities.
21 May 2021	Melbourne	Mayor – Attend the Municipal Association of Victoria State Council meeting.
24 May 2021	Warrnambool	Mayor – Attended the official opening and blessing of the newly refurbished McAuley Campus Library at Emmanuel College.
26 May 2021	Warrnambool	Mayor – Attended the Twin Rivers Probus Club meeting.

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27 May 2021	Warrnambool	Mayor & Acting Chief Executive Officer- Attended the opening of a time capsule that had been buried at Aquazone for 20 years.
	Warrnambool	Mayor & Acting Chief Executive Officer – Attended the Warrnambool Reconciliation Week opening ceremony as part of National Reconciliation Week hosted by the Wata Waetnanda group.

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**RECOMMENDATION**

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

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## **8. GENERAL BUSINESS**

### **8.1. GENERAL BUSINESS**

- Only items of a minor or routine nature can be raised in General Business.
- The Chair may reject any item that is not of a minor or routine nature, or that meets any of the reasons listed in clause 29(2) of the Governance Rules.
- Councillors may speak for a maximum of two (2) minutes and Council officers will be provided an opportunity to respond or address issues raised.

## **9. URGENT BUSINESS**

## **10. CLOSE OF MEETING**